



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

GENERAL AFFAIRS AND EXTERNAL RELATIONS DEPARTMENT
LEGAL AND INSTITUTIONAL AFFAIRS

OAMI Users' Group

EN (OR)

Minutes
of the 12th meeting of the OAMI Users' Group,
24 October 2005, Alicante

1. At the invitation of the President of the Office dated 11.07/2005, the twelfth meeting of the OAMI Users' Group was held on 24 October 2005. The President of the Office had invited the following non-governmental organisations with which the Office co-operates: AIM, AIPPI, BEDA, CEFIC, CNIPA, ECTA, EFPIA, EURATEX, FEMIPPI, FICPI, ICC, ICOGRADA, ICSID, INTA, LES, MARQUES, UNICE, UNION. The European Commission had been invited in an observer capacity.
2. Representatives of the following organisations attended the meeting: AIM, AIPPI, CNIPA, ECTA, EFPIA, EURATEX, FEMIPPI, FICPI, ICC, INTA, LES, MARQUES, UNICE, UNION, European Commission. The list of participants is attached to these Minutes.
3. Simultaneous translation was provided from and into the following languages of the Office: Spanish, German, English and French. The Office noted all interventions made and recorded them on tape. These Minutes are confined to a summary of the results of the meeting.
4. The Office distributed the following working documents in advance of the meeting: document UG/05/II/1: draft agenda and document UG/04/II/4: minutes of the eleventh meeting.
5. At the meeting, the following additional information papers were made available to the participants: i) statistics on Community trade marks from application to registration and on registered CTMs; ii) Statistics on designs; iii) handouts of the presentations made during the meeting.

AGENDA ITEM 1: OPENING OF THE MEETING BY THE PRESIDENT OF THE OFFICE

6. The President of the Office welcomed the participants.

AGENDA ITEM 2: ADOPTION OF THE AGENDA

7. The President of the Office adopted the agenda contained in document UG/05/I/1.

AGENDA ITEM 3: ADOPTION OF THE MINUTES OF THE ELEVENTH MEETING

8. The President of the Office took note that in the absence of any comments, the Minutes of the Eleventh Meeting of the OAMI Users' Group were adopted as contained in document UG/04/II/4.

AGENDA ITEM 4: CURRENT STATUS OF THE ACTIVITIES OF THE OFFICE IN GENERAL

9. The President of the Office informed participants regarding several personnel matters:
 - Mr von Mühlendahl would be ending his term as Vice-President of the Office on 1 November 2005 and would be replaced by Mr Peter Lawrence.
 - A new department called the Department for Industrial Property Policy was being set up in the Office for monitoring IP policy and defining quality standards. Mr Vincent O'Reilly would be the Director of this Department, which would start operating on 1 November 2005.
 - The President of the Office informed participants that the shortlist of candidates for the post of President of the Boards of Appeal would be drawn up by the Administrative Board of the Office at the end of November. The shortlist would be submitted to the Council of Ministers in Brussels for a possible decision during the month of December. Depending on the candidate chosen, the new President of the Boards could commence duties in late January/early February 2006.
 - The President of the Office concluded his comment on personnel matters saying that the chairpersons of the three Boards of Appeal were changing: Ms Mandel had already left and had been replaced by Mr Margellos; Ms Hoffrichter-Daunicht was leaving on 1 November 2005 and would be replaced by Mr Detlef Schennen; finally, Ms Sundström would be leaving in February 2006 and would be replaced by Mr Tomás de las Heras.
 - The President of the Office informed the participants that all OHIM staff were now working on the Agua Amarga site, with the exception of 80 teleworkers.
10. The President of the Office informed the meeting that the reduction in fees had come into force on 22 October 2005. The reduction would amount to some €40-45 million overall. The initial application fee had been reduced by approximately 25% and the renewal fee by 45%. There was now a fee discount for e-filing. It was notable that over the last 2 or 3 weeks the rate of e-filing had risen from 22% to 34%.
11. The President of the Office mentioned the fact that the telephone numbers of examiners had now been made available on the website as well as their e-mail

addresses. He underlined that e-mail communications could not be considered communications within the meaning of the Regulation.

