

# CWS/ATR/TM/2019/HU

## Annual Technical Report on Trademark Information Activities in 2019 submitted by

### Hungarian Intellectual Property Office

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

### Outline of main policies and plans aimed at development of trademark information activities and expected time frames for their realization

High level of compliance of the activity of national intellectual property protection authority in accordance with the requirements of international professional requirements and the requirements of ISO standards, and expansion of the Hungarian role in international official co-operation in proportion to the official knowledge base in the service of becoming a regional center.

Improving the conditions of awareness, information and training of the Hungarian industrial property and copyright culture through customer service, value-added service, IT and education support programs; purposeful support for science, technology and innovation policy strategies to improve national performance.

Strengthening the service provider nature of official activities, maintaining partnerships with customers.

### New projects launched or resumed this year in the context of the policies and plans mentioned above, short description: aims, partners, tasks

In 2019 the IT system of HIPO effectively provided the information technology background necessary for official and service activities and performed the tasks related to e-administration and information security, prescribed for public administration organs.

Among the main tasks performed by the IT staff we could highlight those information technology developments that became necessary in relation to the transposition of *Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks*, and those in relation to the 2019 entry into force of the amendment of *Act XI of 1997 on the Protection of Trade Marks and Geographical Indications*. These developments made it possible to receive and process the new types of trade marks (sound, movement, multimedia, hologram applications).

Started the office service necessary for the data upload for Image Search operated by EUIPO.

### Main areas of trademark information activities and related information and communication technology (ICT) practices which were in the focus of attention last year

In relation to the *TMView* and *DesignView* data provision, the seniority data of trade marks were processed, and the Office implemented a development aiming at the provision of the Nice Classification's data to the EUIPO. The *AFOR* system became operational to support the English language translation of the list of goods and services of trade marks.

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

#### Number of valid trade marks in Hungary in 2019

National trade marks in 2019: 54371 (2018: 54787)

International trade marks (under the Madrid system) in 2019: 83634 (2018: 87144)

In the system administered by WIPO for the international registration of trade marks, 1705 international trade mark applications (under the Madrid System and Protocol) designating Hungary and for subsequent extension of territory were received in 2019, a number comparable to that of the previous year. During the year, 1872 international trade mark applications were published in the Gazette for Patents and Trade Marks. In 2019 the Office carried out the examination of 1918 international trade mark applications and of subsequent extensions of territory, recognising international trade mark protection in 1804 cases, thus both the cases concluded and protections granted exceeded those of 2018 by 12%.

The number of international trade mark applications and that of subsequent extensions of territory (under the Madrid Agreement and Protocol) originating from domestic applicants amounted to 174.

The European Union trade mark (EUTM) system enables applicants to obtain trade mark protection through one application and by means of a single procedure for the entire territory of the European Union. The number of European Union trade mark registrations, the territorial scope of which extends also to Hungary, is increasing from year to year: in 2019 the EUIPO received 160 thousand applications for EU trade marks and registered 140 thousand such trade marks, both exceeding by more than 5% the numbers of 2018.

### **Main figures of trade mark applications filed via the national route**

Trade mark applications of domestic origin in 2019: 3555 (2018: 3 860)

### **Figures of national trade mark registration proceedings**

Valid national trade marks: 54 371

Closed proceedings: 3989

Applications: 3896

Registrations (granting): 2969

Pending cases: 2448

In 2019 trade mark applications filed via the national route amounted to 3 896, nearly 1% more than the year before. From among these, 3 555 applications were received from Hungarian applicants, while another 341 applications were filed by foreign applicants directly with HIPO.

As many as 45% of the applications were received electronically by the Office. In the case of electronic administration, as of 1 January 2019, national trade mark applications may only be filed electronically using the TM e-Filing system.

91% of national trade mark applications were filed by Hungarian clients. 64% of those applications were filed by entities and 36% by individual applicants. The number of publications increased by 4%: 3 108 national trade mark applications were published. In 2019 HIPO closed 3 989 cases, and in 74% of them protection was granted. The number of cases pending at the end of the year diminished by nearly 6%, so the number of cases carried over to 2020 was 2 448. Clients can speed up proceedings within the framework of the so-called accelerated and particularly accelerated procedures. During the year the Office performed the examination of 131 applications in an accelerated procedure.

The average gross pendency time of the registration of national trade marks was 27.4 weeks, which maintained the favourable level of the previous year.

