ANNUAL TECHNICAL REPORT 1998 ON TRADE MARK ACTIVITIES OF THE OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (TRADE MARKS AND DESIGNS).

I. EVOLUTION OF REGISTRATION ACTIVITIES:

In 1996, during the Office's first year of operation, an overwhelming amount of Community Trade Mark Applications (CTMAs) were received, amounting to 43,010, which was almost three times the figure originally foreseen. In 1997 the Office received another 23,243 applications, and in 1998, the number of new applications increased again to 31,238.

During 1998, the initial backlog was overcome to a large extent, and a total of 12,374 Community trade marks were registered.

II MATTERS CONCERNING THE GENERATION, REPRODUCTION, AND DISTRIBUTION OF SECONDARY SOURCES OF TRADEMARK INFORMATION, I.E., TRADEMARK GAZETTES:

The Community Trade Marks Bulletin (CTMB)

a) The CTMB on paper

The CTMB is a multilingual paper publication in the 11 languages of the European Union (rate 1,500 EUR).

It is published weekly and comprises several parts:
- Part A: CTMAs
- Part B: Registrations
- Part C: Entries on the Register
Other parts are foreseen to be included at a later stage:
- Part D: Renewals
- Part E: Conversion claims
- Part F: Claims for *restitutio in integrum*

The first issue of the CTMB was published on 10 March 1997, with the assistance of the Office for Official Publications of the European Community in Luxembourg (OPOCE). OPOCE is also responsible for the administration of subscriptions and for disseminating the Bulletin to our subscribers (almost 700 for the paper edition). Free copies are provided to other institutions as part of the publications exchange.

b) The CTMB on CD-ROM

The CTMB has been available on CD-ROM since 13 July 1998. The CTMB on CD-ROM, with the exception of the index, is not cumulative. In addition to the information on paper, it also includes an interface in the 5 languages of the Office and other useful data on the Nice and Vienna classifications. Most of the fields on CD-ROM (File number, filing date, trade mark, etc.) are indexed in order to facilitate queries.

General publications on Community Trade Marks (CTMs)

CTM-DOWNLOAD

Since July 1996, the OHIM has been producing a monthly CD-ROM containing all data relating to CTMs that is available in the Office's EUROMARC internal database. This service is not intended for the general public, but rather for companies wishing to build their own systems making use of the data. The national offices also receive this data in order to perform their duties vis-à-vis the provision of information.

Those interested in making commercial use of the data of the Community trade marks have signed a licence agreement. The licence fee has been maintained at 5,000 EUR since 1996, and 25 licences have been granted to date.

Since November 1998, the Office's CD-ROM for CTMAs has been replaced by an on-line access facility, entitled *CTM Download*. This new service has been created in response to numerous requests from both Central Industrial Property Offices and commercial service providers to have rapid access to data concerning new Community trade mark applications and to receive only amended or supplementary data.

III MATTERS CONCERNING CLASSIFYING, RECLASSIFYING AND INDEXING OF TRADEMARK INFORMATION:

International Classification of Goods and Services (Nice Classification)

The Office classifies the goods and services according to the Nice Classification. Internice is being used as a tool for the classification process.

Applicants are not obliged to use pre-defined terms of the classification, and, according to the Regulation, only a "list of goods and services" is required.

International Classification of the Figurative Elements of Marks (Vienna Classification)

The Office classifies the figurative elements of marks according to the Vienna Classification. Around 20,000 logos have been classified during the year.

The coding of the verbal and the figurative elements of applications takes place immediately after reception of applications so that they are stored in the database where the searches are performed. The figurative classification is based on an internal extended version of the 4th edition of the Vienna Classification. These extensions have been made to meet the necessities of our work.

IV TRADEMARK MANUAL SEARCH FILE ESTABLISHMENT AND UPKEEP

There are no manual search files.

V ACTIVITIES IN THE FIELD OF COMPUTERIZED TRADEMARK SEARCH SYSTEMS:

In-house systems

The in-house electronic system, developed exclusively for the OHIM, was installed in 1998. The first verbal searches were performed in July, the figurative searches started in August. The OHIM carried out 15,000 Community Searches in the last 6 months of 1998, 10,000 verbal and 5,000 figurative.

The system performs the searches in 2 steps:

- First the verbal and/or figurative question is built, and the application is sent for electronic search (by default in batch mode, but an interactive mode is available);

- Secondly the results of the search are examined, the hits which are identical and/or very similar are selected by the operator to be included in the search report.

External databases

No external sources are used in the Community search.

Administrative management systems

For administrative functionality, the search system provides the Statistics module and different Tool modules (Keywords management, Notebook management, Applications Management, etc.).

The Statistics module allows statistics on:

- coding status (checking required, automatic coding, needs checking and checked).

- search status (not searchable, assigned, not classified, classified, completed).

