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ANNUAL TECHNICAL REPORT

2001

ON TRADEMARK INFORMATION ACTIVITIES

submitted by

CHINA

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

- Changes experienced in terms of application filings and registrations with respect to the previous year;
- Trends or areas experiencing rapid changes with respect to the previous year.

The Trademark Office accepted 270,417 applications for trademark and service mark registration in 2001, 47,240 more than that of 2000, constituting the largest number since the recovery of the uniform national registration system. Increasing by a large margin, the number of domestic applications reached 229,775, 48,058 more than that of 2000, accounting for 85% of the total; the number of foreign applications were 23,234, accounting for 8.6%; and the number of Madrid applications for territorial extension were 17,408, making up 6.4% of the total. In terms of the classes (as defined in the International Classification of Goods and Services for the Purposes of the Registration of Marks), Class 25 (mainly clothing) received the largest number of applications, followed by Class 9 (mainly electronic apparatus and instruments), Class 30 (foodstuffs), Class 42 (catering, medical service, beauty care and computer programming) and Class 5 (pharmaceuticals). The number of applications in respect of these classes are 36,955, 22,634, 16,676, 12,852 and 11,707 respectively. The Trademark Office also accepted 14,311 renewal applications, 5,999 opposition applications, 83,580 applications for modification of name and address, transfer, removal and cancellation. 49 certification marks were accepted in addition to 3 collective marks and 126 special signs. The total number of various kinds of applications accepted in 2001 was 374,485.

In 2001, The Trademark Office approved 139,014 applications for registration, 26,185 modifications, 27,692 assignments, 11,430 renewals, and 2,462 cancellations and withdrawals, concluded 3,248 opposition cases, made 21,467 license contract records and 1,877 corrections of certificates, approved 23 certification marks, 3 collective marks and 126 special marks. Altogether 202,839 marks were approved for registration in the year. By the end of 2001, China had had 1,452,277 registered trademarks in force.

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

- Publishing, printing, copying techniques;

Using the advanced publishing and printing techniques to finish the matters concerning the generation, reproduction, and distribution of the trademark gazettes.

- Main types of announcements of the Office in the field of trademark information; The Trademark Gazette, published on a weekly basis.

- Mass storage media and microforms used;
High-capability disk array for the storage of data and high-capability tape for backup.

- Word processing and office automation;
Word-processing and office automation have been achieved on the whole.

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

The Trademark Gazette typesetting system has been finished and put into use.
CD-ROM based on electronic bulletin system is under development.

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 state 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 Trademark Office uses the Nice Classification, and when necessary further reclassifies the goods and services to meet the domestic demands.

The Trademark Office uses the Vienna Classification for trademark image search.

- 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 Trademark Office has built electronic classification systems to help internal searching.

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

The applicants have the obligation to use prescribed terms for goods and services. It plays a significant role in promoting the standardization, automatization and promotion of development of international exchanges and cooperation.

- Bibliographic data and processing for search purposes.

To facilitate trademark search, databases have been established, and software developed.

IV. Trademark manual search file establishment and upkeep:

- File Building;

The Archives Division of the Office is responsible for the establishment and maintenance of documentary archives.

- Updating;

Staffs of the Archives Division update the documents every day.

- Storage, including mass storage media;

Original documents are scanned and stored on multi-GB hard disk array. The electronic archives are also backup on CD-ROMs.

- Documentation from other offices maintained and/or considered part of the available search file.

Documents from other Offices are not kept except where registrations in China are concerned. Other information is not specially maintained.

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

- In-house systems (online/offline);

An in-house search system has been established, with over 300 terminals.

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

Documentary database concerning the register and other original documents has been established.

- Equipment used (hardware, including the types of terminal and network used, and software), carriers used.

The server used is SUNE6000, with 488GB hard disk, and 8GB memory. The Application Software used is the system software programmed by a software house.

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):

- Planning, administration, automation, security;

System Project Phase II has been finished. The whole trademark workflow in our office can be automated.

- Collection management, preservation;

A division of the Office is responsible for the collection, management and maintenance of documents.

- Information services available to the public (including computerized services and search files contained in libraries remote from your Office and trademark information posted by your Office on the World Wide Web).

Libraries of a certain scale have the relevant material. Some of them offer computerized service.

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;
- Exchange of machine-readable information.

The main exchanged media is CD-ROM gazette.

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

- Promotional activities (seminars, exhibitions, visits, advertising, etc.);
- Training courses for national and foreign participants;
- Assistance to developing countries (sending consultants and experts, receiving trainees from developing countries, etc.).

In 2001, the Trademark Office, SAIC hosted 27 visiting foreign delegations, dispatched 34 delegations to attend WIPO conferences, or to visit countries including Switzerland, Germany, Australia, New Zealand and Japan, or to attend training courses or symposiums held in Japan, Korea, Thailand, Vietnam, Norway, Mexico, and Uruguay. Through extensive international exchanges, the Trademark Office further strengthened ties with WIPO, increased exchange and cooperation with other countries in respect of trademark operation and trademark legislation, and raised China's status in the world intellectual property rights circle.

IX. Other relevant matters.

Second revision of the Trademark Law.

On October 27th, the 24th Session of the Standing Committee of the Ninth National People's Congress considered and adopted the "Decision on the Revision of Trademark Law of the People's Republic of China", making significant revisions to the Trademark Law. The session also decided that the revised Trademark Law should come into force on December 1st. This revision, being the second one since the Trademark Law was issued, is to meet the needs of China's entry into WTO, and to fully comply with "Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement)".

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