### **GEOGRAPHICAL INDICATIONS**

Geographical indications may be protected if there is a demonstrable connection between the quality parameters of the marketed products and their area of origin. This protection ensures that right holders be able to act against all those who use those indications without authorisation.

In the course of 2019 ten new applications for the registration of appellations of origin were filed with HIPO under the Lisbon System.

The number of valid European Union geographical indications related to agricultural products and foodstuffs was 1467 at the end of 2019, and out of them 16 originated in Hungary. The number of European Union geographical indications related to wines was 1 607 at the end of the year; out of which, 36 originated in Hungary. The number of valid European Union geographical indications related to spirit drinks amounted to 240 at the end of 2019; out of which, 8 originated in Hungary. Besides, the examination of 6 applications for protection from Hungary were still pending.

The number of valid international appellations of origin under the Lisbon Agreement was 1004, out of which 28 were of Hungarian origin.

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

HIPO Facts and Figures 2019:

<https://www.sztnh.gov.hu/hu/mivel-fordulhatok-a-hivatalhoz/tajekoztatas/kiadvanyok/a-hivatal-eves-jelentesei-0>

## **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**

Detailed information and support is accessible on the website of HIPO, eg.:

e-Filing: <https://ugyintezes.sztnh.gov.hu/eBej2/step1>

Forms and fees: <https://ugyintezes.sztnh.gov.hu/eBej2/sugo#5>

How can I protect my intellectual property?: <https://www.sztnh.gov.hu/hu/hogyan-vedjem-a-szellemi-tulajdonomat/hogyan-vedjem-a-megjelolesemet>

### **Availability of the application dossier in electronic form**

The e-dossier gives inspection and communication platform providing online administration.

E-dossier: <http://epub.hpo.hu/e-aktabetekintes/?lang=HU>

#### **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**

Nice Classification and Vienna Classification systems are used.

Nice Classification: <https://www.sztnh.gov.hu/hu/hogyan-tajekozodhatok-a-honlapon/adatbazisok/iparjogvedelmi-osztalyozasi-rendszerek/nizzai>

Vienna Classification: <http://classifications.mszh.hu/vienna/index.htm>

#### **Matters concerning processing of different types of non-traditional marks (e.g., three-dimensional, motion, hologram, color mark, etc.)**

The IT staff implemented those information technology developments that became necessary in relation to the transposition of *Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks*, and those in relation to the 2019 entry into force of the amendment of *Act XI of 1997 on the Protection of Trade Marks and Geographical Indications*. These developments made it possible to receive and process the new types of trade marks (sound, movement, multimedia, hologram applications).

#### **Other activities**

### **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)**

E-SEARCH for external use: <http://epub.hpo.hu/e-kutatas/?lang=HU>

Web-based GAZETTE, published twice a month: <http://www.hipo.gov.hu/hu/szakmai-oldalak/szabadalmi-kozlony-es-vedjegyertesito>

How can I protect my trademark?: <https://www.sztnh.gov.hu/hu/hogyan-vedjem-a-szellemi-tulajdonomat/hogyan-vedjem-a-megjelolesemet>

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

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#### **Information products (coverage, medium, etc.) available to examiners, including external documentation and databases**

E-SEARCH for internal use, covering the public and non-public data.

E-SEARCH (for the public): <http://epub.hpo.hu/e-kutatas/?lang=HU>

GAZETTE: <http://www.hipo.gov.hu/hu/szakmai-oldalak/szabadalmi-kozlony-es-vedjegyertesito>

Nice Classification: <https://www.sztnh.gov.hu/hu/hogyan-tajekozodhatok-a-honlapon/adatbazisok/iparjogvedelmi-osztalyozasi-rendszerek/nizzai>

Vienna Classification: <http://classifications.mszh.hu/vienna/index.htm>

TMview: <https://www.tmdn.org/tmview/welcome>

#### **Information products (coverage, medium, etc.) and services available to external users; conditions of access (e.g., free of charge, subscription, etc.)**

E-SEARCH (for the public): <http://epub.hpo.hu/e-kutatas/?lang=HU>

GAZETTE: <http://www.hipo.gov.hu/hu/szakmai-oldalak/szabadalmi-kozlony-es-vedjegyertesito>

Nice Classification: <https://www.sztnh.gov.hu/hu/hogyan-tajekozodhatok-a-honlapon/adatbazisok/iparjogvedelmi-osztalyozasi-rendszerek/nizzai>

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TMview: <https://www.tmdn.org/tmview/welcome>

How can I protect my trademark?: <https://www.sztnh.gov.hu/hu/hogyan-vedjem-a-szellemi-tulajdonomat/hogyan-vedjem-a-megjelolesemet>

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

E-Dossier: <http://epub.hpo.hu/e-aktabetekintes/?lang=HU> just for information purposes.

