

ANNUAL TECHNICAL REPORT ON TRADEMARK
ACTIVITIES OF THE GERMAN PATENT AND
TRADEMARK OFFICE IN 1998

I. Evolution of registration activities:

In the year 1998 the number of trademark applications increased to 610 compared to 56,992 trademark applications in the year 1997 and 51,671 in the year 1996. The number of opposition procedures has returned to a normal level (13,783 compared to 20,204 in the previous year).

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

The Trademark Gazette is published by a private publishing company, WILA Verlag Wilhelm Lampl GmbH on behalf of the German Patent and Trademark Office. The Office is not concerned with the technical details of the publishing.

The main announcements of the Office in the field of trademark information are:

- The Trademark Gazette
- The EC-ROM Demas
- The Trademark Online Information System DPINFO III
- The Trademark Register (electronic register and paper form).

The mass storage media and microforms used are hard-disks and Exabyte-tapes; the images are stored on optical disks.

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

Goods and services are classified according to the Nice Classification (Annex to Section 15 of the German Trademark Regulations).

Figurative elements of trademarks are classified by the German Patent and Trademark Office according to the Vienna Classification.

The German Patent and Trademark Office does not use an electronic classification system. Classification of all filings is done by examiners specially trained in classification matters to ensure a uniform classification particularly of terms not yet included in the Alphabetical List. Applicants are obliged to use terms which permit classification of the individual good or service in a class of the classification. Those terms should either be of the Alphabetical List or generally used in the course of business. There is however no obligation to use pre-defined terms of classification (Section 14 German Trademark Regulations).

The basic bibliographic data (name of the applicant, name of the representative, name of the trademark, classes of goods and services, classes of the figurative elements) of all application filings are entered into the Office's internal data base within 10 days of receipt of the application thus allowing for an electronic search at a very early stage of the procedure.

IV. Trademarks manual search file establishment and upkeep

The Office's paper search file consists mainly of encyclopedia, dictionaries, reference books, law reports and periodicals. It is updated on a regular basis taking into account the different developments in each class of goods and services. The electronic search file comprises the Office's internal data base and a variety

of CD-ROM, including the law reports of the German Federal Patent Court, ROMARIN and the Community Trade Marks Bulletin.

From the year 1999 onwards, there will be the possibility of searching in the Internet.

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

The German Patent and Trademark Office has developed a computerized in-house search system containing all relevant information on registered, cancelled, rejected and international trademarks. The search covers all data of the trademarks, including images, name of the applicant and representative, list of goods and services, date of registration and publication, in case of refusal the basic ground for the decision.

The Office has access to the external databases ROMARIN and the CD-ROM Demas. The workflow-system for administrative support which provides the complete data for the electronic register and for statistical purposes and was still used partly (in a reduced number of classes) until October 31st 1997. Currently the workflow-system is no longer in productive use. However, the data for publication for the Trademark Gazette are provided on tape. All the necessary data for publication are stored in the system by ORACLE forms masks after registration. The main reason for the decision to work manually and store the necessary data at the end of the examination procedure before publication was the inflexibility of the workflow-system which could handle only the standard applications, but was not able to cope adequately with problems in specific cases.

An electronic file system keeps track of all the trademark applications, provides the basic informations (name of the applicant, name of the trademark, leading class) and current status of the application. This system is based on a standard product.

The technical equipment used in general is the following:

- Client-Server architecture with PC's based on 486 CPU and 586 CPU

- Server-systems: Sequent SE 30 and HP Server, Ultrix Server and DEC Server.

VI. Administration of trademark services available to the public:

There are different information services available:

Electronic access to the official Trademark Register is offered to the public within the Industrial Property Rights Information System DPInfo III, which contains legal and procedural status data of the nationally registered trademarks. There are special files in this data base for rejected trademarks, and beginning in 1998 for data of trademark applications, which are not yet registered and neither rejected nor withdrawn. Searches can be performed for trademark designations in the text as well as for register numbers.

The external access requires special hard- and software equipment. For security reasons the user gets an individual password and user-name. An internet access is planned.

The Office has issued numerous information leaflets regarding the Trademark application and registration procedure including examination guidelines.

The General Inquiry Office of the German Patent and Trademark Office offers help to all questions concerning the preparation of a trademark application by phone and by mail, starting in 1998 also by e-mail. The Office has established a special telephone hotline to answer questions of those applicants who had already filed an application.

The Trademark Gazette and the CD-ROMs DEMAS, ROMARIN, CD-COM are available to the public in the public reading rooms of the Office in Munich and Berlin and at the 25 regional patent information centres.

The German Patent and Trademark Office is also represented in the Internet under <http://www.patent-und-markenamts.de>

The information covers all general topics concerning trademarks and the registration procedure. Over the Internet certain leaflets and forms for filing an application are available.

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

The German Patent and Trademark Office exchanges the German Trademark Gazette ('Markenblatt') with 36 Patent Offices. 24 Offices receive the CD-ROM DEMAS.

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

In 1998, the progressing world-wide integration required again an increased presence of the German Patent and Trademark Office in European and international forums as well as within the framework of the technical cooperation with foreign patent and trademark offices. The Office took part in particular in the discussions in the Standing Committees on the Law of Trademarks and on Information Technologies.

The technical cooperation with foreign patent and trademark offices once again has been intensified. Numerous training activities were organized for foreign experts, a.o. from Poland, Croatia, Ukraine, Russia, India, China, Turkey, the Republic of Korea and Kenya, who were particularly interested in the trademark and patent examination procedures as well as in patent information. Additionally, as in the previous years, a three weeks' seminar was held for civil servants from developing countries. Other visitors came from Finland, France and Great Britain.

Among the visitors of the German Patent and Trademark Office were also students from the USA and three Japanese delegations.

Highlights of 1998 were the visits of the Commissioners of the US Patent and Trademark Office and the Japanese Patent Office, who have both shown interest in intensifying the cooperation with the German Patent and Trademark Office and gathered information on the electronic patent information system DEPATIS.