



European Communities Trade Mark Association

Please reply to :

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Mr. Wubbo de Boer
 President OHIM
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Lord John Mogg
 Chairperson Management Board
 OHIM Cooperation Fund
 By e-mail: John.Mogg@ofgem.gov.uk

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Dear Wubbo, Dear Lord Mogg,

Projects to be covered by the Cooperation Fund – ECTA's additional suggestions

We refer to the five NGOs' (Observers at the OHIM's Administrative Board) joint letter of 16 September 2009 which includes the list of projects to be covered as a first priority by the Cooperation Fund and we wish to add some further suggestions to the above-mentioned list which are as follows:

- (a) In order to significantly optimise the functioning of trade mark systems across the EU, it appears to be necessary to first raise and unify the level of performance of the NPTOs (internal organisation of back office to get efficient productivity and to improve quality) and give priority to the NPTOs who are less technologically developed and still short of the accepted benchmark;
- (b) To this aim, it is necessary to put more emphasis on benchmarking and establish common performance standards, including performance indicators, "best practices" and user's satisfaction surveys, processing times from application to registration and access to up-to-date data;
- (c) Training of examiners of NPTO's should also be arranged, by for instance, organisation of symposiums or courses at OHIM and at local level with the participation of examiners of OHIM Opposition Divisions, Board of Appeals and Cancellation Division;
- (d) For the benefit of the users, training should be extended to all the national authorities, which are confronted with the prosecution and enforcement of trade mark rights, primarily the judges of the national Courts (civil/commercial and criminal) and also police and customs officers;

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- (e) More resources should be given to tools to facilitate the exchange of information among IP players, for instance, to customs authorities, by supporting and hosting a unique and common database ensuring access for all EU customs to the information provided by right owners on their products and rights referred to in their EU and national customs applications filed in accordance with EC regulation no.1383/2003 and Courts in order to create, with regard to the latter, more complete databases of decisions.

These proposals are without doubt in line with the users' needs and will help to accomplish the aims of the Cooperation Fund.

Yours sincerely,



Simon Reeves
President of ECTA