AGENDA ITEM 4 a) FILING FIGURES

12. The President of the Office informed that 62 000 CTM applications were expected in 2005 as compared to the figure of nearly 59 000 for 2004. Of these 62 000, 7 500 would reach the Office via the Madrid System, accounting for 12% of the Office's overall portfolio of applications. However, he pointed out that there was a backlog at WIPO which did not allow the Office to have a clear picture of how many applications would arrive via the Madrid System.
13. As regards Community designs, some 65 000 designs were expected, as compared to 52 000 in 2004.

AGENDA ITEM 4 b) PRODUCTION FIGURES

14. As regards CTMs, the President of the Office stated that there had been a significant reduction in the backlog in examination, meaning that more applications had been published and leading, in turn, to more oppositions being filed. Some 17 000 oppositions were expected in 2005, up by 5 000 as compared to previous years.
Some 350 applications for cancellation were expected in 2005.
Approximately 1 500 appeals were expected in 2005, a significant increase as compared to previous years.
Concerning production in the examination of CTMs and RCDs, the President of the Office stated that all incoming applications would be examined to avoid any backlog building up.
As regards production in opposition, the President of the Office expected that 4 200 decisions would be taken in 2005, as compared to 3 600 in 2004.
300 cancellation decisions would be taken in 2005.
Production regarding appeal decisions was a more problematic area, with fewer decisions being taken in 2005 than in the previous year. The President of the Office stressed that this would present a major challenge for the person taking up the Presidency of the Boards of Appeal.
15. The President of the Office referred to the performance standards the Office had set itself in 2005 and published on its website concerning the main trade mark procedures: examination, publication, registration and opposition. These were ambitious targets. He mentioned that quarterly results had been published on the website. As regards the examination of applications, a target of 18 weeks had been reached. Publication in 36 weeks was not being reached in 80% of cases, but the Office was close to achieving that figure. Oppositions would be taking close to 9 months by the end of the year.
16. Performance standards had not been set in the same way for designs, but from the commencement of the system, a target of examining and publishing applications within 3 months of receiving the application had been set. It was in fact taking in the order of 64 days to carry out examination and publication.

AGENDA ITEM 4 c) APPOINTMENT OF THE PRESIDENT OF THE BOARDS

17. This item was dealt in paragraph 9 above under Agenda Item 4.

AGENDA ITEM 5): User Satisfaction Measurement

18. Mr João Miranda de Sousa, Director of the General Affairs and External Relations Department (GAERD), gave a brief introduction and passed the floor to Ms Blanca Arteché (GAERD).
19. Ms Arteché explained that a letter would be sent out from the President of the Office to potential participants in the survey explaining what was being requested of them. An e-mail would then follow with a link to the survey. She explained that the target audience of the survey was individuals and not associations, including representatives that had been in contact with the Office over the last 18 months and owners filing applications directly. An external company had devised the survey, adapting their standard user satisfaction model to the Office's needs. Areas covered in the survey were: the image of the Office; core processes; complaints; information and e-business tools.
20. The floor was opened to questions. The representative of CNIPA queried whether the survey would be random. Ms Arteché replied that the survey would not be random but rather sent out to everyone that had been in contact with the Office over the past 18 months.

AGENDA ITEM 6: Customer Care Unit Update

21. Mr Etienne Sanz de Acedo, Head of Relations with Users and Information Resources Sector (GAERD) gave a brief overview of the Customer Care Unit. He mentioned that 516 complaints had been received so far in 2005, all of which had received an acknowledgment of receipt. 498 of these complaints had received a final reply. 60% of the problems raised had been solved. Most of the complaints concerned certificates, opposition proceedings, recordals, receipts and formalities.
22. The representative of INTA stated that complaints sent to the CCU often highlighted general functional problems, which had usually arisen on several occasions, and not isolated cases which needed resolving with a single examiner. She underlined the fact that such general problems needed to be resolved by the Office and not an individual.
23. Mr Sanz de Acedo replied that, while complaints were forwarded to examiners, statistics on the types of complaint were also produced for the management, in order to analyse further procedural changes.
24. The representative from UNION remarked that 64% of complaints concerned certificates and wondered whether that indicated a systematic problem.
25. Mr Vincent O'Reilly, Director of the Administration of Trade Marks and Designs Department, replied that a whole series of systematic problems had in fact arisen. Not all of these problems had yet been solved but hopefully would be. As regards the problem with the quality of certificates, he stressed that the task of printing certificates had been outsourced since August and that an improvement in this area had been noted.

