

CWS.ATR.TM.2013.CA

Annual Technical Report on Trademark Information Activities in 2013 submitted by Canada (CWS/ATR/TM/2013/CA)

I. GENERAL OVERVIEW OF RECENT DEVELOPMENTS IN TRADEMARK INFORMATION ACTIVITIES CARRIED OUT BY THE OFFICE

Statistics: changes in terms of application filings and registrations with respect to previous year; trends or areas experiencing rapid changes

Changes experienced in terms of application filings and registrations with respect to the previous year

Trade-mark Filings

Year Residents Non-residents Total % change

2009 18,662 22,294 40,956

2010 20,449 24,771 45,220 +10.41

2011 21,337 27,135 48,472 +6.71

2012 21,711 28,376 50,087 +3.22

2013 21,449 28,370 49,819 -0.05

Trade-mark Registrations

Year Residents Non-residents Total % change

2009 10,554 14,125 24,679

2010 14,035 15,955 29,990 21.52

2011 12,455 16,095 28,550 -4.80

2012 10,491 13,857 24,348 -14.72

2013 12,466 16,489 28,955 +18.9

New applications received electronically in 2013: 47,826

Registration requests received electronically in 2013: 13,587

Other matters and useful links (URLs): annual report of the Office, news page, statistics, etc.

2012-2013 CIPO Client Service Commitments

http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr02948.html

Annual Reports 2012-2013 - Supplementary tables

http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr03743.html

II. SERVICES AND ACTIVITIES RELATED TO TRADEMARK INFORMATION CARRIED OUT BY THE OFFICE

Information and support provided by the Office to applicants regarding filing on paper and/or e-filing (instructions, seminars, etc.) - URLs

CIPO has consolidated the public access areas (search rooms) of the various IP products (patents, trade-marks, copyrights, industrial designs, integrated circuit topographies) into a single Client Service Centre. Our Client Service Centre is your central point of contact for general and technical inquiries. This Client Service Centre houses both the manual search collections as well as access to the automated search systems.

Information Officers are available during office hours, Monday to Friday, from 8:30 a.m. to 5:00 p.m. (EST), with the exception of statutory holidays at our Headquarters located in Gatineau, Quebec to assist the public in all aspects of their IP requirements.

URLs of web pages of the Office's website for electronic filing of trademark applications:

http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr00021.html#trade-marks

Matters concerning classifying

(i) 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

(ii) Use of electronic classification systems and pre-defined terms of the classification applied

(i)

CIPO does not follow a formal classification system for wares or services. Trade-mark applicants are required to file a statement in ordinary commercial terms of the specific wares and/or services for their trade-mark. However, the wares or services submitted are classified under the NICE classification system for reference purposes.

CIPO uses both a "key word" and the Vienna Classification system as methods of indexing the trade-mark (word elements and figurative elements). The Vienna Codes are available on the Canadian Trade-marks Database on the CIPO web site.

The wares and services are classified for reference purposes under the NICE classification using an automated classifier. This service is provided by a service provider OnScope Group.

(ii)

Trade-mark applicants are not required to use pre-defined terms for their statement of wares and/or services. The Trade-marks Branch suggests that the Canadian Wares and Services Manual published by CIPO and available on our web site, be used as a basis for the selection of terms for the statement of wares and/or services. This manual is in a searchable format.

In June 2009, the Canadian Intellectual Property Office signed a Memorandum of Cooperation with the Trademark Trilateral Partners (United States Patent and Trademarks Office, Japan Patent Office and the Office for the Harmonization of the Internal Market). The Trilateral Partners maintain a list of identifications of goods and services that if entered into an application for the registration of a trade-mark would be accepted by each of those partners.

The assessment of those terms to ensure compliance with Canadian legislative requirements is almost complete and the acceptable terms will soon be added to the Wares and Services Manual. Each identification stemming from this agreement will be identified with the letter T and will appear with its associated Nice Classification.

