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ANNUAL TECHNICAL REPORT

2001

ON TRADEMARK INFORMATION ACTIVITIES

submitted by

BELARUS

An annual series of reports on the trademark information activities
of members of the Standing Committee on Information Technologies

ANNUAL TECHNICAL REPORT ON TRADEMARK INFORMATION ACTIVITIES

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BELARUS**I. Evolution of registration activities:**

On November 17, 2000, the Law of RB on Inserting Amendments and Supplements to the Law of the Republic of Belarus (RB) on Trademarks and Service Marks entered into force. This was a new edition of the Law of RB on Trademarks and Service Marks which had been valid in RB since March 5, 1993.

During 2001, there was elaborated and entered into force the mechanism for realization of the above-mentioned Law.

- On February 23, 2001, the Regulations on Compiling and Filing Applications for Registration of Trademarks (Service Marks) and the Regulations on Proceedings in Respect of Applications for Registration of Trademarks (Service Marks) with the State Patent Committee of RB containing Belspatent explanations for the use of the Law were put into effect.
- On August 31, 2001, there were put into force the Regulations on Examining Applications for Registration of Trademarks (Service Marks) in the State Patent Committee of RB.
- On September 8, 2001, there were confirmed the Regulations on Declaring a Trademark to Be Famous in the Republic of Belarus.
- On May 29, 2001, there were inserted amendments to the Statute of Patent Duties and Fees in respect of duties collected for registration of trademarks.

In 2001, the number of applications for registration of trademarks reached its maximum and amounted to 6778 applications. The growth of the number of applications filed under the national procedure as well as under the Madrid Agreement on the International Registration of Marks was observed. The leading place among countries-applicants which filed applications under the Madrid procedure in 2001 belonged to Germany (29%), Switzerland (15.5%), France (9.5%), Italy (8.5%) and Hungary (5%). The number of applications filed by these countries amounted to 68% of the total.

General information on applications for registration of trademarks filed in RB is presented in Table 1.

Table 1

	2000	2001	2001/2000 %
Applications for the registration of trademarks filed, total	5925	6778	114.4
under the national procedure	2275	2782	122.3
of which:			
- by national applicants	1344	1885	140
- by foreign applicants	931	897	96
under the Madrid Agreement procedure	3650	3996	109.5

During 2001, there was carried out examination of 2233 marks filed for registration under the national procedure and were taken 1814 decisions about registration. There was carried out examination of 3768 applications under the international procedure as a result of which there were taken 134 decisions about a complete refusal to register marks and 176 decisions about a partial refusal. In 2001, there were totally registered 1490 marks under the national procedure and 3666 marks under the Madrid Agreement procedure.

Data on the number of trademarks registered in RB are presented in Table 2.

Table 2

	2000	2001	2001/2000 %
Trademarks registered, total	5150	5156	100.1
including:			
under the national procedure	1500	1490	99.3
of which:			
- by national applicants	715	801	112
- by foreign applicants	785	689	87.8
under the Madrid Agreement procedure	3650	3666	100.4
Trademarks valid by the end of the year,			
total	46269	51105	110.5
under the national procedure	13237	14726	111.2
under the Madrid Agreement procedure	33032	36379	110

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

In 2001, in the official bulletins “Trademarks” of Belpatent there were published data on 1361 trademark certificates. Data on each trademark contain its bibliography and image as well as the list of classes with the indication of goods and services in which respect this trademark is registered. In the official bulletins there is also published information on all amendments of the legal status in respect of trademark certificates, corrections and changes in bibliographic data relating to trademarks, errors made in a particular official bulletin. The official bulletins contain systematic and numbering indices of applications and certificates for trademarks and service marks.

The official bulletin “Trademarks” is published on a paper carrier. Its circulation is produced at the printing shop provided with copying equipment for reproduction of black-white and colour pictures as well as equipment for carrying out afterprinting operations.

After making a decision on applications for trademark registration bibliographic data on trademarks as well as the list of goods and services in respect of which they are registered are introduced into the automated database of trademarks. Graphical images of trademarks are introduced into the database by scanning and converting them into a machine-readable form. The data introduced into the database are used for publishing the official bulletins with the assistance of the automated publishing system developed on the basis of Visual FoxPro software.

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

In 2001, when registering trademarks and service marks Belpatent used:

- the International Classification of Goods and Services (Nice Classification), the seventh edition, for classifying goods and services;
- the International Classification of Figurative Elements (Vienna Classification), the fourth edition, for classifying figurative elements.

Trademark applicants are obliged to indicate goods and services in which respect registration is claimed grouped in accordance with classes of the International Classification of Goods and Services as well as the numbers of classes to which the given group of goods and services refers.

