



European Communities Trade Mark Association

PRESIDENT'S REPORT 2016

Ruta Olmane

ECTA continues to act in accordance with the Strategic Plan 2016-2022, which was adopted during the Council meeting in Bordeaux in 2016.

ECTA has maintained its high number of activities and has been recognized as a long standing and trustful partner by many governmental authorities: EU Parliament, EU Commission, at national level as well as by EUIPO, WIPO, TM5 and other IP associations.

This year ECTA was invited to join some new initiatives organized by EUIPO and lead a first round of discussions between the EU Commission and other IP associations about Brexit.

Since the adoption of ECTA's Strategic Plan in 2014, three years have passed and many new initiatives which have already been introduced, now have passed the first tests in practice and we can start to evaluate the results of these initiatives.

As a result of the rotation rules, many new Committee Chairs started their duties this year namely EUIPO Link Committee Tobias Dolde (ES), WIPO Link Committee Judit Lantos (HU), Design Committee Co-Chairs Peter Schramm (CH) and Bernard Volken (CH), and Internet Committee Delia Belciu (RO). Obviously, it makes ECTA more dynamic, but meantime we have had some additional work related to safeguarding the continuity of the work and the well-established relationships with authorities.

ECTA also had some changes in ECTA Brussels Office staff this year – Bárbara Díaz-Alaminos left ECTA in November 2016 we have a new Manager Legal Affairs, Anna Ostanina, since January 2017.

During this year the ECTA Management has noted a constant increase of EUIPO initiatives, which add more work to the ECTA committees. ECTA was invited to take part in the Anti-Scam Network, where ECTA will be represented by Manolo Minguez (ES), Audit of the



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Stakeholders Quality Assurance Panels (SQAP), where ECTA will be represented by Tobias Dolde (ES), Benjamin Fontaine (ES) and Tamás Kocsis (HU). ECTA also received an invitation to nominate an ECTA representative at a Steering committee composed of 11 members advising the European Trade mark and Design Education Center, where ECTA will be represented by Judit Lantos (HU).

Meantime ECTA continued to participate in all previous initiatives organized by the EUIPO and WIPO where ECTA already took part, such as the revision of the EUIPO Guidelines, the MBBC meetings, requests from the Commission and other institutions such as European Cooperation and Convergence Projects, Observatory issues as well as many others.

Through the Management Committee members and/or ECTA Committee members, ECTA was represented at 41 meetings and events. However there have been many more invitations received to attend different events within the European Union and outside Europe.

According to the past year's statistics it is obvious that the number of these events has increased significantly and it is becoming more and more complicated to arrange that ECTA is properly represented at least within the European Union. Therefore, the Management have prepared a proposal regarding covering the expenses for meetings where ECTA needs to be represented.

ECTA Committees produced a significant number of Position papers. (More detailed information is available in the Activity Report June 2016 – June 2017). The Committee work is more streamlined and structured in accordance with the Strategic Plan. However, the Management is continuing considering the possibility of creating and offering more effective common working tools for its Committees daily work and for storage of ECTA documents.

ECTA maintained the same number of workshops and seminars organized, many of them were broadcasted via the Internet or organized as webinars. However, the Management is quite sceptical whether it is cost efficient to continue this initiative and has decided to re-evaluate it and provide a detailed report in October 2017.

ECTA continues to reach out to national level authorities through different channels – ECTA Council members, who have been asked to convey some Position Papers to national authorities, by sending the ECTA Newsletters to national Patent Offices, during the MBBC



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meeting where all national PTOs are presented, by organizing the workshop in Riga dedicated to questions and problems foreseen during the process of the implementation of the Trade Mark Directive in Latvia, Lithuania and Estonia. This process will continue with organizing a similar seminar in the Balkan region in the second part of 2017.