AGENDA ITEM 7: E-business Initiative: latest developments

AGENDA ITEM 7 a) BUSINESS TO BUSINESS

26. Ms Bente Waldström, Project Manager of the Quality Management Department (QMD), gave a presentation on the Office's e-business programme. The floor was opened to questions.
27. The representative of CNIPA mentioned that his association would have liked to have the e-renewal forms beforehand for internal training purposes. He also raised several questions on the renewals process. The representative of CNIPA also stated that the fact that the Office is not going to check whether the trade mark had been renewed by the authorised representative or any other person would give rise to problems. Ms Waldström responded by showing a slide-show on e-renewal.
28. The representative of INTA asked who would receive the renewal certificate if a representative's trade mark was renewed by a third person.
29. Mr Vincent O'Reilly replied that no renewal certificate would in fact be sent. Instead, a simple confirmation that renewal had taken place would be sent to the representative on record, or failing that, to the proprietor of the trade mark.
30. The representative of EFPIA asked whether it was planned for MYPAGE to be used by an association of representatives allowing all trade marks due for renewal belonging to several companies managed by the association to be renewed in one go.
31. Ms Waldström replied that there would be a "Registered association manager" within MYPAGE. An association would be granted a password and then one person within the company would decide who had access to the mailbox and files. This would allow associations to coordinate their work internally.
32. The representative of UNION raised several questions. He asked information about the updating of the assignment of the Vienna Classification codes and verbal elements. He further asked about the B2B e-filing solution for RCDs. Lastly, regarding e-renewal, he wondered whether an application for restitutio in integrum could be made alleging that all due care had been taken since the Office's renewal manager had been relied on.
33. Ms Waldström answered that the last updating of RCD-ONLINE as regards Vienna Classification codes and verbal elements appeared at the bottom of the screen.
34. Mr O'Reilly stated that a request for restitutio in integrum based solely on information provided by the Office, without the applicant having taken any other steps, would far from guarantee the success of the request.
35. The representative of UNION intervened once again to ask whether that date referred to new RCDs that had been added to the database or whether it also covered Vienna Classification and verbal elements.
36. Mr Paul Maier (Director of the Designs Department) replied that the encoding of verbal elements would not be carried out by examiners since they had many tasks to deal with. There was a need for an internal procedure to make the updates. As regards the Vienna Classification encoding, that was carried out by ATMDD and there had been some delays in updates due to technical problems. He said that the encoding of verbal elements would be carried out every 3 months and not on the date of the examination.

AGENDA ITEM 7 b) BUSINESS TO BUSINESS

37. Mr Miranda de Sousa informed the meeting that the Office was working with 10 software providers to test the B2B system. Also, by way of information, he announced that the Office was in the process of visiting the top 10 filers to explain the B2B solution to them directly. As for RCD, Mr Miranda de Sousa informed that there were no plans for B2B RCD e-filing.

AGENDA ITEM 7c) E-FILING OF SOUND MARKS and 7d) MYPAGE

38. The representative of INTA mentioned two issues: first, regarding e-communication, she asked for clarification regarding the type of communications/notifications that would be made available via MYPAGE. Second, regarding the e-filing of sound files, she asked for clarification of when they could start to be sent, what format they would take and the size of the files.
39. Ms Waldström answered the first question stating that communications received via MYPAGE constituted official notifications of proceedings and were sent up to the publication stage of an application.
40. Mr Detlef Schennen (TMD) answered the question regarding sound files. He said that a decision of the President of the Office had been taken on 10 October 2005 and the e-filing of sound files would be possible from the beginning of November. Sound files would take the MP3 format, would not exceed 1MG and there should be no loops or streams upon opening the file. The Office would only accept the electronic filing of sound files via e-filed applications.

AGENDA ITEM 7e) E-RENEWALS

41. The representative of UNICE asked whether the Office had considered its time standards for renewals.
42. Mr O'Reilly replied that the Office had not fixed a time standard regarding renewals, but would do so. He added that e-renewal would be instantaneous. As for the traditional way of renewing a trade mark, he envisaged it would take no more than 2 weeks, but this was not a commitment yet on the part of the Office and, in any case, would not apply to the first renewals, due to the very high number of renewals expected initially. As for the issue of updating the information on CTM-ONLINE Ms Waldström said such information would usually appear in the database the next day.
43. The representative of CNIPA raised two points. The first concerned the fact that, whether or not a user opts for e-communication, search reports are sent electronically. Although this is now pointed out on the website, it was not made clear initially. Secondly, he asked how users would be able to find out that a trade mark had been renewed if CTM-ONLINE 2006 was not available until the spring.
44. Mr William Copine, Director of the Quality Management Department, stated that information regarding opting for e-communication would be made clearer to users. Mr O'Reilly replied that information regarding the renewal of trade marks belonging to third parties would be published.
45. The representative of ECTA asked whether the publication of renewals would be done online. The President of the Office confirmed that this would be the case.

