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Annual Technical Report 2005 on Trademark Information Activities submitted by Ukraine (SCIT/ATR/TM/2005/UA)

Where URLs are requested below, it is preferred that either URLs which are likely to remain stable over time (three years or more) are provided, or home (main) page URLs are provided with a short explanation of how to access the corresponding information.

I. Evolution of registration activities

- Changes experienced in terms of application filings and registrations with respect to the previous year;
- Trends or areas experiencing rapid changes with respect to the previous year.

In 2005 an additional opportunity of filing of application materials simultaneously on electronic and paper carriers was provided. Client-side software was developed for application preparation.

In 2005 software tools aimed at the improvement of the register keeping technology of granting titles of protection and their annexes in electronic form were developed and implemented into the automated system "Marks for Goods and Services".

Changes experienced in terms of application filings and registrations (according to the national procedure) with respect to the previous year:

Applications filed:

in 2004 – 13,960, in 2005 – 16,366, i.e. 17% more than the previous year.

Registered:

in 2004 – 9,383, in 2005 – 11,645, 24% increase.

Trends or areas experiencing rapid changes with respect to the previous year (after the Nice classification): Class 35 (Advertising; business management...); Class 05 (Pharmaceutical, veterinary and sanitary preparations), Class 41 (Education; providing of training...), Class 16 (Paper, cardboard and goods made from these materials...), Class 33 (Alcoholic beverages (except beers)).

II. Matters concerning the generation, reproduction, and distribution of secondary sources of trademark information, i.e., trademark gazettes

- Publishing, printing, copying techniques;
- Main types of announcements of the Office in the field of trademark information;
- Mass storage media and microforms used;
- Word processing and office automation;
- Techniques used for the generation of trademark information (printing, recording, photocomposing, etc.).

Information concerning the issue of the Ukrainian certificates for the registered marks for goods and services (bibliographic data of the registered marks with the INID codes, graphic images) is published in the corresponding part of the official bulletin "Promyslova Vlasnist" ("Industrial Property"). Beginning with issue No. 7/2003 the official bulletin "Promyslova Vlasnist" includes the part "Information on the validity in the territory of Ukraine of the marks for goods and services registered under the Madrid Agreement and the Madrid Protocol Concerning the International Registration of Marks".

In every issue of the "Promyslova Vlasnist" bulletin the current classification and numerical indexes of marks for goods and services are published. Besides the above-mentioned, the Annual Index to the official bulletin also comprises the numerical index of applications and the name index of trademark owners.

In 2005 the activities towards the improvement of the national patent documentation were continued, particularly, the list of the data published in the Official Bulletin "Promyslova Vlasnist" was broadened to comply with the amendments in the Ukrainian IP legislation and the form of their presentation in the publication was improved: additional sections "Colour images of marks for goods and services" and "Information on the well-known marks in Ukraine" were introduced.

An important event of 2005 is Ukraine's transition to the national documentation publication on electronic media that guarantees a reliable and stable basis for further extension of the patent documentation international exchange for the collections' updating. Since 2005 the State Enterprise "Ukrainian Industrial Property Institute" (Ukrpatent) produces patent information products on CD-ROM and DVD. Numerous appeals from the interested users witness considerable demand for this kind of information products.

Each CD-ROM has got a powerful integrated searching tool (the shell is presented in Ukrainian, Russian and English) that gives an opportunity to perform various kinds of searches: subject search, title search, numeric search as well as according to the classes of the International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement and to the categories of the International Classification of the Figurative Elements of Marks under the Vienna Agreement (in the national CD-ROM "Marks for Goods and Services Registered in Ukraine").

Starting with January 2005 the Official Bulletin "Promyslova Vlasnist" was issued monthly (12 disks per year) on CD-ROM, which includes the same information as the edition on paper, i.e. the information about the registered goods and services is included into the bulletin.

During 2005 the official bulletin "Promyslova Vlasnist" was delivered free of charge to the State Scientific and Technical Library, the Ukrainian Institute of Scientific, Technical and Economic Information and 22 Scientific, Technical and Economic Information Centres in different regions of Ukraine. This publication was also disseminated by subscription.

In 2005 Ukrpatent has started issuing of the cumulative DVD "Marks for Goods and Services Registered in Ukraine" that includes information about all the registrations of marks for goods and services performed since January 1993 until the date of the latest registration completed. The DVD is a storage-type disk like the cumulative ROMARIN optical disk.

This optical disk includes the following information about the registered marks for goods and services: bibliographic data, images of marks and the list of goods and services grouped by class according to the Nice Classification. Bibliographic data are presented in Ukrainian. The means of large-scale storage of the information concerning marks for goods and services at Ukrpatent are the electronic database servers. For the purpose of secure saving the information is duplicated at two additional servers. For the long-term storage back-up copies of the data are made on DVD. To store information in an up-to-date state a pipelined type of reservation at DVD is implemented once a week and once a month.