IV. Trademark manual search file establishment and upkeep:

The manual search file of the Examination Department for Trademarks of Belpatent consists of the card index of national marks and signs applied for registration containing figurative elements. This card index is regularly filled up due registration of marks.

V. Activities in the field of computerized trademark search systems:

The in-house automated subsystem "Trademarks" is constructed on the grounds of the national database of word, figurative and combination trademarks and signs applied for registration containing bibliographic data, graphical images of trademarks, the list of goods and services. The search system with the interface and capabilities similar to ROMARIN exists. To conduct automated searches for the purposes of national registration the database of the Examination Department for Trademarks is replenished by the way of inputting new applications as well as decisions taken on applications during the year. As of January 1, 2002, the database of trademarks contained information on more than 22000 subjects.

In 2001, to provide automated searches in respect of national marks and signs applied for registration, Belpatent started to create the automated database of national marks and signs applied for registration containing figurative elements as well as to develop the automated search system on the basis thereof.

The examiners of the Examination Department for Trademarks have direct access to the database of international registrations on ROMARIN CD-ROMs in the local net.

During 2001, there were carried out works to improve the existing in-house automated systems in accordance with requirements of users as well as to create and introduce new in-house systems. In this way the subsystem of licensing was finished and launched into test operation. Changes were introduced into the trademark automation subsystem in the mode "client-server", into the programmes for printing payment documents of the accounting subsystem.

The in-house automated subsystem "Trademarks includes:

Hardware:

- DELL Power Edge Server 2100/200 (RAM – 64 MB, HDD – 4.3 GB);

- 486, Pentium, Pentium MMX, Cel 300A, 466 workstations – 14 units;
- HP ScanJet 3P,4P scanners – 3 units;
- 10 MB Ethernet local network.

Software:

- Windows NT Server 4.0, Windows 9x operation systems;
- MS SQL Server 6.0, VFoxPro database management systems.

Data carriers:

Diskettes 3.5in, CD- and DVD-ROMs.

- 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):

Information on trademarks of foreign countries published in official bulletins received within the framework of international exchange is available to everybody in the Republican Patent Collection of the Republican Scientific and Technical Library (RNTB).

Users are provided with the following services of the Republican Unitary Enterprise of Intellectual Property “RUPIS”:

1. Carrying out of a preliminary protectability evaluation of a sign on the absolute grounds, within 5 days, with preparing a conclusion.
2. Before filing an application for registration of a trademark, carrying out of a search for a sign (word, figurative) in the database of trademarks and signs applied for registration, within 5 days, with presenting a search report.
3. Before filing an application for registration of a trademark, carrying out of a search for a combination sign in the database of trademarks and signs applied for registration, within 7 days, with presenting a search report.
4. Carrying out of a search for a sign (word, figurative, combination) as for identity and similarity in the database of trademarks, within 10 days, with presenting a report on identical and similar signs revealed.
5. Carrying out of a firm search, within 10 days, with presenting the list of selected signs registered and applied for registration.
6. Carrying out of a preliminary protectability evaluation of a sign (word, figurative, combination) on the absolute grounds and a search of a sign as for identity and similarity for the purposes of examination in respect of an application for registration of a trademark which has passed preliminary examination within 1 month from the date of making a request for examination.
7. Preparation of a priority document and duplication of the initial application within 5 days.
8. Preparation of data on a trademark registration certificate within 5 days from the date of registration in the State Register of Trademarks.
9. Carrying out of a search throughout the file of registered license and cession contracts in respect of trademark registration certificates.
10. Duplication of application, registration and other materials.

VII. Matters concerning mutual exchange of trademark documentation and information:

In 2001, international exchange of official bulletins with 40 countries and 3 international organizations continued through RNTB. Patent documentation received in the course of exchange allowed to go on with completing the Republican Patent Collection.

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

In 2001, the Republican Unitary Enterprise of Intellectual Property "RUPIS" continued its work for retraining and improving professional skill of RB specialists in the patent and innovative activity.

On November 28-29, 2001, there was held the seminar on enforcement of intellectual property rights for the judiciary within the framework of cooperation between the government of RB and WIPO. The seminar was organized by WIPO together with the Coalition for Intellectual Property Rights and WIPO. About 120 specialists including representatives of legislative and judicial authorities of RB, specialists of legal support from Belpatent, the Association of Patent Attorneys and the Belarusian Society of Inventors and Innovators took part in its work.

In 2001, there were published 4 next issues of the scientific-practical journal "Intellectual Property in Belarus", one of its founders was Belpatent.

IX. Other relevant matters.

Nothing to report.

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