AGENDA ITEM 8: THE COMMUNITY TRADE MARK

AGENDA ITEM 8a): Fee Regulation

16. The President of the Office stated that this point had already been dealt with.

AGENDA ITEM 8b): MADRID PROTOCOL

47. Mr O'Reilly stated that he would deal with 2 points that had been raised under this item on the agenda: the impact on OHIM proceedings and the time taken to process via the Madrid Protocol vs. the time taken to process directly via the CTM system. As regards the impact on proceedings, approximately 7 500 designations of CTMs had been received by the Office. WIPO had recorded over 7 000 designations, but only about 4 000 of these had reached the Office. As regards CTMs used as a basis for international registrations, about 2 000 applications were expected. Concerning processing time, applications without deficiencies were dealt with within a matter of 1 or 2 weeks. He said that as regards processing time, it was clear that certain phases of the system concerning CTMs designated via WIPO were achieved more quickly. A designation forwarded by WIPO was usually republished by the Office within 1 or 2 weeks as there were no examination, translation or searches involved. This contrasted with the 40 weeks taken to publish direct CTM applications in 80% of cases. With a CTM application filed directly, a formalities check had to be carried out, the fee had to be paid within one month, classification had to be undertaken, and search reports had to be requested from national offices. This resulted in a significant difference in processing times. He recalled that the opposition period for a directly filed CTM started from publication and was 3 months. For a CTM designated via the Madrid Protocol, it started with republication and was 6 months. There was, therefore, more possibility of coincidence in the start of the opposition period between the two systems than the other phases of the process.
48. Mr Miranda de Sousa dealt with the point regarding "Re-publication of an IR designating the EU". He said that the Office was aware of the problem created by the fact that re-publication of an international registration could not be seen from CTM-ONLINE. He added that the next version of CTM-ONLINE foreseen for spring 2006 would include that information.
49. Mr Schennen dealt with the point regarding the "Communication of provisional refusals to representatives". He underlined that the Office would not be following this suggestion. The Office would only communicate provisional refusals to WIPO as foreseen in the common regulations.

AGENDA ITEM 8c): CLASSIFICATION: WIDE SPECIFICATION OF CTMs

50. Mr Schennen answered the question raised concerning the wide specification of CTMs, which could lead to "cluttering", making it difficult for SMEs to obtain new marks. He confirmed the Office position regarding class headings and stated that original class headings would remain on the Register if renewal was requested. He stressed, however, that there was an obligation to use the CTM for all goods and services and that if a CTM was not used for all goods and services for a continuous period of 5 years, it could be partially revoked upon application to the Office.
51. The representative of CNIPA asked for information concerning the "Praktiker" judgment. She asked whether the Office was applying the ECJ principle regarding retail services and whether there would be an official communication

regarding this. Mr Schennen replied that the Office would apply the "Praktiker" judgment, meaning that it would require an indication of the goods sold at retail. There would be a communication on that issue soon.

