

# SCIT.ATR.TM.2004.LV

## Annual Technical Report 2004 on Trademark Information Activities submitted by Latvia (SCIT/ATR/TM/2004/LV)

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

The amount of filed trademark applications has decreased in year 2004: only 1890 applications, in comparison with 2192 in 2003. During the previous years this figure always exceeded 2 thousand. The share of domestic applications in it (68%) was higher than earlier, when it did not reach 60% of total amount. 1633 registrations were granted under national procedure in 2004 (in 2003 - 2313 registrations). The amount of international marks (Madrid Agreement & Protocol) registered or extended to Latvia during the last years was oscillating about 5 thousand. In 2004 it also was near to that: 4866 marks. Thus the share of international marks within the total amount of all trademark applications has reached 72%.

Such trends in these figures can be caused mainly by the joining of Latvia to EU. The staff of Latvian Patent Office (LPO), parallelly to its previous competence, was acquiring new procedures relating to the Community trade mark (CTM), such as consulting of interested persons about the CTM, assistance to applicants in preparation of their CTM applications, the work with CTMs converted into Latvian applications (31 conversions in 2004), etc.

Total number of trademarks in force in Latvia at the end of 2004 reached 69.3 thousand: 27.6 thousand national, 41.7 thousand international (CTMs not included in this sum).

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

#### Publishing, printing, copying techniques

The trademark data for the Gazette are being extracted semi-automatically from the LPO database PATIS, including all necessary bibliographical data as well as scanned black & white or grayscale images. The layout of pages is being carried out and a camera ready copy of each Gazette issue is being prepared by the LPO staff, using desk-top publishing technologies. The Gazette is printed in offset technique in multiple copies, by an external typographic company.

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

(1) REGISTERED TRADEMARKS; -

by this publication the trademarks registered after the examination procedure come into force and are open for 3-months opposition period (Post-Registration Opposition);

(2) TRADEMARK INDEXES:

(a) Application Number Index;

(b) Owners' Name Index;

(c) Registrations Listed by Nice Classes;

(3) CHANGES IN THE REGISTER, in particular:

- full transfers & partial assignments;
- changes in names and/or addresses of owners;
- changes in names and/or addresses of representatives;
- changes within the lists of goods & services;
- renewals and cancellations of registrations recorded;
- license contracts registered, etc.

(4) INFORMATION ON THE APPEAL BOARD'S DECISIONS:

reduced versions of the decisions of the LPO Board of Appeal (trademark disputes predominating):

(a) decisions on the appeals submitted by applicants, on the negative decisions of the LPO;

(b) decisions on the oppositions submitted by third persons, against the registrations granted.

#### Mass storage media and microforms used

The main storage medium in the LPO is paper, excluding the main database PATIS. Electronic media and microforms are not yet developed. International trademarks are not being additionally recorded in the LPO database, and also are being kept in paper form.

#### Word processing and office automation

The LPO database PATIS is developed in FoxPro for Windows.

Word processing: MS WORD 2000 / MS WORD XP / MS WORD 2003.

Edition of images: CorelDraw 5.0; CorelDraw 10.0; ZSoft PhotoFinish.

Database PATIS is stored in the LPO local network server.

#### Techniques used for the generation of trademark information (printing, recording, photocomposing, etc.)

Main operations produced using database PATIS, or by assistance of it and of the built-in FoxPro Report-Writer:

- keying-in of application data and the list of goods & services;
- choice or keying-in of the applicant/representative data;
- scanning of images and incorporation of them in the TM data;
- image coding (Vienna Classification);
- semi-automatic compilation & printing of main official correspondence letters and registration certificates;
- generation of the Gazette publications, etc.

Layout of the Gazette pages is being created by Adobe PageMaker 6.5.

International trademark paper files are being created by using the International Bureau's official notifications (on paper) and, where necessary, the ROMARIN database printouts. Official correspondence on Madrid marks (including refusals of protection, applications of Latvian origin, etc.) is being produced on computer-prepared forms which correspond to the WIPO's formulaires.

### **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)**

The Nice Classification is used since the start of the LPO work in 1992. It is mandatory for the applicant to classify the goods & services in the application according to the Nice classification. The LPO is checking and correcting the classification where necessary. Figurative marks are ex officio supplied with the Vienna Classification indexes (category, division, section).

The reclassification (the adjustment to the latest edition of classification) is not being executed: neither within the duration of the registration nor at the moment of renewal.

