

No. 79, June 8, 2004

**On July 12, 2004, the OHIM Link Committee is meeting OHIM officials.**

Should you have any issues to be raised at this meeting, please send an e-mail on an URGENT basis as the agenda is yet to be finalized to: Joao Pereira da Cruz (Chairperson of the OHIM link Committee) at: [jpcruz@mail.telepac.pt](mailto:jpcruz@mail.telepac.pt), and/or Sandrine Peters (ECTA Legal Co-ordinator) at: [Sandrine.peters@ecta.org](mailto:Sandrine.peters@ecta.org).

## 1. LAW

### 1. Counterfeiting

On May 25 and 26, the "First Global Congress on Combating Counterfeiting" took place at the World Customs Organisation (WCO) Headquarters in Brussels. This meeting was organised by the WCO and Interpol and supported by WIPO and the Global Business Leader Alliance Against Counterfeiting (GBLAAC).

About 360 delegates representing amongst others, multi-national companies, trade or industry associations, anti-counterfeiting associations and international NGO's, tried to develop a collective understanding of the extent of the counterfeiting problem worldwide and to identify solutions for fighting it.

Through various sessions and roundtables, the first day, mainly focused on depicting the problem and the second day, in developing possible solutions, the congress finalized some recommendations mainly on:

- How to increase the necessary communication and commitment between the global, regional and national agencies and this in partnership with the private sector.
- About the steps to be taken on a global, regional and national level to ensure that the appropriate legislations, including enforcement provisions and penalties, take place.
- How to develop better enforcement resources and better training for those who are combating counterfeiting on a daily basis.
- How to develop a better awareness of the existence of the counterfeiting problem and the consequences thereof at all levels (consumer, governments,...) so as to generate positive reactions against counterfeiting.

For further details, please refer to the website of the congress where the final recommendations are available:

<http://www.anti-counterfeitcongress.org/wco2004/website.asp?page=declaration>

(Contributed by Ignacio Diez de Rivera Elzaburu, Spain  
and Sandrine Peters, ECTA )

## 2. Designs

On May 13 and 14, 2004 WIPO organised, in co-operation with the Italian Ministry of Productive Activities and the City of Venice, the INTERNATIONAL CONFERENCE ON DESIGN.

The Conference has been preceded on May 12 by the awarding to Dr. Kamil Idris the first "Venice Award for Intellectual Property", organised by the "Venice International Committee" to celebrate the 530<sup>th</sup> anniversary of the first law on patents, which was promulgated by the Republic of Venice in the year 1474. A wonderful Official Dinner in Ca' Vendramin Calergi, on the Gran Canal, followed the Official Ceremony.

The Conference was divided into four different sessions, all characterised by very qualified speakers.

Particularly, the session of Thursday May 13, after the traditional Opening Ceremony, with the speeches of the Italian and WIPO Authorities, has been characterised by the intervention of very important members of the most relevant National and International Patent and Trademark Offices. Namely, we had the speeches of Mr. Wubbo de Boer of OHIM, Ms. Lois E. Boland of United States Patent and Trademark Office, Mr. Tadao Urimoto of Japanese Patent Office, Mr. Ernesto Rubio, of WIPO, Mr. Zhang Qin of State Intellectual Property Office of the People's Republic of China, Mr. Boris Simonov of Federal Intellectual Property Service of the Russian Federation, Mr. Daniel Hangard of National Institute of Industrial Property of France, Mr. Jairo Rubio Escobar of Ministry of Economic development of Colombia, Mrs. Ludovica Agrò of Italian Patent and Trademark Office and Dr. Bertoli of DG Internal Market .

Each of the speakers provided the attendees with a clear situation of the filings with each single Office.

Particularly, Mr. De Boer has gave a full picture of the first year of activity of the OHIM, and the expectations for 2004. OHIM main goals are to improve the time of publication of the Applications, to solve the problems connected with the 9 new languages, and to improve the e-business facilities.

A very interesting exposition of the procedures of Design applications in the US was given by Ms. Boland.

The member of the Chinese Patent Office gave an interesting picture of the situation in the People's Republic of China, with particular reference to the post-grant procedure, and particularly to the enforcement of the Designs.

According to the recent statistics, China is the first Country in the world per number of Design applications filed, with 18% of application from foreign Applicants.

Mrs. Agrò gave a very interesting picture of the situation in Italy, with particular reference to the implementation of the EC Directive on Designs and Models.

From the speech of Mr. Bertoli, it has been possible to know the orientation of the European Union on two very important issues, namely the problem of protection of Spare Parts and the adhering of EC to the Geneva Act of the Hague Agreement.

On the first issue, the EC, after a failed attempt of finding an agreement between the parties, has started an impact study of the matter, and the Commission is working on an amendment of the Directive in order to liberalise the spare parts market.