AGENDA ITEM 8d): OPPOSITION

52. Mr Hans Jakobsen, Director of the Trade Marks Department (TMD), gave an overview of the cooling-off period. As regards the proposal of change of practice for the cooling-off, Mr Jakobsen stated that with the new 24-month time limit set by the Regulation, the Office also wished to change its own internal practice. The Office would grant the initial 2 month cooling-off period. However, after that, if an extension was requested by either party, the Office would automatically grant an extension of 22 months. If, after the 22-month extension had been granted, either party decided to "opt out" of the cooling-off phase because no progress was being made, the adversarial part of proceedings would commence. With this change, time would be saved both for users and the Office.
53. The representative of INTA said that the proposal from the Office appeared to be very positive, but that her association would need to consider the issue. She also underlined the need for the Office to publicise this change in practice widely.
54. The representative of EFPIA reiterated that the associations needed time to study the proposal internally and that any conclusions reached in the meeting should not be seen as representative of the views of the associations.
55. The representative of CNIPA stated that, with such a long extension, there was a danger that many clients would not react until the very end of the 24-month period.
56. The representative of AIM agreed that clients would most likely not react until the last minute. She added that third parties awaiting the outcome of opposition proceedings would also be affected. She suggested that a compromise might be the solution, for example two extensions of 10 months.
57. The President of the Office remarked that third parties were always dependent upon what was decided between the actual parties to the proceedings.
58. Mr Schennen dealt with the issue of "suspension after expiration of 24-month period". He stated that the Office's firm position was that, during the 24-month cooling-off period, there should be no suspension of the proceedings since ongoing negotiations were taking place. There could be suspension on other specific grounds (such as an earlier right being an application), but the general rule was that there would be no suspensions. Once the adversarial stage had been reached, suspension could be applied for. Mr Schennen also dealt with the question of "Suspension combined with extension of time limit for one party". He said that the Office's policy in this regard was laid out in the Opposition Guidelines: when a suspension was granted for a fixed amount of time, the letter granting the suspension also contained the new time limits for proceedings. If the suspension was for an indefinite amount of time, the new time limits would be fixed in the letter lifting the suspension of proceedings.
59. The representative of EFPIA drew attention to the fact that in opposition proceedings, the Office only quoted the opposition number in correspondence and not the trade mark number.
60. Mr Miranda de Sousa confirmed that the Office would be making sure that, in the future with Euromarc ++, the CTM number would be quoted in correspondence.
61. The representative of ICC asked how many parties were represented by attorneys in adversarial proceedings.

62. Mr Jakobsen replied that the Office had no statistics regarding representation in adversarial proceedings, but that in proceedings in general, roughly 90% of applicants had representatives while 10% represented themselves.

AGENDA ITEM 8e): ASSIGNMENTS, CHANGES OF NAMES

63. Mr O'Reilly stated that the Office's practice regarding assignments, changes of name/address etc., remained unchanged.

64. The representatives of AIM, ECTA and INTA highlighted some practical problems with regard to assignments, changes of names/address etc. Mr O'Reilly assured that he would look into these issues.

AGENDA ITEM 8f): CONVERSION OF CTMs

65. Mr Schennen indicated that the Office had conversion guidelines but that it was not conceivable to issue guidelines for national offices on this subject.

66. Mr Schennen then dealt with the issue of "Filing date in the case of conversion". He stated that the principle under the Accession Treaties was that extended CTMs would not create an earlier right effect prior to 1 May 2004. This led the Office to expect that, in the case of a conversion, the date of effect could not be prior to 1 May 2004.

67. The representative of CNIPA said that the Polish national office had some problems with conversion requests and the question of the date of effect of conversion. She said the national offices would appreciate a communication from the Office on this matter.

68. The representative of the European Commission said that the issue of conversion had been raised with the Commission already and encouraged participants to approach the Commission on this subject.

69. The representative of AIPPI said that the members of his organisation had also encountered problems with the date of effect of conversion in the new Member States. He suggested that a short-term solution could be for the Office to provide a summary of how the national offices of the new Member States were dealing with this issue.

70. The representative of FICPI said that his federation did not question the sovereignty of the national offices but thought that a non-binding opinion from the Office on this issue could be useful.

AGENDA ITEM 8g): PRIORITY AND SENIORITY DOCUMENTS

71. Mr O'Reilly said that a decision of the President of the Office had been published in the Official Journal of the Office on the evidence to be provided when claiming priority or seniority. Where a document is available online, the examiner will not require it to be sent to the Office as well. Dealing with the point on guidelines for conversion and seniority, which had been covered before, he said that the Office would look into providing some kind of guidance in conjunction with the national offices. Regarding the question of national offices keeping registers of all registered marks, whether lapsed or not, he said that this was desirable but that the Office could not impose this in any way, but merely encourage national offices to do so.

72. The representative of AIM asked whether the Office would keep its own records of lapsed marks after conversion. Mr O'Reilly replied that it would.

