

# QUESTION MARKS

Newsletter

MARCH 2009

## A JOB FOR SPECIALISTS



For more than 40 years we have concentrated on trademark searches. Our ambition is and remains to deliver the most reliable trademark information to our customers, presented in an orderly fashion and delivered on time. That is a job for specialists. To give you an idea of the complexity and various phases of the search process, we will be taking you behind the scenes of our Antwerp based Trademark Search Department in this edition. You will read about how our experts operate and why a search is essential for avoiding conflicts at a later date.

In continuation of this story we introduce an easy online solution which calculates the price of a trademark search in no time – and subsequently makes it easy to order online. 'Price & Order' suits our service-oriented strategy perfectly.

Your input and feedback remains our source of inspiration in 2009. We hope to meet you at the annual INTA meeting in Seattle or at one of the many other conferences for trademark specialists in Europe.

I wish you lots of reading pleasure.

Jan Broeckx, Managing Director



Jan Broeckx, Managing Director

### BE SURE TO READ:

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## PRELIMINARY SEARCHES THROUGH THE OHIM FROM 16 TO 12

Since 10 March 2008 national searches for Community Trademarks only occur upon payment and at the explicit request of the applicant. Sixteen member states initially participated in the new system. On 1 January 2009 that number reduced to twelve when Ireland, Portugal, Sweden and the United Kingdom withdrew.

The following countries continue to conduct preliminary searches: Bulgaria, the Czech Republic, Denmark, Greece, Spain, Lithuania, Hungary, Austria, Poland, Romania, Slovakia and Finland.

Do you need information about Thomson CompuMark's national searches? Please contact our Customer Services.

## WINK IS NOT A TRADEMARK RUSSIAN BUSINESSMAN WAS TURNED DOWN DURING REGISTRATION

The Russian businessman Oleg Teterin has no right to the “;-)” symbol as a trademark. Rospatent, the Russian patent bureau, decided that emoticons cannot be registered as a trademark.

### **SUPERFON**

Oleg Teterin is Chief Executive of Superfon, a Russian company that sells advertising on mobile phones. He wanted to register the ;- ) emoticon. If it had been approved, companies that wanted to use this emoticon in Russia for commercial purposes would have had to get his permission otherwise they would have been sued.

### **NOT DISTINGUISHING**

Many sources immediately contested Teterin's claim. After all, a registration must distinguish one party's goods and services from the goods and services of others. Rospatent confirmed that an emoticon cannot be registered as a trademark. The patent bureau did register Superfon's logo, which contains a smiley as a design element.

Source: newsfromrussia.com



## COLOPHON

### **Question Marks**

Question Marks is the newsletter of Thomson CompuMark, meant for our clients and business partners, and is published three times a year. You can also find this newsletter on our website.

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Your feedback is highly appreciated. Please send your ideas, suggestions and comments to [compumark.questionmarks@thomsonreuters.com](mailto:compumark.questionmarks@thomsonreuters.com). You can also write a guest article.

### **PRIVACY**

If any of your details are incorrect or if you no longer wish to receive information from us, please inform us in writing at Thomson CompuMark Sint-Pietersvliet 7 2000 Antwerp, Belgium or send an e-mail to: [compumark.database.be@thomsonreuters.com](mailto:compumark.database.be@thomsonreuters.com). To view our full privacy statement, please go to [compumark.thomson.com/emea/privacy](http://compumark.thomson.com/emea/privacy).

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## NEW DATA

### TWO NEW DATABASES ON SAEGIS™ CUSTOM SEARCH

From now on you can screen your trademarks with SAEGIS Custom Search in Turkey and New Zealand.

The **Turkish database** contains approximately 390 000 trademarks. It includes all active trademarks with logo and all inactive trademarks from the last three years. Computer translations of the products and services list will be added in a later phase. We will keep you informed.

**New Zealand's database** contains about 450 000 trademarks. It also includes all inactive trademarks from the last three years.

SAEGIS Custom Search offers a total of 22 EU member states and more than 30 databases worldwide for online trademark screening.

### FOUR NEW REGISTERS FOR WATCHING AND ISS

Because Thomson CompuMark strives for the widest possible coverage for our watch service, we recently added four new registers to our worldwide watches: Cape Verde, Sao Tomé and Príncipe, Tonga and the Maldives.

These countries were also added to the ISS database. This means that you can conduct Identical Screening Searches to locate identical and phonetically identical trademarks.



1: Cape Verde, 2: Sao Tomé and Príncipe, 3: Tonga, 4: Maldives.