As to the adhesion of the EC to the Geneva Act of the Hague Agreement, all responses received from the interested circles were extremely positive, and thus the Commission will propose to adhere to the Geneva Act within 2004, the adhesion being possibly defined within 2005. The main points to be decided are the provision of a designation fee and if the filing must be completed only with WIPO or also with OHIM.

On Friday May, 14, three different sessions were held, respectively on *“The reasons why industries which rely on industrial designs require protection for their creations and how this is achieved”*, *“How industrial design registrations can be obtained in multiple jurisdictions in an efficient manner”*, and *“Acquiring an international design application in a timely and cost-effective manner: how to follow up on the status of one’s registration by using the latest state-of-the-art electronic information products of WIPO”*.

The interventions were held by very important representatives of Industries and International Organisations, and focused on very interesting aspects, with particular reference to the copying of the Design for the Far East.

Interesting points were set forth in particular by Mr. Gerhard Bauer of DaimlerChrysler AG, and Mr. Adolfo Guzzini of Guzzini Illuminazione s.r.l., who gave us a very clear point of view from the industry side, and by Prof. Franzosi, who gave a very particular interpretation of the protection afforded by the EC Directive, and by the Community Design Regulation.

Obviously, the wonderful Palazzo Ducale, and Venice itself made the atmosphere of the Conference special.

Further details should be available on WIPO’s website shortly.

(Contributed by Carlo Luigi Iannone, Italy)

### 3. Trade marks

#### Community Trade Mark

The following guidelines have now been approved:

1. Part A, Section 6, Restitutio in Integrum
2. Amendment of Part B, Examination (transitional rules relating to the enlargement)
3. Part C, Opposition Guidelines

These documents can be found on the OHIM’s website at the following address:

<http://oami.eu.int/en/mark/marque/direc.htm>

#### Madrid Protocol

The OHIM has dedicated a special section on its website to the Madrid Protocol and more specifically to the Link between of the European Community and the Madrid Protocol at: <http://oami.eu.int/EN/mark/madrid/default.htm>.

The accession of the European Community is expected to become effective on the 1<sup>st</sup> of October 2004. However, please note that the legally binding date will be the date which will be notified by the Director-General of WIPO. In this connection, please also refer to Communication No 7/04 of the President of the Office of 28 May 2004 and published on June 8, 2004, to be found at: <http://oami.eu.int/EN/office/aspects/communications/07-04.htm>

## 2. ECTA NEWS

- On 22 June 2004, the Management Committee is meeting Officials from the European Commission.
- On July 12, 2004, the OHIM Link Committee is meeting OHIM officials in Alicante (Spain).

## 4. COMMUNICATIONS

- We hereby are sorry to inform you that Mr Alan Cox – head of GlaxoSmithKline Trade Marks and Chairman of the Pharmaceutical Trade Mark Group (PTMG) has recently died aged 55.

The funeral took place on the 26<sup>th</sup> May attended by his family and close personal friends. But please be informed that a Memorial Service has been arranged on:

WEDNESDAY 7<sup>th</sup> July 2004 commencing 11 a.m. in the Assembly Hall, Church House, Deans Yard, Westminster, London SW1P 3NZ.

(Church House is situated on the far end of Deans Yard which is located through an archway adjacent to the Main Entrance (and bookshop) of WESTMINSTER ABBEY. The impressive Assembly Hall is where the Church of England Synod meets).

There will also be a Reception in Church House after the Service.

Should you wish to attend the Memorial Service, please inform Reginald F Grogan – Secretary Director of the PTMG at [dexter@desterhouse.co.uk](mailto:dexter@desterhouse.co.uk).

For those that wish to make a donation to charity in honour of the memory of Alan, please be informed that an “Alan Cox Memorial Fund” has been set up so that all the donations can be collected together and given to charities agreed with Alan’s widow, Janet.

Donations can be sent to Mr R.F. Grogan-PTMG, Southbridge House, Southbridge Place, Croydon, Surrey CR0 4HA, UK, a sterling cheque or bank draft drawn on a U.K. bank in favor of “PTMG” with a covering note specifying the “Alan Cox Memorial Fund”.

ECTA would like to express its deepest sympathy to Alan’s wife and members of the family at their sad of loss.

- Please note that all contributions for the next Gazette, due for publication in the Autumn, is to be provided by **August 15, 2004** to Léo Kooy – Chairperson of the Publication Committee at: [patnl@vriesendorp.nl](mailto:patnl@vriesendorp.nl) and/or Sandrine Peters at: [sandrine.peters@ecta.org](mailto:sandrine.peters@ecta.org).
- Please be informed that some corrections to the compiled CTM Regulations have been made on the website as from May 19. Should you therefore have printed the

compiled Regulations on May 17 or 18 it may be advisable to make a new print. We apologize for any inconvenience caused.

- We would like to thank all those members who were kind enough to fill in the questionnaires on the Alternative Dispute Resolution and ECTA's services. Completed questionnaires can still be sent to Sandrine Peters at ECTA until June 14, 2004.