AGENDA ITEM 8h): RENEWALS: RE-CLASSIFICATION AT POINT IN TIME OF RENEWAL OF CTM REGISTRATION

73. Mr O'Reilly dealt with the question of re-classifying the goods and services of existing CTMs which had been classified according to a previous version of the Nice Classification. He recalled that in 2002, the Office had already taken the decision not to do this. He remarked that, even in view of the renewals that would take place in 2006, he believed that re-classification would not be a top priority for the Office given the volume of work involved. He then dealt with the issue of changing the list of goods and services upon renewal. He underlined that this was not re-classification but restriction and that this could be done at any point in time. He added that in the case of e-renewal, classes of goods and services could be deleted but that goods and services within a class could not be changed. This had to be done separately from the electronic renewal.
74. The representative of INTA replied that her question related to Class 42. She merely wanted to know whether owners would have the possibility of changing services to a different class, without touching the wording of the services involved.
75. The representative of FICPI supported INTA's view. He said that in the long run, it would be very desirable for the Office's register to reflect the latest edition of the classification.
76. The representative of CNIPA stated that leaving it open to users to decide whether they wanted to re-classify or not could lead to uncertainty. Mr O'Reilly replied that while the Office would not completely rule out the issue of re-classification, users should not expect this to be done during the first wave of renewals.
77. The representative of EFPIA raised the issue of the possibility of requiring proof of use or of intention to use a CTM when renewal is requested.
78. Mr O'Reilly insisted that this was a question that could only be dealt with by the legislature, i.e. the European Commission.
79. The representative of the European Commission confirmed that the Commission had no plans to change the rules and make renewal dependent upon use.

AGENDA ITEM 8i): USE OF CTM TO AVOID CANCELLATION ON NON-USE

80. Mr Schennen dealt with the question of whether use in one Member State was sufficient to maintain a mark. He said that the Office's position had always been that it was sufficient provided that it was genuine use.
81. Mr Schennen also stated that the concept of use had to be the same whether concerning opposition or revocation. He mentioned that it was in the public interest that trade marks which were not used were removed from the Register.

AGENDA ITEM 8j): CASE-LAW OF THE ECJ AND CFI AFFECTING THE PRACTICE OF THE OFFICE: UPDATE

82. Mr von Mühlendahl (Vice-President of the Office) gave an overview of ECJ and CFI case-law regarding Office decisions and preliminary rulings concerning trade marks.

AGENDA ITEM 8k): ORAL HEARINGS

83. Mr von Mühlendahl summarised the Office's practice regarding oral hearings. He said that they may be held at the discretion of the Office if it considered them to be expedient.
84. The representative of INTA replied that the association had raised the issue in response to the Office's draft guidelines on proceedings, in which it is stated that in 99% of cases, oral proceedings are not necessary. This seemed to show that the Office was not exercising discretion regarding this matter and there had even been cases where both parties had requested an oral hearing and it had been refused.
85. The representative of AIPPI extended the debate on oral hearings to include the issue of whether it would be more likely that oral hearings would be held before the enlarged Board of Appeal.
86. The representatives of LES and FICPI stated that his association fully supported INTA's position regarding oral hearings.
87. The representatives of AIPPI and UNION referred to the possibility of oral hearings before the enlarged Board.
88. Ms Sundström, Acting President of the Boards of Appeal, gave some clarifications regarding the enlarged Board. She referred participants to the publication in OJ 7-8/2005 of the "Rules concerning the organisation of the Boards, the Grand Board and the devolution of cases to a single member". She said that parties could not ask for a case to be referred to the enlarged Board.

AGENDA ITEM 9): THE COMMUNITY DESIGN

AGENDA ITEM 9a): UPDATE BY THE OFFICE

89. Mr Maier gave a brief update regarding Community design figures. He said that 140 000 designs had been registered and approximately 160 invalidity applications had been made, which amounted to around 1 in 1000 designs being challenged in invalidity proceedings. He stressed the Designs Department's concern about quality and mentioned that random checks were made on what was published in the RCD Bulletin. He mentioned that preparatory work for the accession of the EC to the Hague Agreement was under way in Brussels.
90. The representative of UNION asked how many design appeals there had been so far.
91. Mr Maier replied that there had been about 20 appeals so far. In most *ex parte* cases, interlocutory revision had been granted. No decisions on *inter partes* cases had yet been given by the Boards.
92. The representative of CNIPA drew the Office's attention to a problem with designs certificates in Polish issued by the Office. She said that "design" had been incorrectly translated as "utility model" and had noticed problems in the translations to the languages of other new Member States too.
93. Mr O'Reilly replied that the Office was aware of these problems and would look into how to resolve them.
94. The representative of the European Commission returned to the matter of the Hague Agreement and said that the Commission expected to have a proposal ready by December. She also informed the meeting that not all Member States had designated Community Design courts. 11 Member States still had to do so.