## PRICE & ORDER

### ONLINE IS QUICK, EASY AND RELIABLE

Calculating the cost price of a trademark search and then ordering it. Thomson CompuMark has a simple and reliable online tool for this: Price & Order.

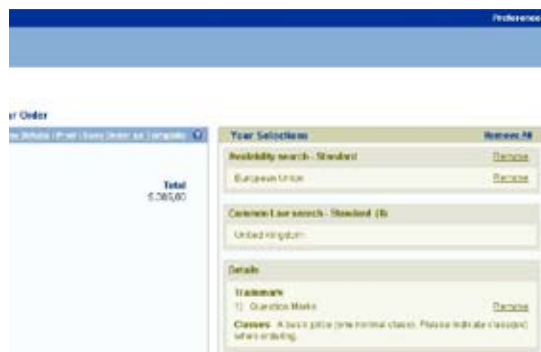
#### ACCURATE CALCULATION

Price & Order is a practical solution for calculating the costs of and placing orders for Thomson CompuMark's search products online. Formulating a request, determining the cost price, making and saving templates, selecting frequently ordered products and registers are all a lot easier with Price & Order. After a few steps you will already have an accurate price calculation. You can be sure that this price will correspond perfectly with the final fee for your order. That way you will never be confronted with surprises.

Price & Order will be an integral part of SERION™, the online workflow environment that Thomson CompuMark will launch in 2009. You can read more about SERION at [www.serioninfo.com](http://www.serioninfo.com). For further information about Price & Order or for a free password, please contact our Customer Services.

#### TIME SAVING

Not only is Price & Order convenient and reliable, it will also save you time. You can use it 24 hours per day and 7 days per week. The price calculation is immediately created in a Word file without the intervention of third parties. This is convenient as you are not limited to working just during office hours. By saving the calculations as templates you can place your next order even more quickly.



Price & Order is a practical solution for calculating the costs of and placing orders for Thomson CompuMark's search products online.



## TRADEMARK SEARCH DEPARTMENT OUR TRADEMARK SEARCHES INVESTIGATED

Do you want to screen or thoroughly investigate a trademark, commercial name, domain name, industrial design, applicant or owner? The experts at Thomson CompuMark's Trademark Search Department are ready to help you. How do they transform all that information from our accurate databases into a clear and complete report? Ivan Van Coninckxloey, Manager Trademark Search Department, will tell you.

### SEARCHES IN FIGURES

"The Trademark Search Department in Antwerp conducted 2 987 device mark searches and 30 591 word mark searches last year. Add to that 2 587 Common Law searches, 2 300 domain name searches, 6 400 company name searches, and 5 670 ISS searches and you will realise that we need a strong team to successfully complete all those assignments. We have fifteen analysts for word searches, ten for device searches and six that concentrate on other searches such as Common Law or domain name searches."

### STRATEGY AS A STARTING POINT

"After the order is entered by Customer Services and all requirements have been noted down, it is placed in the experienced hands of analysts. First they determine the strategy. Sometimes they need extra information about the trademark. If there is any uncertainty, our analysts contact the customer to discuss any necessary questions. This systematic approach improves the quality of the search."

### MAN AND MACHINE

"The analyst then analyses the trademark based on a trademarks list. This is generated by our intelligent search software. The technology guarantees an objective and consistent selection. The analyst then manually reviews this list using his extensive training and expertise in order to ensure the end results satisfy the customer's requirements. Technology and human input go hand-in-hand. Finally the search report is drawn up. To complete one word mark search an average of 1900 trademarks are viewed. For device mark searches this averages 5 300 trademarks."



Ivan Van Coninckxloey, Manager Trademark Search Department.

"Nothing is left to chance when guaranteeing the quality of searches."

### WORD MARK VERSUS DEVICE MARK

"There are many similarities between a word mark search and a device mark search. There are also important differences. Because it is work for specialists, each analyst performs word or device mark searches exclusively. Both tasks are never combined. For word mark searches the analyst adds alternative information to the search system. This can include trademark-specific phonetics, translations or the stipulation of a weak or strong element. The trademark selection occurs based on a conceptual or auditory similarity. The analyst's experience is indispensable. A device mark search works differently. We apply Vienna Codes to the various device mark elements. We enter them in a database. Vienna Codes are internationally accepted standard codes in which graphic elements are presented as a numeric code. We also apply our own, more in-depth parameters. We refine the search in order to find all visually similar trademarks."