Certified statement on the validity of protection can be received against payment.

#### **Other sources**

## **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 IT system of HIPO effectively provided the information technology background necessary for official and service activities and performed the tasks related to e-administration and information security, prescribed for public administration organs.

In 2019 started the office service necessary for the data upload for Image Search operated by EUIPO. In relation to the *TMView* and *DesignView* data provision, the seniority data of trade marks were processed, and the Office implemented a development aiming at the provision of the Nice Classification's data to the EUIPO. The *ÁFOR* system became operational to support the English language translation of the list of goods and services of trade marks.

Clients can make use of the following services online: *e-search*, *e-file inspection*, *e-filing*, *e-register*, *TM e-Filing*, *TMView*, and *DesignView*.

#### **Hardware used to supporting business processes of the Office**

##### **Internal databases: coverage, updates, interlinks with external sources**

The Unified Administrative System of the Office comprises the bibliographic and image data, the documents and the official letters that belong to the different intellectual property rights, namely patent, plant variety protection, spc, utility model, trademark, industrial design. The public electronic-databases GAZETTE, IP-SEARCH, E-REGISTER, E-DOSSIER are also used by the Examiners. The IP-SEARCH database has an internal version for internal use only with the additional data that are not accessible for the public.

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

The Unified Administrative System of the Office is used for file building covering all industrial property titles of protection. It is updated real-time and has a daily backup storage. All incoming documents are scanned since 2012.

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

The Unified Administrative System of the Office is used for file building, which covers all industrial property titles of protection. It has a real-time update system and has a daily backup storage. This system is the source of the public electronic-databases, such as GAZETTE, IP-SEARCH, E-REGISTER, E-DOSSIER.

#### **Other matters**

## **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**

See: Industrial Property Special Library: <http://www.sztnh.gov.hu/en/services/industrial-property-special-library>

In 2019 the Office's central customer service received 17 717 queries, which was 11% higher than in the previous year. 62% of the queries were made by phone. The number of queries by phone increased by more than 20% and the average length of phone calls was 4.7 minutes. Although we witnessed a decrease in the queries made in person, their proportion was still 27%. Traditional correspondence by post is fading into the background. 15% of the queries at the customer service were in English language. Most of these queries were related to the current status of a given case, or to the different ways or due dates of fee payments.

In general, it can be concluded that most of those turning to our customer service request information in several fields at the same time. Last year many questions and feedbacks were received related to *e-administration*. One-third of the queries aimed at trade mark information. Other important fields dealt with by our customer service were information on databases, patent information, and copyright or legal information.

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

The partners and customers of HIPO, who are interested in intellectual property, can choose from a variety of services or programs of customer service, information provision and education, eg.: AIDA, IP-Panorama, Start-up guide, Partner Search, Tenders, IP-Valuation, etc.: <http://www.sztih.gov.hu/hu/vallalkozoknak/hogyan-kezdjek-hozza>

The official journal of HIPO, the Gazette for Patents and Trade Marks, containing our official publications, is published online on the website of HIPO with free of charge access and certified by electronic signature. Its popularity is shown by the fact that in 2019 users downloaded 157 thousand pages.

The website of HIPO ([www.sztih.gov.hu](http://www.sztih.gov.hu)) can offer valuable information both to potential clients who are less well-informed of intellectual property matters and to professional users.

The number of individually identifiable visitors was 483 thousand, who visited the portal on 1.45 million occasions downloading more than 16.9 million pages in 2019. On the website there are 76 thousand files available with individual internet links. Out of these 12 782 are HTML pages, 86% of them are in Hungarian, 14% are available in English.

Users can access useful and free of charge e-administration and information services on the website such as the *e-administration*, *e-search* or *e-register*. In addition to those, they can use the *TM e-Filing* system to file trade mark applications, the *TMview* system for electronic trade mark search, as well as the *Designview* database, which contains designs protected in the European Union.