- users (number of applications coded, number of searches performed, average use of question-words, figurative codes, operators codes, figurative hits, verbal hits and selections included in the report).

- Vienna codes

- average of Vienna codes per application.

The Tools modules are:

- The Keywords management: When the user has forgotten which Vienna-class should be used a figurative element, the system offers the possibility to find again the forgotten Vienna-class by typing a "keyword" from the Vienna denomination of this figurative element.

- The Notebook management: It is possible to make a note about how to use a given Vienna-code. This note will appear together with its corresponding code of the Vienna Classification on the screen.

- The Filters management: It enables to update the list of small and meaningless words that the system will disregard when performing the verbal search (a, un, le, una, etc.).

- The Families management: The "families" of figurative elements can be created which makes it easier to find them back for later coding.

- The Management of Reference Images: When the operator has a doubt whether to assign a Vienna-code or not to a given figurative element, he is able to view some references of the same class.

- The Vienna management: Used to unable Vienna-classes, which will no longer be used.

- The Management of applications: It allows to assign a specific search to another operator.

- The Queue management: The searches, which are waiting in the spool queue, can be viewed.

- The Server management: It allows to assign a specific server to perform the search.

Equipment used

- The search server: it is running under Windows NT 4.0 Server. The search server is configured to run four searches simultaneously. The server memory holds all data necessary for searches to be performed.
  Hardware configuration:
  - 8.1. Search System Server
  - Digital Prioris ZX6200
  - 512 MB ECC memory
  - 4 processors: Pentium Pro 200 Mhz

- The client Workstation: it is running under Windows NT 4.0.
  Hardware configuration:
  - Pentium II 322 MHz, 64 MB, or
  - Pentium 200 MHz MMX, 64 MB,
  - with MS Office 97.

- The Search System DB : the operating system is Solaris 2.5.1, the Data Base Management System is Informix 7.14 UG5.
  Hardware configuration:
  - Sun Ultra Enterprise 5000 with 4 UltraSparc -250MHz processors
  - 2GB RAM.

- The network: is TCP/IP.

- The Software: the search system software has been written in C++, and consists of around 140.000 lines of codes. Leadtools 32bit is used for the management of image display and ODBC Informix-CLI 2.5 (32bit) for DB connections.

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 REGSITRY EXTRACTS):

The information section

This section was set up in order to answer all the questions raised by the public concerning the OHIM, the CTMs and the registration procedure. It is also responsible for redirecting questions which may require more specific knowledge and it copes with very numerous written requests for information and, in particular, documentation (forms, booklets, legal texts concerning the Community trade mark, requests for openings of current accounts, requests for registrations on the list of the professional representatives, etc.).

An internal database was established making it possible to generate standard letters in 5 languages.

In 1998, approximately 120 daily requests by telephone were dealt with, in other words, there were almost as many enquiries as there were new applications filed. Each day there are between 25 and 35 written requests for information received by post, fax, and in the form of messages left on OAMI-ONLINE.

There are 20 law firms installed in Alicante. These firms come from all over Europe (France, Germany, Italy, the Netherlands, Spain, the United Kingdom, etc.) and deliver from 5 to 20 applications (or even more) at the reception each day.

VII MATTERS CONCERNING MUTUAL EXCHANGE OF TRADE MARK DOCUMENTATION AND INFORMATION

OHIM continues its publication exchange with numerous Industrial Property Offices worldwide: all EU Member States, the first and second wave candidate countries for the EU enlargement, and other countries at their request.

These publications include the Community Trade Marks Bulletin (on paper and on CD-ROM), the Official Journal and the Annual Report.

VIII. MATTERS CONCERNING EDUCATION AND TRAINING INCLUDING TECHNICAL ASSISTANCE TO DEVELOPING COUNTRIES

Promotional activities:
- Participation in "Patlib" held in Alicante, Spain (May 1998)
- Participation in Europartenariat España (November 1998)

Training courses for national and foreign participants:

In 1998, there has been a considerable increase in bilateral cooperation with national offices of non-member countries such as the Czech Republic, Poland and Slovenia. An on-the-job training visit was organised for civil servants of the Industrial Property Office of the Czech Republic and a seminar on the Community trade mark was jointly organized with the EPO at the Polish Patent Office.

In the course of 1998, OHIM signed Memoranda of Understanding with the Japanese Patent Office and the Korean Industrial Property Office, aiming at the cooperative relationships between the respective office and OHIM.

Since November 1996, when the EC-Vietnam Intellectual Property Project was launched, OHIM has been in charge of carrying out activities falling within the field of trade marks and designs. In 1998, a Vietnamese delegation presided by the Deputy Director General of the National Office for Industrial Property (NOIP) came for a two-day visit on Office Management to Alicante. Also, training on trade mark and design examination for members of the NOIP took place both in Hanoi and in Europe.

A publications exchange has been set up.