



OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)

The President

Alicante, 17 May 2012
ICLAD/JN/ADC/JIP/JP/Ni/jh

Mr. Marius Schneider
ECTA
Rue des Colonies 18/24, 9th Floor
1000 Brussels
Belgium

The EU Observatory

Dear Mr Schneider

With the entry into force of Regulation (EU) No. 386/2012, OHIM will be entrusted with the European Observatory on Infringements of Intellectual Property Rights (hereafter, "the Observatory"). This marks a historic moment in the life of the Office and we intend to ensure that we honour the confidence put in us by the wide range of stakeholders, the Commission, the Parliament and the Council.

We believe that the Observatory has to be an effective, credible, transparent and inclusive body, capable of providing independent and evidence-based contributions. Its main working philosophy should be first "to know", second "to understand", and only then "to act". This approach has been strongly supported by Commissioner Barnier, who made clear during his visit to the Office earlier this year that as far as the complex matter of intellectual property rights is concerned; *"il faut d'abord comprendre pour agir"*. We strongly share this vision, which seems to be particularly poignant in current times.

The world is a different place compared even with a few years ago when the Observatory was originally conceived. We are being challenged by the financial and social crisis on one hand and by new business, social and political models on the other. We need to reflect upon the role of IP in this new era and to understand what the Observatory's priorities are. In order to do this the input and guidance of those who know the subject matter best is crucial.

Therefore, in line with the requirements stipulated in the Regulation, we have decided to carry out a comprehensive stakeholders' consultation to learn everyone's views on the priorities and role of the Observatory. The consultation will be launched as soon as the Regulation enters into force and will be as far-ranging as possible, involving both the organisations and associations that will attend the meetings of the Observatory, as well as other organisations and associations with a stake in the area of IP. Companies and individuals wanting to spontaneously participate in the consultations will also be given the opportunity to do so.

..!...

On the basis of the results of this consultation we will prepare the Observatory's work programme for 2013, which will contain the foundation projects for the Observatory. As stipulated in the Regulation, this annual programme will be submitted for information to the Observatory stakeholders in a Plenary that will be celebrated in Alicante in September 2012 and to the OHIM's Administrative Board in November 2012.

In order to execute the agreed projects in the most professional and efficient way, we would propose the same successful methodology applied by the Office in the past. This includes the creation of dedicated expert working groups. These experts will be chosen among candidates proposed by the representatives of the Observatory to ensure that we can count on the best possible teams working on concrete deliveries. The working groups will be created with a view to starting on the identified projects in March 2013.

In parallel, we will continue to deliver the Observatory's current three strands of action including the creation of databases, raising awareness and building capacity of enforcement authorities. This means that while the foundation work plan is being shaped and implemented, concrete initial results will already be achieved.

We have no illusions that we can achieve all this on our own. In reaching for the necessary solutions we will need to forge partnerships with all relevant stakeholders and we hope that we can count on your help and know-how.

You will soon receive an invitation to participate in the consultation and to attend the Observatory Plenary meeting of 27 - 28 of September 2012. In the meantime, please accept my best wishes and my assurance that continuous stakeholder cooperation and contribution will be the crucial element in enabling the Observatory to reach the ambitious goals we will set together.

Yours sincerely

and with kind regards,



António Campinos