### PERPETUAL TRAINING

"Trademark searches often seem like a subjective affair. Our analysts are professionally trained so they can analyse every trademark objectively and professionally and draw a theoretical line. Nothing is left to chance when guaranteeing the quality of searches. That is why our analysts first receive intensive training that lasts three to six months.



The experts of the Trademark Search Department transform the information in our databases into a clear report.

A senior colleague oversees their work and checks the report thoroughly. Then they are supervised intensively and continually assessed via frequent individual evaluation meetings. Every month the entire team comes together to discuss comments, market trends and other changes. This allows our selection analysts to refresh their knowledge constantly. Each analyst has excellent language skills for the region they are responsible for. That can be crucial when determining the correct strategy. This also enables the analyst to contact the customer in his or her own language. An absolute must!"

### CONTINUOUS QUALITY MONITORING

"To ensure maximum trust from our customers, quality controls are a vital daily routine. All strategies are checked. In addition, many of the word and device mark search reports are checked entirely. A feedback meeting always accompanies such checks. All these efforts result in top quality work from our Trademark Search Department every day."

### SEARCHES IN FIGURES

In 2008:

- 2 987 device marks
- 30 591 word marks
- 2 587 Common Law searches
- 2 300 domain names
- 6 400 company names
- 5 670 ISS searches

A team of:

- fifteen analysts for word mark searches
- ten analysts for device mark searches
- six analysts for other searches

### IN PRACTICE

Just imagine: you want to launch your trademark throughout the European Union. To that end you search the Community Trademark register, all the National registers of the member states and the International Register. You can search these registers separately by consulting the information of the National Trademark offices. That is often a difficult and time-consuming process. Sometimes it takes a few months before you obtain the desired information. Furthermore, the report from the National Trademark offices is not always complete because some EU countries do not deliver search reports and because every National Trademark office has its own criteria.

Often there isn't enough time to collect and process all this information, you do not have enough manpower, or this is not part of your core activities. In that case you can outsource your search to a specialised company like Thomson CompuMark. You will receive a complete and consistent search report with comprehensive search criteria, all within a few days. Thanks to the clear and uniform layout you will immediately see whether your trademark is available. You can also receive all reports in a digital format.

# THE CORRECT OPPOSITION PERIOD FOR INTERNATIONAL TRADEMARKS

International Trademarks are governed by the trademark law of the member state where you are seeking protection. Depending on the result of the national search, International Registration can be completely or partially refused. New International Registrations or the territorial expansion of existing registrations that seek protection in countries with an opposition procedure must undergo a procedure that is similar to national registrations in the concerned country.

The duration of the opposition is, in principle, the same but sometime there is a difference in the moment that the opposition period starts.

Here is a list of the current member states in the Madrid Agreement or the Madrid Protocol with an opposition system.

Register	opposition period: (the opposition period starts after publication in the national trademark gazette unless stated otherwise)
Antigua & Barbuda	3 months – no further specifications are available for the moment
Australia	3 months
Bahrain	60 days
Benelux	2 months after the first day of the month following publication in the GIM
Bhutan	3 months
Botswana	3 months – no further specifications are available for the moment
Bulgaria	2 months after publication in the GIM
China	3 months after the first day of the month following publication in the GIM
Cuba	2 months
Cyprus	2 months
Denmark	2 months
Germany	3 months after the first day of the month following publication in the GIM
Egypt	6 months after publication in the GIM
Estonia	2 months
Finland	2 months
France	2 months after publication in the GIM
Community Trademarks	3 months, starting 6 months after publication in the Bulletin of the Community Trademarks
Georgia	3 months
Ghana	2 months – no further specifications are available for the moment
Greece	4 months after the 16th of the month following publication in the national trademark gazette
Hungary	3 months
Ireland	3 months
Iceland	2 months
Iran	30 days
Japan	2 months
Kenya	60 days
Croatia	3 months after the first day of the month following publication in the GIM
Lesotho	3 months – no further specifications are available for the moment
Latvia	4 months after publication in the GIM
Lithuania	3 months after publication in the GIM
Macedonia	90 days after the first day of the month following publication in the GIM
Morocco	60 days after the specific date mentioned in the national trademark gazette
Moldavia	3 months after publication in the GIM
Mozambique	60 days
Namibia	2 months – no further specifications are available for the moment
Norway	2 months
Oman	90 days – no further specifications are available for the moment
Poland	6 months
Portugal	2 months
Romania	3 months after publication in the GIM
Sierra Leone	3 months
Singapore	2 months
Slovakia	3 months after the first day of the month following publication in the GIM
Slovenia	3 months after publication in the GIM
Sudan	3 months
Spain	2 months
Swaziland	3 months
Syria	90 days
Czech Republic	3 months after the first day of the month following publication in the GIM
Turkey	3 months
United Kingdom	2 months
United States	30 days
Zambia	2 months – no further specifications are available
South Korea	2 months
Sweden	2 months
Switzerland	3 months after the first day of the month following publication in the GIM

