

ANNUAL TECHNICAL REPORT OF BELGOSPATENT ON TRADEMARK INFORMATION ACTIVITIES IN 1998

I. Evolution of registration activities

In 1998, there were received 6339 applications for registering, of them 2070 applications were filed under the national procedure and 4269 applications - under the Madrid Agreement procedure.

The total decrease of the number of applications in comparison with 1997 is 3.5%. In 1998, the number of applications filed by foreign applications under the national procedure greatly decreased and amounted to 897 (by 15% less than in 1997). At the same time, the number of international applications filed under the Madrid Agreement procedure practically remained at the same level.

The leading position among foreign countries-applicants is occupied by Germany (1475 applications). Then follow France (584 applications), Switzerland (547 applications) and Italy (442 applications). More active in respect of filing applications there became the following countries: Russia (159 applications), Poland (139 applications) and Spain (126 applications).

The number of applications filed by national applicants in 1998 totalled 1173, the decrease in comparison with 1997 amounted to 3%.

Since the end of December, 1998, the Regulations on Conducting Clerical Work in Respect of Applications for Trademark (Service Mark) Registration in Belgospatent have operated. These Regulations set requirements of holding correspondence, executing documents enclosed with applications, including letters of consent, the order of conducting clerical work in respect of applications in accordance with the Madrid Agreements, etc.

In 1998, the term of considering applications greatly reduced and became less than 2 years. During the year, there were examined 2243 marks filed for registration under the national procedure. As a result, there were taken 1989 decisions to register marks. There were also examined 4309 applications filed for registration under the international procedure as a result of which there were made 158 decisions about full rejection of mark registration, 165 decisions about partial rejection and for 179 applications decisions with disclaiming nonprotectable elements.

In 1998, in the Republic of Belarus 4215 marks were registered under the Madrid Agreement procedure, whereas the number of marks registered under the national procedure amounted to 2160.

As on December 30, 1998, the total number of marks registered in the Republic of Belarus was equal to 35489.

II. Matters concerning the generation, reproduction and distribution of secondary sources of trademark information

The data on trademarks registered are published in the Official Bulletin which is issued quarterly. There are contained bibliographies with the indication of goods and services as well as black-white and color reproductions of trademarks. The Official Bulletins have the systematic and numbering indices as well as the part "Notifications" in which all amendments of legal character concerning trademarks are placed.

In 1998, there were published 2190 trademarks and service marks.

Applications for trademarks are received and stored on paper carriers. The data base (DB) of trademarks was created but the process of its improvement has continued. On the basis of information contained in DB there were created and have been functioning 2 systems: the system of automated clerical work (WS for an examiner and WS for an operator) and the system of preparation for imposing official publications (WS for a publication manager and WS for an imposer).

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

The 7th edition of the International Classification of Goods and Services is used for classifying goods and services. To classify figurative elements of trademarks there is used the International Classification of Figurative Elements (the 4 th edition). However, marks are classified by means of the codes of this Classification only up to 4, not up to 6 signs(e.g., 01.01, 05.03, etc.). It is connected with the fact that the information file of trademarks and trademark applications is still not large and the use of the simplified Classification is justified for the time being.

In case of filing an application Belgospatent doesn't require classification of figurative elements from an applicant. This is done by an examiner of the Examination Department for Trademarks. What concerns the list of goods and services, then Belgospatent requires to indicate them in applications preferably by the terms of the International Classification of Goods and Services.

IV. Trademark manual search file establishment and upkeep

The search file is composed of information on paper carriers, DB of trademarks, CD-ROMs. Manual search is still fulfilled for national trademarks and trademark applications which have figurative elements. Each card of the card index contains the reproduction of a mark, the number of an application or registration, the number of classes, codes of the International Classification of Figurative Elements. Cards in the card index are duplicated in accordance with codes and the main code is underlined.

The card index is continuously updated and has its archive.

As to all word trademark applications and international registrations of trademarks with figurative elements, searches are carried out on computers in the interactive mode.

Documentation of other Patent Offices referred to trademarks is available in the form of Patent Gazettes (Bulletins) on paper carriers and on CD-ROMs.

The Examination Department for Trademarks regularly receives the WIPO Magazine as well as publications about laws of different countries and Russian magazines of theoretical and practical character.

V. Activities in the field of computerized trademark search systems

In Belgospatent there functions the automated system of search in the national DB of trademarks. Searches are also executed by means of CD-ROMs.

There are used IBM-compatible computers from 1286 to Pentium II 300 combined by a local network Microsoft, a network protocol NetBEUI,TCP/IP; 3 servers Windows NT. At the workstations there are used OS Windows 95/3.11, MS Office 95, DBMS –MS SQL 6.5, Visual Fox Pro 5.0.

ROMARIN CD-ROM stations are used as external bases to conduct searches for international marks.

VI. Administration of trademark services available to the public

Searches for trademarks are obligatory when carrying out examination. Proceeding from the results of these searches examiners can make a conclusion that there exist earlier rights and for this reason can reject registration of trademarks. On orders of applicants, Belgospatent can make a search as to identity and similarity before filing an application, perform searches of trademark holders and can speed up examination of trademark applications.

Moreover, Belgospatent provides copies of documents related to trademarks, extracts from the Register of Trademarks and so on. DBs of trademarks are not yet accessible for everybody. Extensive searches in the national DB are carried out according to many criteria with issuing results in the form convenient for users.

Belgospatent plans to create its own Web-server.

VII. Matters concerning mutual exchange of trademark documentation and information

The Official Bulletin of RB which contains data on patents for inventions, utility models and industrial designs as well as on certificates of trademark registration is distributed on paper in the framework of international exchange to 41 countries and 4 international organizations. In return, Belgospatent receives Official Bulletins of these countries both on paper and on CD-ROMs.

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

In 1998, the deputy chief of the Examination Department for Trademarks participated in the 1-st meeting of the WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications in Geneva. In November of 1998, the chief of the Department had one week training in protection of industrial property subjects including trademarks in the Austrian Patent Office and the EPO Sub-Office in Vienna.

In 1997-1998, 5 specialists of the Department completed the 2 year course in legal aspects of industrial property protection at the Training and Research Centre of Industrial Property and 1 specialist takes this course now.

Belgospatent regularly conducts practical seminars on different aspects of trademark protection for patent attorneys.