These identifications (more than 12,000 entries) will provide greater clarity and guidance to trade-mark applicants regarding the acceptability of goods and services in Canada.

III. SOURCES OF TRADEMARK INFORMATION PROVIDED BY THE OFFICE

Main types of publications in the field of trademark information, outline of the content and medium (on paper, on CDs, online - URLs)

Trade-marks Journal

Our weekly Trade-marks Journal contains marks for applications filed, which are advertised following approvals, and announcements regarding registrations.

These announcements include:

- the date of the application/registration;
- the serial number of the application/registration;
- the name and address of the owner;
- a reproduction of the trade-mark or necessary information for public inspection;
- a statement of wares and/or services.

Practice Notices

Practice notices pertaining to Office Practices and Policies are available on the Trade-marks home page of the CIPO website under Practice Notices.

Trade-mark News email subscription service

Clients can register to our email subscription service to stay in touch with the latest trade-marks developments at CIPO.

These emails will include:

- updates to the Wares and Services Manual;
- new consultations on trade-marks;
- practice notices on trade-marks; and
- "What's New" announcements on trade-marks posted on the CIPO website.
- When a trade-mark update is posted on the CIPO website, it will be emailed to subscribers within 24 hours.

Twitter

CIPO's Twitter presence is intended to enhance two-way communication between CIPO and its customers as laid out in the Business Strategy.

- Tweets should be relevant to our business.
- In general, new information should not be released solely on Twitter (the CIPO website is still the primary access point for information).
- While the language used on Twitter is sometimes less formal, we must maintain our professionalism.
- Tweets are limited to 140 characters.
- Tweet idea submissions will be reviewed by Corporate Communications before being posted.

All outputs of trade-mark information are produced from the trade-mark computer system INTREPID II. Most letters and reports are currently produced using MS-Word 2003 which is integrated within the INTREPID II system. All other outputs are produced using the electronic forms package Accelio Present Central (formerly JetForm and now owned by Adobe) which is also integrated within the INTREPID II system.

While most outputs are printed to paper, the acknowledgement notice and client proof sheet for applications filed electronically (e-service), the trade-mark renewal certificate, renewal confirmation notice, the agent renewal notice, and the agent certificate are produced in PDF (Portable Document Format) and sent to the agent/client electronically as email attachments.

The registration notice and certificate are posted on the e-registration service for clients to retrieve. The majority of the letters produced by Accelio Present Central are actually created in PDF for storage and retrieval purposes. Some of the Word documents are also kept for retrieval purposes.

CIPO also provides the trade-mark information to various external search houses in electronic format. The trade-marks and agents information is written to sequential data files (ASCII) before it is sent out to the search houses using a FTP (File Transfer Protocol) software.

Official Gazettes: main types of announcements, frequency of publication, medium (on paper, on CDs, online, URL), etc.

The Trade-marks Journal is available in electronic form on the Canadian Intellectual Property Office (CIPO) web site (www.cipo.gc.ca). The Journal is available in PDF format and can be downloaded (free of charge), viewed and printed with Adobe Reader. The electronic form of the Journal is the official version. All Trade-marks Journals from January 2000 onwards are also available online. The Journal is currently produced by OnScope Group, a service provider company. The data is sent electronically once a week to the vendor for publication.

Trade-mark Journal

<http://www.ic.gc.ca/cipo/tradejournal.nsf/tmmain-eng?readform>

Practice Notices

http://www.cipo.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr00132.html

Trade-mark Newsletter

<http://www.cipo.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/wr02989.html#tradeMark>

Canadian Trade-marks Database - Basic Search

<http://www.cipo.gc.ca/app/opic-cipo/trdmrks/srch/bscSrch.do?lang=eng>

Canadian Trade-marks Database - Advanced Search

<http://www.cipo.gc.ca/app/opic-cipo/trdmrks/srch/tmSrch.do?lang=eng>

Canadian Wares and Services Manual

<http://www.ic.gc.ca/app/opic-cipo/wrs/dsplyPblcSrch.do>

Legal status information (kind of information, coverage, medium, etc.)