Systems used:

Nice Classification - Eighth Edition;  
Vienna Classification - Fifth Edition.

**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**

The verification of Nice & Vienna Classification indexes is available for English and French terms (NIVILO: CLASS CD-ROM). It is not often used because the main classification difficulties arise within Latvian terms.

**Obligation for applicants to use pre-defined terms of the classification applied**

The use of terms close to that of the Nice Classification Alphabetical List, is recommended to the applicants, yet is not mandatory. No official Latvian translation of the Alphabetical List is available for the time being.

**Bibliographic data and processing for search purposes**

All the bibliographical data fixed in the Register are being included in the publications of the registered marks. Each data position in a publication is preceded by the Latvian denomination of it and by the corresponding INID code (according to the WIPO St.60).

Simplified computer searching is available (see Chapter V, below).

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

(1) Trademark files, national procedure:

- trademarks applied for registration;
- trademark applications withdrawn / abandoned / refused;
- trademarks registered (the State Trademark Register);
- trademark registrations cancelled / surrendered / invalidated / revoked;

(2) International (Madrid Agreement & Protocol) mark manual files:

- Madrid marks with the effect in Latvia (registrations & subsequent extensions);
- Madrid marks protection of which is refused in Latvia (provisionally / finally);
- applications for international registration country of origin of which is Latvia;

(3) CTM applications made by Latvian applicants / sent by the LPO to the OHIM.

Folder files are organized accordingly to the sequence of the application numbers / WO registration numbers. The files are being updated continuously. Additional files used in examination procedure: dictionaries, encyclopaedias, handbooks, etc., of general or specialist reference.

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

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

National trademark procedure:

the software provides for online searches within the applied / registered marks. The internal searches available:

- on bibliographical data of marks;
- on identity / similarity of the verbal part of marks;
- within the applicant / owner names.

International marks:

- all kinds of searches provided in the ROMARIN database.

## **External databases**

Databases used:

ROMARIN;

Paris Convention Art. 6-ter CD-ROM;

INNs for Pharmaceutical Substances (WHO), etc.

INTERNET access is available on each workstation of the LPO. This is often used during the examination, when studying relevant information, including that of the WIPO, OHIM and the websites of the foreign Industrial Property Offices. Decisions of the OHIM Boards of Appeal, of the OHIM Opposition Division as well as the ECJ and CFI judgments, are studied on regular basis. CTM-ONLINE and MADRID EXPRESS search also is being used.

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

Administrative management systems are not developed for the time being, although the main statistical data can be extracted from the database.

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

The LPO local network is built on ETHERNET principles, using Novell Netware Network. Currently the network includes:

- Novell Netware file server (common for all LPO procedures);
- 12 IBM-compatible PCs used for trademark procedure;
- several printers, including HP LaserJet 4Si; HP LaserJet 4M Plus; HP LaserJet 8550 GN;
- a HP ScanJet IIp B-W scanner, etc.

On the software matters see also Chapter II, above.

## **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)**

Trademark information services currently available to the public in the LPO:

- sales of the Gazette;
- extracts from the State Register - on request;
- verbal identity / similarity search reports from the database - on request;
- search reports from the ROMARIN or ARTICLE 6-ter CD-ROM - on request;
- consultations on any trademark matters.

Legal and practical information is also available from the LPO homepage in the INTERNET: [www.LRPV.lv](http://www.LRPV.lv).

Latvian Patent and Technology Library services:

- trademark gazettes, including that of foreign countries and the WIPO;
- searching in the ROMARIN;
- CTM Bulletin.

The LPO trademark database data are not yet posted on the INTERNET and not distributed by means of electronic media.

## **VII. Matters concerning mutual exchange of trademark documentation and information**

Mutual exchange of trademark gazettes is established with about 20 Offices. Machine readable information for such exchange is not available.

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

Several seminars on industrial property and particularly on trademark matters have been organized in Latvia during the year 2004, by the assistance of organizations such as the EU TAIEX Office, OHIM, the Riga Graduate School of Law.

An attempt to assist in these matters to transition countries' specialists was made: 2 representatives from the Ukrainian Intellectual Property State Department have visited the Latvian Patent Office and during their 3 days visit got useful information on routine work and changed the experience in the Trademark and Industrial Designs Department, and State Registers Department.

## **IX. Other relevant matters**