

# SCIT.ATR.TM.2003.PL

## Annual Technical Report 2003 on Trademark Information Activities submitted by Poland (SCIT/ATR/TM/2003/PL)

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

With respect to the new "Industrial Property Law" enacted in Poland on June 30th, 2000 and effective since August 22nd, 2001 (amended in Official Journal 2003 No 119, item 1117) the application filing procedure in 2003 was as follows: an assignment of the application date takes place on the day of incoming of an application to the Office or on the day it has been received by fax. In case an application has been sent by fax, the original application should be submitted within 30 days from the date of sending.

In 2003 a new form of granting protection for trademarks was in use. Previously, granting protection was a result of a decision taken in respect of trademark registration (grant of trademark registration). The new legislation provides basis for granting protection through granting a right of protection for a trademark. Such a grant is given upon payment of a fee for a 10 year protection period.

The register of trademarks and an auxiliary register of trademarks recognized as capable of being registered on the territory of Poland under the Madrid Agreement are kept in the Office. In 2003 the trademark register was carried in a paper form of register books and an auxiliary register was conducted as a collection of paper notifications.

#### Trends or areas experiencing rapid changes with respect to the previous year

1. In 2003, 14.282 decisions were taken with respect to trademark registration under the domestic procedure (of which 9.975 were positive ones). 9.905 matters were settled with respect to international registration. The overall amount of decisions taken was 24.187, which is of 14,3% more than in 2002.

2. In 2003 the PPO received 24.330 trademark applications and notifications of international registrations of trademarks designating Poland, including 15.179 applications under the national procedure (in 2002- 14.557 applications) and 9.151 foreign applications filed under the international procedure, i.e. under the Madrid Agreement Concerning the International Registration of Marks and the Protocol relating to that Agreement. The number of registered trademarks valid on December 31st 2003 amounted to 168.674, from among which:

- 84.454 registered under the national procedure
- 84.220 registered under the international procedure

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

#### Publishing, printing, copying techniques

Information on filed trademark applications is published in the "Patent Office's Bulletin", which is issued every two weeks both on paper and on our web page. The PPO has its own publication system, which enables production of the Office's publications on its own. The publishing process was based on the DTP system and covered preparation of the data contained in the Office's database or text editing on a word processor and the Word text typesetting as regards patent abstracts and Corel Ventura 7- in case of periodicals. Laser prints constitute the basis for the montage preceding the printing process. Printing was performed on the offset machine and digital reproducer. Publications were book bound in the last phase.

Information on registered trademarks is published in the monthly "Announcements of the PPO". Information on trademark applications is published in the „Bulletin of the PPO".

#### Main types of announcements of the Office in the field of trademark information

The following announcements are published relating to individual trade marks in the "Patent Office's Bulletin" and "Announcements of the PPO":

- Trade marks granted
- Trade marks amended after publication
- Trade mark registrations revoked
- Trade marks expired
- International registration acknowledged in Poland
- Rectification
- International registration of a trade mark designating Poland (prior to examination)
- Trade marks under the national procedure

#### Mass storage media and microforms used

Trademark information is stored on a paper carrier and in machine-readable form (discs, CD-ROM and DVD). In 2003 the information was made accessible to:

1. Outside users:

- On the premises of the Polish Patent Office in the Office's Library, in the form of official bulletins and indexes of trademark applications on paper. The PPO publishes trademark applications only as an information material to enable initial searching before filing an application.
- In the PPO, for retrieval on the databases contained on CD-ROM ( TRACES, DEMAS, CASSIS TRADEMARK PENDING, CASSIS TRADEMARK ASSIGN, CASSIS TRADEMARK REGISTERED, COMMUNITY TRADEMARKS BULLETIN)
- Via the Internet, 8 workstations installed in the Office's Library to perform retrieval in the ARSPATENT database containing the complete verbal and graphic data on all trademarks filed and protected in Poland as well as information service on trademarks designating Poland prepared on the basis of the data received from the WIPO. National applications are available in the data base three months after the date of filing.
- From a user's computer after they have acquired an appropriate authorization (via the telephone or the Internet)

2. to the Polish Patent Office's examiners:

- in- house database ROMARIN accessible in the network form examiners' workstations.

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

The PPO uses the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) 8th Edition. Applicants should classify goods and services properly.

For figurative marks the PPO uses the Vienna Classification system, 5th edition.

During the granting procedure good and service classes can be amended by office staff. Reclassification during the application stage is performed by the Office; in the trademarks registered reclassification takes place upon the request of the person entitled.

No electronic classification systems are used to check the classification symbols provided by the applicant.

Application documents of national trademarks are scanned and indexed: Server AIX, application- IBM Content Manager

### **IV. Trademark manual search file establishment and upkeep**

No manual search files are kept

#### **File Building**

Information on trademarks is kept and made available to search in a paper form and on CD-ROMs. The collection is updated on regular basis.

### **V. Activities in the field of computerized trademark search systems**

In 2003 the Polish Patent Office used the existing computerized trademark database for the internal purposes in the field of filing, examination and registration of trademarks. The base includes the following databases in the network system:

#### **In-house systems (online/offline)**

- MARPOL- bibliographic and graphic database containing trademark applications and registrations as well as negative decisions under the national procedure, updated daily. The database is consulted by our Office's examiners in trademark search.
- ROMARIN – database of registered international trademarks
- INN – database of active substances of pharmaceutical products
- 6 ter – database created according to the Paris Convention
- MARMAD – search system for trademarks applied under the Madrid Agreement
- UPNOTIF – administration service system for trademarks applied under the Madrid Agreement

Data is stored in the XML format. The access is carried out via a browser.