AGENDA ITEM 9b): PROFESSIONAL REPRESENTATION FOR DESIGNS

The representative of CNIPA said that he no longer needed to discuss this item.

AGENDA ITEM 10): BOARDS OF APPEAL

AGENDA ITEM 10a): CONSTITUTION OF THE ENLARGED BOARD

96. The representative of INTA returned to the question of how the enlarged Board would function. She said that the rules provided for a member of the Presidium to refer a case to the enlarged Board. She wondered how members of the Presidium would be aware of cases that could be referred to the enlarged Board.
97. Ms Sundström replied that the Boards were in the process of finding a solution to this problem.
98. The representative of CNIPA mentioned that it might be possible for the Office to take into account proposals of the parties informally.
99. The representative of INTA returned once again to the matter of how to refer cases to the enlarged Board. She suggested that a good solution could be to let the parties suggest possible cases for consideration by the Presidium.
100. The representative of EFPIA underlined the fact that if the Boards took an informal approach to the referral of cases, this could endanger the principle of equal treatment in *inter partes* cases.

AGENDA ITEM 11): MISCELLANEOUS

AGENDA ITEM 11a): PRESENCE OF EXAMINERS DURING HOLIDAY PERIODS

101. Mr Miranda de Sousa said that the way of dealing with the absences of examiners could certainly be improved. If an examiner were absent, there should be someone available to take urgent messages and provide accurate information.

AGENDA ITEM 11b): QUALITY OF REPRESENTATION OF PICTURES ON COMMUNITY DESIGN CERTIFICATES.

102. Mr O'Reilly repeated what had been said earlier in the meeting. He further asked UNICE to provide him with some recent numbers of designs certificates that had problems in order for him to look into the issue.

AGENDA ITEM 11c): TRANSLATION OF FORMS FOR NEW STATE LANGUAGES

103. Mr Miranda de Sousa said that the application form was available in all the new languages and that translation of all the forms would be carried out progressively.
103. The representative of CNIPA underlined that care should be taken when translating forms into Polish as problems had already occurred. Mr Miranda de Sousa replied that the Office was bound by law to use the services of the Translation Centre in Luxembourg.

AGENDA ITEM 11d): ALICANTE NEWS

104. The representative of CNIPA mentioned that it was difficult to navigate through Alicante News. He wondered whether the front page could be redesigned. Mr Miranda de Sousa replied that the issue would be considered in 2006.

AGENDA ITEM 11e): COOPERATION BETWEEN OHIM AND NATIONAL OFFICES

105. Mr Miranda de Sousa informed participants regarding cooperation between the OHIM and National Offices. Such cooperation would focus on training, IT projects and promotion of information activities. The first set of projects concerned the different training options. The second set of projects to be undertaken with national offices concerned IT projects. The first one was EUROCLASS. This would be a platform for national offices to be able to publish their approved lists of goods and services. The second project was EUROREGISTER, which involved creating a register of trade marks containing the information of trade mark registers of the participating Member States and the CTM Register. Another project was EUROFILING which would be a portal allowing users at European level to apply for different types of trade mark protection. The last project was EUORPORTAL, which would be a European portal providing access to trade mark and design web and information services. The third set of projects concerned promotion and information services on the CTM and RCD systems. The idea behind this project was that the Office would be willing to pay national offices for the information and promotion services they provided regarding the CTM and RCD systems. This could involve the creation and maintenance of databases containing information relating to trade marks that had lapsed as a result of seniority claims. The help of national offices would also be sought in making language revisions of forms translated into new Member State languages.

AGENDA ITEM 11f): ENLARGEMENT OF THE USERS' GROUP

106. Mr Miranda de Sousa mentioned that requests had been received from two associations to join the Users' Group: this concerned APRAM and GRUR. He announced that APRAM fulfilled the criteria to become a member of the group and that the Office was considering GRUR's application.

AGENDA ITEM 11g): DATE OF NEXT MEETING

107. The date for the next meeting will be 3 July 2006.

OAMI Users Group, 24/10/2005
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