In order to reduce the supply of counterfeit and pirated products, to enhance the effectiveness of enforcement in the fight against counterfeiting and to mitigate the infringement of IP rights, the National Board Against Counterfeiting (NBAC) draws up proposals for regulation, organises events and information campaigns for awareness raising and conducts surveys. The NBAC has brought about cooperation with domestic and international stakeholders, and actively participates in the programs of the European Observatory on Infringements of Intellectual Property Rights (*Observatory*) operated by the EUIPO.

The NBAC's activity against counterfeit medicines led to the result that prescription-only medicines available at domestic pharmacies have been complemented with a new drug-safety element since 9 February 2019. On the occasion of the World Anti-Counterfeiting Day, on 6 June 2019, the NBAC and the National Institute of Pharmacy and Nutrition co-published a survey conducted on counterfeit medicines and the illicit trade thereof.

In addition, in cooperation with the Hungarian Crop Protection Association and the National Food Chain Safety Office it conducted two surveys on whether farmers are aware of the possibility that pesticides might be counterfeit. According to the survey, 60% of the Hungarian customers have not even heard of counterfeit pesticides. According to a survey conducted among farmers, as much as one-fifth of the pesticides placed on the Hungarian market may be counterfeit or of illegal origin.

In 2019, the NBAC, jointly with Tárki, repeated its annual survey on the population's attitude towards counterfeiting and piracy. According to the survey, 12% of the respondents had bought some counterfeit product in the previous year, which – compared to the earlier trends – means a record low level. More than four-fifth of the interviewees (81%) would never buy any counterfeit products, which is a 2% decrease over the last year.

It was an important achievement to launch the *Hungaroteka* portal, joining EUIPO's *Agorateka* website, with the objective to assist consumers in accessing websites offering lawful contents.

**Cooperation with universities, technology and innovation support centers, etc.**

Professional partners and customers of HIPO, interested in issues of intellectual property, have been able to choose from a variety of services and programs of awareness raising, information provision and education. It was a priority objective to spread IP knowledge and to develop industrial property and copyright culture among enterprises and higher education institutions.

HIPO has contracts for an indefinite period with 16 County Chambers of Commerce and Industry and 6 PATLIB centres (in Debrecen, Miskolc, Sopron, Pécs, Gyr and Szeged) to operate information points of IP protection. These information points provide updated information for clients, and – in the cases they deem necessary – contact the central Customer Service of HIPO. In 2019, in the framework of its activity aimed at raising IP awareness of enterprises, HIPO – in cooperation with the local chambers of commerce and industry – organised seminars combined with expert counselling for local market players in four locations: Pécs, Szeged, Veszprém and Szolnok.

Last year HIPO actively cooperated with the National Research, Development and Innovation Office in various professional programmes. During the first half-year it participated in the consultation series, entitled National Innovation Forum, organised in 25 locations. In autumn, the representatives of the Office were present at the event series, entitled regional innovation platform, the locations of which were Miskolc, Debrecen, Gyr, Pécs, Szeged and Budapest. On 28 November 2019, HIPO joined the regional innovation platform.

HIPO had cooperation agreements in force with 16 universities, as follows: *Budapest Corvinus University, Budapest Metropolitan University, University of Debrecen, Eötvös Loránd University, Eszterházy Károly University, University of Miskolc, Moholy-Nagy University of Art and Design, National University of Public Service, John von Neumann University, University of Nyíregyháza, Óbuda University, University of Pannonia, University of Pécs, University of Sopron, University of Szeged, Szent István University*. In the agreements, the Office undertook to assist in the teaching of intellectual property subjects and, if requested, to help these universities draw up their internal regulations for the protection of intellectual property rights and to support them in performing their technology transfer-related tasks. It will be a major task for 2020 to renew, in the framework of the University Innovation Ecosystem, the existing framework agreements with universities, and to conclude new agreements with further higher education institutions that have already applied for and been granted support.

In 2019, HIPO participated in the teaching of intellectual property as an independent subject of a semester in 12 faculties of 9 universities, and at a further 8 universities the teaching of intellectual property was integrated into a subject offering entrepreneurial/technical/legal/social and/or scientific knowledge.

Like in previous years, HIPO invited applications for the „*Ujvári János Award for Diploma Works*” the purpose of which is to provide incentives for graduating students of higher education to develop the intellectual property protection aspects of their theses or dissertations.