#### **External databases**

- Modernization of the Office's Internet home page (administration of services for outside users of the Office's information sources)
- Databases on subjects of industrial property filed and under protection in Poland

#### **Administrative management systems (e.g., register, legal status, statistics, administrative support, etc.)**

1. functioning within support systems (including administrative service), operating off-line:

- a. law information system
- b. patent attorneys information system
- c. finance-accounting system

#### **Equipment used (hardware, including the types of terminal and network used, and software), carriers used**

1. In-house computer network (LAN) based on the Fast Ethernet and Gigabit Ethernet solutions. Alcatel and 3com active tools

2. Hardware installed in 2003:

Replacement of 115 old workstations, including:

- 15 computers with the following configurations- PIV 3,05 GHz, 120 GB HDD, 1024 Mb RAM, screen CRT 21"
- 35 computers with the following Celeron parameters- 2,4 GHz, 80 GB HDD, 512 Mb RAM, screen LCD 17"
- 65 computers with the following Celeron parameters – 1,7 GHz, 80 GB HDD, 128 Mb RAM, screen LCD 15"

3. New servers were bought and the existing ones were modernized

4. Implementation of:

- Active Directory domain on the Windows 2003 Server
- New e-mail system of the PPO, based on the MS Exchange 2003 Server
- Database based on MS SQL server
- Tivoli system of central data backup

5. The following programs were installed:

Operating systems:

- Windows 2003 Server
- Windows 2000 Server
- Windows NT 4 Server
- IBM AIX v 4.3

Database servers:

- IBM DB2 and Content Manager
- MS SQL 2000
- Oracle 9i
- MySQL v 4.0.15

Basic functions of the servers:

- E-mail and group work servers working on MS Exchange 2003
- Domain controller on Windows 2003 with DHCP, DNS
- Routing and firewall on MS ISA Server and CISCO PIX
- web page on the Microsoft Content Management Server
- Tivoli Storage Manager system of data backup 5.2
- Sophos Antivirus with E-mail scanner

6. The working applications were supported on the basis of the following tools:

- DB2 and JAVA- managing trademark and industrial design database
- Pearl, PHP, C#. NET – creating of inter- and intra- websites
- IBM CONTENT MANAGER- managing the application documents of trademarks and industrial designs
- SQL SERVER and C#- managing the external database
- ULTRANET and IRIS- supporting the net access to optical discs
- Adobe and Corel software – publishing issues

## **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)**

1. In 2003 the following publications containing trademark information were accessible in the Office's Library:

- The biweekly "Patent Office's Bulletin" - paper and internet versions
- The "Announcements of the PPO"- paper and internet versions

- Alphabetical index of trademark applications (in the form of computer printouts) for the last several years, supplemented monthly

2. The ARSPATENT database was rendered accessible for the outside users from 8 workstations installed in the Office's library to perform retrieval. The data stored in the base is updated biweekly.

3. Trademark information services for users were performed by the Information unit of the Office and in the library where customers may obtain help within the retrieval and searching procedures.

4. Excerpts, duplicates and certificates officially confirming the specified entries in the trademark register were delivered under payment upon users' request.

## **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**

1. In 2003 the PPO received official bulletins containing, among others, data on trademarks from 29 countries, the OHIM and WIPO.
2. The PPO received 24 numbers (264 booklets) of Gazette OMPI des Marques Internationales free of charge.
3. In 2003 exchange of trademark documentation and information with foreign patent offices was continued. We sent to libraries abroad:

To 39 countries, 430 copies of "WUP" - Announcements of the Patent Office  
 To 17 countries, 425 copies of "BUP" - Patent Office's Bulletin

### **Exchange of machine-readable information**

1. The PPO received trademark data on CD-ROMs from the USA (26 discs), Germany (18 discs), OHIM (87 discs) and the WIPO (35 discs)
2. One set of TRACES database was sold within the country

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

### **Promotional activities (seminars, exhibitions, visits, advertising, etc.)**

- Interviews were given to 36 journalists: some of them were broadcasted on TV and radio. There were 122 publications in the press or in the electronic media.
- The organization of Patent Office's stand on the Fairs on Innovation in Economy and Science "INTRAG 2003" in Katowice during which a series of seminars for patent attorneys was organized.
- Promotional and informational stand on the Gdansk Fairs "Innovation 2003", presentation of issues related to industrial property protection and patent information during the parallel seminar.
- International conference to celebrate the 85th anniversary of industrial property protection in Poland, publication of books commemorating the event: Calendar 2004, "Commemoration Book", a guide for SMEs- "Industrial property in business activity", "Dictionary of industrial and intellectual property terms", comics-forms on copyright, protection of inventions and trademarks
- Working out projects of placards for fairs and exhibitions
- Working out information materials for 260 students visiting the PPO.

### **Training courses for national and foreign participants**

- Members of the PPO's staff participated in conferences, meetings and training courses organized in other countries by the international organization. In co-operation with the Polish Chamber of Patent Attorneys and the OHIM the PPO organized a seminar on "Community trademarks and designs". In courses organized by the OHIM participated 8 representatives of the PPO.
- 472 of the Office's staff members participated in training courses organized throughout the country. The courses focused on various issues such as civil service, introduction to legislation and administration systems, the European Union etc.
- lectures on the industrial property issues led by the Office's staff. (e.g. Trademark registration procedure under the Madrid Agreement and the Protocol relating to that Agreement)

## **IX. Other relevant matters**