Canadian Trade-mark Legislation

<http://laws.justice.gc.ca/en/T-13/index.html>

<http://laws.justice.gc.ca/en/T-13/SOR-96-195/index.html>

IV. ICT SUPPORT TO SERVICES AND ACTIVITIES RELATED TO TRADEMARK INFORMATION CARRIED OUT BY THE OFFICE

Specific software tools supporting business procedures within the Office: general description, characteristics, advantages, possible improvements

The Trade-marks Branch utilizes an end-to-end trade-mark processing system, INTREPID II, and the system became fully operational in November 1996. INTREPID II operates in a client/server environment. All trade-mark employees have access to the system via an internal, Local Area Network (LAN). The system contains bibliographic trade-mark data dating from the beginning of Canada's trade-mark management system in 1864, including pending and registered trade-marks, trade-mark designs, outgoing correspondence and trade-mark notices. INTREPID II is used within the office to manage the overall trade-mark process, including examination, opposition, assignments and renewals, and is able to make process decisions automatically. The system supports such specific office processes as preparing correspondence, updating information, preparing and transmitting notices electronically.

In July 1999, an electronic trade-mark application filing component was added to allow a client to file their trade-mark application electronically over the Internet. The e-services are continuously expanding: Trade-mark Renewals, the payment of the Registration Fee, submission of a Declaration of Use and request for an Extension of Time to submit a Declaration of Use can be performed electronically over the Internet. The most recent additions are the Trade-marks Opposition Board e-services, introducing to their clients electronic filing of requests for extensions of time and statements of opposition. These e-services were made available July 2010. For all client front-ends, the information is checked for completeness, is transferred to the Branch via the Internet and is automatically loaded into the INTREPID II system where an electronic acknowledgement (in PDF) is emailed back to the client.

Other trade-mark automation initiatives in the area of E-Services being considered are:

Additional electronic bi-directional transactions such as Office initiated correspondence including examiner's reports, as well as requesting an extension of time to respond to an examiner's office action etc. will be added over the next 2 years. CIPO is also investigating upgrading its existing trade-mark e-services transactions into a standard XML format.

Furthermore, the Trade-marks Branch uses MS-Word 2003 as its word processing package operating in a Windows XP Professional environment. Plans are underway to upgrade to MS-Word 2010 and to the Windows 7 environment.

Hardware used to supporting business processes of the Office

The INTREPID II system is a client/server system with the client component developed with Team Developer (Gupta SQL Windows 2005 v 4.0.0), and the UNIX (HP-UX 11) server using ORACLE 10g database. Plans are underway to upgrade to Oracle 11g. Novell file servers are used for electronic mail and for sharing common files during development. A NFS disk area on the main server is used to hold the design images. This allows client workstations to access the designs within the client interface, while storing all design images under the control of the main server.

SERVER• HP 9000 series model HP RP4410

- Operating System HP-UX 11.23
- 935 GB HardDisk, 8GB RAM
- Oracle RDMS V 10.2.0.3
- Oracle SQL*Net V 9
- Microfocus server express 5.0
- TCP/IP
- Image Converter: Alchemy 1.13
- Electronic Forms Generator: JF Central 5.4.1

CLIENT WORKSTATION

- Over 235 workstations are connected to the server
- Pentium based (min 3.2 GHz, 1GB RAM, 80GB disk)
- SVGA monitors 19", 21" or 22" LCD
- MS-Windows XP Professional Version 2 Service Pack 3, MS Word 2003,
- Team Developer (Gupta SQL Windows 2005 v 4.0.0), TCP/IP SQL*Net 9.0
- ViewNow NFS (Network File System)
- Some workstations with Bar-code readers and/or scanners

PRINTERS (networked)

- Lexmark T644 network printers
- NETWORK
- TCP/IP
- 1 gb between server and switches
- 100 mb between switches and workstation

Internal databases: coverage, updates, interlinks with external sources

CIPO's Trade-marks Branch maintains a complete history of its trade-mark files in paper form, and information pertaining to all active marks from 1864 and inactive marks from 1979 to date in electronic form.