### **Education and training: training courses, e-learning modules (URLs), seminars, exhibitions, etc.**

The basic, intermediate and advanced level industrial property courses, the basic and intermediate level copyright courses as well as the specially targeted courses organised by HIPO have become important fora for knowledge sharing and awareness raising in Hungary.

In May a basic level industrial property course took place with 22 participants, representing enterprises, higher education institutions and HIPO staff. In March an intermediate level IP course started with the participation of 26 persons, where the final examination took place in May. Besides the officials of the Office, enterprises, law firms and patent attorneys, higher education institutions and the Hungarian Academy of Sciences (HAS) were represented. In the first half of 2019, 27 persons acquired advanced level industrial property certificates.

A basic level copyright course took place in April, at the end of which 26 persons passed their final examination. Staff of publishing houses, museums, higher education institutions, libraries and law firms participated at those courses, along with the Office's officials in the framework of the Probono further training system. In May the officials of the HAS participated in a basic level copyright course, where 20 participants obtained basic level copyright qualifications. An intermediate level copyright course took place from September to November with the participation of 25 persons. They were staff of CMOs, law firms, publishing houses, museums and higher education institutions, as well as of HIPO.

The total number of hours of intellectual property education provided in cooperation with HIPO amounted to 632, and the number of participants was 2155.

HIPO plays a leading role in the organisation and promotion of domestic IP events, fora and conferences and in giving recognition to creators and communities of creators showing outstanding achievements. The most memorable events of the past year were the following: The Jedlik Ányos Prize was awarded on a festive occasion on 13 March 2019 in the Petfi Literary Museum.

In Budapest the ceremony of the World Intellectual Property Day was organised in the Duna Aréna on 26 April 2019. It was on this occasion that the Millennium Prizes were awarded.

On 28 March 2019, the Hungarian Grand Prize for Innovation was presented in the Parliament. The innovation prize of HIPO was awarded to Teqball Kft. in recognition of Teq SMART, a multifunctional sports equipment requiring small space.

As one of the events of the Celebration of Hungarian Science, the Academy Patent Prize was presented in Veszprém on 5 November 2019.

Great professional interest was shown towards the academic conference, co-organised by HIPO, the Hungarian Association for Industrial Property and Copyright, the Hungarian Copyright Forum Association and the Hungarian Lawyers Association, which was held at the headquarters of the Budapest Bar Association, on the occasion of the 20th anniversary of the entry into force of Act LXXVI of 1999 on copyright, on 25 November 2019. Research of HAS, cereal breeder.

E-learning modules:

<http://www.sztnh.gov.hu/hu/sztnh/szellemitulajdon-vedelmi-kepzes/tavoktatas>

<http://www.sztnh.gov.hu/hu/sztnh/szellemitulajdon-vedelmi-kepzes/altalanos-es-kozepiskolas-szellemitulajdon-vedelmi>

### **Other activities**

## **VI. INTERNATIONAL COOPERATION ACTIVITIES IN THE FIELD OF TRADEMARK INFORMATION**

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

HU Trade Marks can be searched via TM-VIEW.

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

In order to reduce the supply of counterfeit and pirated products, to enhance the effectiveness of enforcement in the fight against counterfeiting and to mitigate the infringement of IP rights, the National Board Against Counterfeiting (NBAC) draws up proposals for regulation, organises events and information campaigns for awareness raising and conducts surveys. The NBAC has brought about cooperation with domestic and international stakeholders, and actively participates in the programs of the European Observatory on Infringements of Intellectual Property Rights (*Observatory*) operated by the EUIPO.

The NBAC's activity against counterfeit medicines led to the result that prescription-only medicines available at domestic pharmacies have been complemented with a new drug-safety element since 9 February 2019. On the occasion of the World Anti-Counterfeiting Day, on 6 June 2019, the NBAC and the National Institute of Pharmacy and Nutrition co-published a survey conducted on counterfeit medicines and the illicit trade thereof. In addition, in cooperation with the Hungarian Crop Protection Association and the National Food Chain Safety Office it conducted two surveys on whether farmers are aware of the possibility that pesticides might be counterfeit. According to the survey, 60% of the Hungarian customers have not even heard of counterfeit pesticides. According to a survey conducted among farmers, as much as one-fifth of the pesticides placed on the Hungarian market may be counterfeit or of illegal origin.

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Assistance to developing countries

Other activities

## **VII. OTHER RELATED MATTERS**