Text processing at all the stages of the processing of applications for marks for goods and services is performed by means of the AS "Marks for Goods and Services".

For the forming of the data store to be included into the publications an automated workstation in the editorial office is used. A formed master copy of the publication is passed to printing office where its replication takes place.

In the year 2005 the publication of the scientific and practical periodical "Intelektualna Vlasnist" ("Intellectual Property") was continued. Therein theoretical and practical issues of the legal protection of intellectual property were elucidated, the official information, normative documents and comments on them, consultations of experts were placed. The periodical is published in Ukrainian and its contents and annotations of the articles (starting with issue No. 12/2003) – also in Russian and English. From now on, the information on the news, the content, the articles and other useful and interesting materials concerning the national system of intellectual property protection placed on the pages of the scientific and practical journal "Intellectual Property", as well as information on the activity of its editor's, is available from the own web-site of the journal at the following address: www.intelvas.com.ua.

Information on the sources of information concerning marks for goods and services available in the state intellectual property protection system was published in special sections of the State Department (www.sdip.gov.ua) and Ukrpatent (www.ukrpatent.org) websites in the Internet which also includes wide range of legal information, statistics and reports, reference information as for training, seminars and conferences.

III. Matters concerning classifying, reclassifying and indexing of trademark information

- Classification and reclassification activities; Classification systems used, e.g., International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification), International Classification of the Figurative Elements of Marks (Vienna Classification), other classification (please indicate whether goods and services for the registration of marks and whether the figurative elements of marks are classified by your Office and, if so, which classification(s) is (are) used);
- Use of electronic classification systems to check the classification symbols furnished by an applicant and which are contained in the lists of goods and/or services;
- Obligation for applicants to use pre-defined terms of the classification applied;
- Bibliographic data and processing for search purposes.

In 2005 the Ukrainian-language version of the 8th edition of the International Classification of Goods and Services for the Purpose of Registration of Marks (the Nice Classification) was used for the classification of marks.

The classification symbols control program system functions within the AS "Marks for Goods and Services".

Bibliographic data processing on their introduction to the database is performed by software tools. The database structure ensures storage of all the bibliographic data and provides the wide range of opportunities for the searching purposes. For indication of goods and services the applicants are required to use the pre-defined terms, which are used in the Nice Classification (the 8th edition).

IV. Trademark manual search file establishment and upkeep

- File Building;
- Updating;
- Storage, including mass storage media;
- Documentation from other offices maintained and/or considered part of the available search file.

The trademark search file is composed of the "Znaky dla Tovariv i Posluh" ("Marks for Goods and Services") automated system database and the ROMARIN international registration automated system database on CD-ROM, which is produced by the International Bureau of the World Intellectual Property Organization (WIPO).

V. Activities in the field of computerized trademark search systems

- In-house systems (online/offline);
- External databases;
- Administrative management systems (e.g., register, legal status, statistics, administrative support, etc.);
- Equipment used (hardware, including the types of terminal and network used, and software), carriers used.

The centralized application registration technology for industrial property rights, including applications for the marks for goods and services, operates at Ukrpatent.

The internal computerized search systems for the marks for goods and services comprise the search system of the automated system "Znaky dla Tovaru i Posluhu" ("Marks for Goods and Services"), "Register of Filed Applications", the centralized database "International Trademarks that were received from the International Bureau of WIPO", AS "Indicators".

During the year under review the works on improvement of the AS "Marks for Goods and Services" database software were carried out. The implemented mechanisms of the searching tool provide examiners with the opportunity to use complex query criteria and to get optimal search results.

In 2005 software tools for the conversion and additional loading of the international registration images from the Internet version of the official WIPO Gazette edition to the DB "Information about International Registration of Marks Legally Protected in Ukraine" at Ukrpatent.

During the year 2005 the "Marks for Goods and Services" automated system database was updated with the data of 16,366 applications and by December 31, 2005 comprised data of 101,855 applications for marks for goods and services.

The external databases "Information about Well-Known Marks in Ukraine" and "Information about International Registration of Marks Legally Protected in Ukraine" and information and reference system "International Classification of Goods and Services for the Purposes of the Registration of Marks" (the Nice Classification) were put into operation and connected to the Internet in 2005. They are available at the websites of the State Department and Ukrpatent.

VI. Administration of trademark services available to the public (relating to facilities, e.g., for lodging applications, registering trademarks, assisting clients with search procedures, obtaining official publications and registry extracts)

- Planning, administration, automation, security;
- Collection management, preservation;
- Information services available to the public (including computerized services and search files contained in libraries remote from your Office and trademark information posted by your Office on the World Wide Web).