CIPO uses a Web based search system from On Scope for trade-mark searches. As well, CIPO provides its trade-mark data to other commercial databases for external client use.

Establishment and maintenance of electronic search file: file building, updating, storage, documents from other offices included in the search file

All bibliographic data contained in trade-mark applications and registrations are maintained on the INTREPID II system.

The Canadian Trade-marks database is available to the public on the Internet via the CIPO website. This version of the database is comprised of all active and many inactive marks that were either applied for or registered pursuant to the current Trade-marks Act or former trade-mark legislation. The database also includes all trade-marks that were cancelled, expunged, abandoned or refused after 1979, and some marks that were cancelled, expunged, abandoned or refused prior to 1979.

Canada no longer maintains a manual search file. All trade-mark information is maintained within the INTREPID II database system and contains over a million marks (1,303,070). This information is provided to various external search services.

Improved Bilingual Search Capability

We have added a feature to help clients to conduct searches in both English and French. This will help to ensure that their search query includes more terms, thereby resulting in an increased results list. This improvement is of interest to those who know their search criteria in one of Canada's official languages but not in the other.

Administrative management electronic systems (register, legal status, statistics, and administrative support)

The INTREPID II system is integrated with an improved version of the previous Trade marks Executive Information System (EIS). The EIS system permits detailed and comprehensive tracking and monitoring of trade mark processes. The EIS system provides daily information on production volumes and turn around times for trade mark processes. The EIS system is available via the Intranet to allow broader access to reports within the Office.

The trade-mark search collection is managed in electronic form. The clients have access to the latest versions of the electronic records. A structured backup regime is in place to ensure preservation of the information.

V. PROMOTION ACTIVITIES AIMED TO SUPPORT USERS IN ACCESS AND EFFICIENT USE OF TRADEMARK INFORMATION

Office's library (if deals with trademark information): equipment, collection management, network of libraries in the country, cooperation with foreign libraries

Public access to the trade-mark electronic processing system (INTREPID II) is available in the Client Service Centre.

The trade-mark database is available to the public on the Internet via the CIPO web site.

The official index that is required to be kept under the supervision of the Registrar of Trade-marks pursuant to subsection 28(1) of the Trade-marks Act, is accessible in the Canadian Trade-marks Database on the CIPO Internet site.

The following trade-mark reference material is also available to the public via the CIPO web site:

- Trade-marks Act and Regulations
- Examination Manual
- Wares/Services Manual
- Practice Notices
- Trade-marks Guide
- Sample Forms
- Other reference materials
- All Trade-marks Journal (in PDF format) as of January 2000
- E-Services

Publications related to different business procedures and trademark information sources available to users, for example, books, brochures, Internet publications, etc.

http://www.cipo.ic.gc.ca/epic/site/cipointernet-internetopic.nsf/en/h_wr00002e.html

http://www.cipo.ic.gc.ca/epic/site/cipointernet-internetopic.nsf/en/h_wr00002e.html

VI. INTERNATIONAL COOPERATION ACTIVITIES IN THE FIELD OF TRADEMARK INFORMATION

International exchange of trademark information in machine-readable form (e.g., Official Gazettes)

International or regional co-operation in the exchange of trademark information, e.g., in the form of official gazettes

The official Trade-marks Journal is available on-line in PDF (Portable Document Format) <http://www.ic.gc.ca/cipo/tradejournal.nsf/tmmain-eng?readform>

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Exchange of machine-readable information

CIPO is presently providing trade-mark data to a number of external database search providers including weekly updates of Trade-mark data and design images.

Participation in international or regional activities and projects related to trademark information

The Trade-marks Branch participates in the various WIPO/CIPO Executive training workshops.

VII. OTHER RELATED MATTERS