GIM = Gazette of International Marks

**We have done everything possible to ensure this table is as complete as possible (status 9 March 2009).**

**For targeted actions we recommend you to seek the advice of a specialised consultant.**

# IP CONFERENCES IN 2009 THOMSON COMPUMARK EXPECTS YOU

In the spring of 2009 you will find us at the following conferences:

23 - 24 March:  
**PTMG Spring Conference** (Geneva, Switzerland)

25 - 27 March:  
**ITMA International Meeting** (London, United Kingdom)

16 - 20 May:  
**INTA Annual Meeting** (Seattle, United States)

24 - 27 June:  
**ECTA** (Vilnius, Lithuania)

2 July:  
**INGRES** (Zürichhorn, Switzerland)

A complete summary of the conferences we will be attending is located on our website under "News".



131st INTA Meeting  
16 - 20 May 2009  
The Washington State  
Convention & Trade Center  
(WSCTC)  
Visit the Thomson  
CompuMark stand (201).

## NEW DOCUMENTATION

Our new company brochure and product flyers are now available. They include a wealth of information about Thomson CompuMark and our products and services.

Contact our Customer Services for a copy of our company brochure or the product flyers, or take a look at our website.



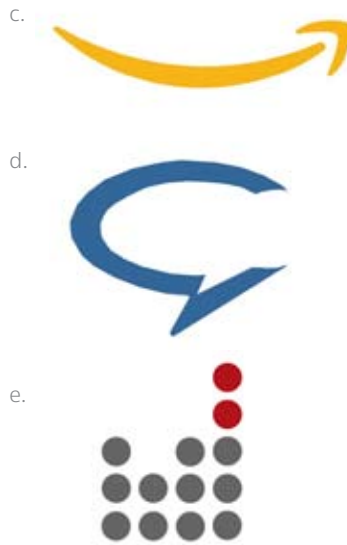
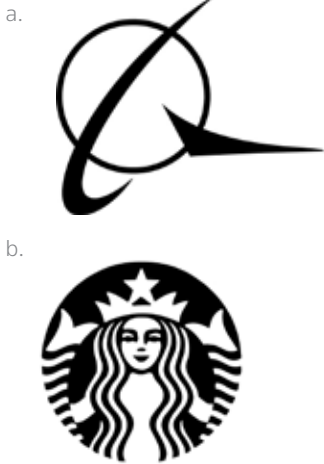
# QUIZ

## FAMOUS COMPANIES IN SEATTLE

The INTA Meeting 2009 will take place in Seattle, the economic heart of the northwest of the United States. The companies mentioned here are all domiciled in Seattle.

Which company can you associate with the following device mark element? Place the correct letter next to the corresponding company name and you might win a great prize.

- Starbucks: .....
- Boeing:.....
- Amazon.com: .....
- PayScale: .....
- RealNetworks: .....



**ANSWERS FROM THE PREVIOUS QUIZ**

If you knew what all the abbreviations stood for last time then you had the following solution:

- SAAB: Svenska Aeroplan Aktiebolaget
- IBM: International Business Machines
- BBC: British Broadcasting Corporation
- AEG: Allgemeine Elektrizitäts-Gesellschaft
- C&A: Clemens & August
- FIAT: Fabbrica Italiana di automobili Torino
- SEAT: Sociedad Española de Automóviles de Turismo
- OXFAM: Oxford Committee for Famine Relief

The following five readers will soon be receiving their surprise:

- Mr Soren V. Kaersgaard - International Patent Bureau - Denmark
- Mrs Nicole Matern - TUI AG - Germany
- Mr Nabil Yanar – Cabinet Hélène Petit - France
- Mrs Urszula Cieslik - Georgia Pacific S.A.R.L. - Luxemburg
- Mr Martin Wodianka - Bird & Bird Rechtsanwälte - Germany

Mail your answers to:  
**compumark.questionmarks@thomsonreuters.com**  
 or fax them to +32 3 220 73 90

Mrs  Mr

Name: \_\_\_\_\_

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