In the Public Fund of Patent Documentation (PFPD) (the patent library available to the public) visitors were able to use the "Promyslova Vlasnist" official bulletin, as well as the official bulletins of 43 foreign industrial property offices, which contain announcements on trademarks on paper carriers or on CD-ROM, the WIPO bulletin "WIPO Gazette of International Marks" (on paper carriers and on CD-ROM), DEMAS CD-ROM containing information about German marks for goods and services and the Russian CD-ROM product "Trademarks of Russia". The Ukrainian-language version of the eighth edition of the Nice Classification on paper carriers, as well as on CD-ROM, was used. Upon request of the users copies of necessary documents were provided. The needs of the PFPD users in patent documentation were systematically analyzed in order to update it with the lacking foreign documentation that includes information about marks for goods and services mostly in the framework of international exchange.

Upon request of the users the PFPD provided searching services and offered consultations on the matters dealing with the acquisition, enforcement and use of the industrial property rights, in particular, drafting of applications for marks for goods and services.

The works on the improvement of the existing and the development of the new patent information services, their forms and methods were systematically conducted.

Within the last years the information collections have undergone the replacement of the computer hardware for the more powerful and modern one that is able to operate with the newest software products used by the foreign patent offices. The transition from CD-ROM to DVD disks takes place and information is concentrated at the network control server that considerably accelerates the searching process.

Extracts from the Ukrainian State Register of Certificates for Marks for Goods and Services were issued on requests.

On a contractual basis information services are offered in an interactive database "Marks for Goods and Services Registered in Ukraine" and free of charge ones in the Internet databases "Information about Well-Known Marks in Ukraine" and "Information about International Registration of Marks Legally Protected in Ukraine".

VII. Matters concerning mutual exchange of trademark documentation and information

- International or regional cooperation in the exchange of trademark information, e.g., in the form of official gazettes;
- Exchange of machine-readable information.

In the framework of international exchange the official bulletins containing trademark information from 45 foreign industrial property offices were received. Besides, WIPO sent its bulletin "WIPO Gazette of International Marks" on paper carriers and on CD-ROM, as well as the publications of international marks on CD-ROM "ROMARIN"; the German Patent and Trademark Office provided, in addition to its bulletin, its CD-ROM product "DEMAS" and Rospatent – its CD-ROM "Trademarks of Russia". The Offices that are our exchange partners received the "Promyslova Vlasnist" official bulletin containing publications on marks for goods and services registered in Ukraine.

VIII. Matters concerning education and training including technical assistance to developing countries

- Promotional activities (seminars, exhibitions, visits, advertising, etc.);
- Training courses for national and foreign participants;
- Assistance to developing countries (sending consultants and experts, receiving trainees from developing countries, etc.).

One of the tasks of the State Department is the coordination of activities concerning the development, improvement and functioning of the system for training of intellectual property specialists in Ukraine. 16 institutions of higher education in Ukraine hold license for specialist's and master's degree training in the field of intellectual property with the total license capacity of about 1,210 people in 2005. In the system of the higher education institutions which implement educational-professional and professional programs of training, improvement and upgrading of qualification in the sphere of intellectual property there functions the educational scientific and production complex "Academy of Intellectual Property". The Complex is defined as the leading institution in training, improvement and upgrading of qualification of experts in the sphere of intellectual property. The Institute of Intellectual Property and Law (IIPL) which is the basic institution for training and raising the skill level of the professionals in the field of intellectual property and the lecturers, and also for developing curriculums, training programs and teaching and methodical literature, in particular, in the subject "Intellectual Property Basics" for secondary education institutions is charged with the function of the coordination of the research, teaching and educational activities of the Complex.

In order to disseminate knowledge and increase awareness of the public in the sphere of intellectual property in the system of continuous education the IIPL developed an Internet-platform based distance learning with the Ukrainian modules under the WIPO World Wide Academy DL-101 "General Course on Intellectual Property".

The Fifth All-Ukrainian Science and Practical Conference "Problems of the Intellectual Property Specialists in Ukraine" was held.

In 2005 the State Department organized and held (in cooperation with Ukrpatent) or participated in 20 conferences and seminars on the urgent problems of intellectual property rights protection including marks for goods and services. In particular, the following events took place: together with the IIPL – science and practical seminar "Intellectual Property Management"; the ninth international science and practical conference "Urgent Intellectual Property Problems" etc. The proceedings of the seminars and conferences are published in the special section on the website of the State Department (<http://www.sdip.gov.ua>).

During 2005 the Ukrainian Center for Innovation and Patent Information Services (Branch of Ukrpatent) held a number of seminars for the intellectual property system users. The seminars proceedings can be found in the special Section of its website (www.ip-centr.kiev.ua).

The activities of the intellectual property system in Ukraine were regularly elucidated by mass media as well as by the radio and on television.

IX. Other relevant matters