Following the ECTA Communication Strategy, ECTA increased its posts and activities via social media, and continued publishing monthly newsletters and quarterly Bulletins. In addition, ECTA hosted a booth during the INTA conference in Barcelona (May 2017), during the China IP Annual Forum in China (January 2017) and during the ECTA Annual meeting in Budapest (June 2017). New Media partnerships have been established to publish ECTA events more often (such as the ECTA Daily, a daily newspaper at the Dubrovnik and Budapest conferences in); a new ECTA website has been developed; and the Conference mobile phone application was introduced which all indicate that ECTA is on a good path.

This year ECTA is holding its 36th Annual Conference in Budapest, Hungary. We will cover a wide range of Intellectual Property topics as well as the latest IP news and trends, discuss the implementation of the European Trade Mark Legislative Package, Anti-Counterfeiting and Enforcement topics, Copyright questions and offer the popular Case Law update. More than 779 participants are expected to attend.

The number of members remains stable, however the finances have decreased, but ECTA has enough reserves, despite increased expenses, which gives more flexibility for the various projects being undertaken.

The first long term SP 2020 was developed for 6 consecutive years by 5 teams of Council Members and members of the Management Committee in collaboration with the President, F. Peter Müller, and structured in 5 main areas, namely:

- Develop Membership Benefits (DMB) Aurélie Marie and Pierre Kihn
- Broaden ECTA's Expertise (BEE) Ruta Olmane and Mladen Vukmir
- Reinforce External Partnerships (REP) Raluca Vasilescu and Andrew Ratza
- Strengthen the Internal Organization (SIO) Fabio Angelini and Max Oker-Blom
- Broaden Financial Basis (BFB) Frank Jorgensen and Sozos-Christos Theodoulou



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The SP 2020 was adopted by the ECTA Council in October 2014 in Tallinn and updated as a rotating plan. The updated SP 2022 was adopted by the ECTA Council in October 2016 in Bordeaux .

The main topics of the SP 2022 are outlined below. The tasks done during June 2016 – June 2017 are highlighted in dark green while those goals which are being maintained and continued are marked in light green and those goals which were not achieved are marked in yellow.

The overall goal is to make ECTA the foremost and most prestigious trade mark, geographical indications, design, copyright and related rights Association of the European Union.

Future challenges include active participation in negotiations of Brexit, implementation of the Trade Mark Directive, Digital Single market initiatives and Reform on Designs in the EU.

ECTA is strong and flexible to overcome the challenges with a Council representing 28 Member States; the Brussels office with well-connected staff; and ECTA members representing more than 50% of all European Trade Marks;

ECTA is recognized as an independent, unbiased, expert spokesman in the areas of Trade Marks, Designs and related IP rights highly valued at the EUIPO and Commission levels and even recognized as an NGO at UN level (WIPO).

I would like to thank all Council Members, the ECTA staff, the Committee Chairs and the Management Committee for their support during this year.

1. Develop Membership Benefits (DMB)

1.1 Organize high level conferences, workshops and debates

- Annual Conferences: Include Keynote Speaker
Offer parallel working Sessions
- Workshops:
 - 2 workshops in Brussels
 - 1 joint workshop with EUIPO
 - 1 joint workshop with WIPO
 - 1-2 workshops per year in different EU cities
- Debates: Twitter / Blog on Website

1.2 Publish ECTA Bulletin

Issue quarterly e-bulletin with “chapters” (case law update, news from Member States, news from association, Committee Section, EUIPO Section, Key-Interview)

1.3 Provide Online Tools, up-to-date Information and Resources

- Interactive website
- See Media Strategy accepted in June 2016 in order to achieve:
 - Use media and develop participation of members
 - Investigate the creation of a discussion platform

1.4 Offer training, education and standards for members

- Create Webinars
- Training Sessions on Online Tools (EUIPO & WIPO)
- Online transmission of Workshops
- Online Transmission of Conferences

1.5 Organize networking opportunities

1.6 Develop Leadership among members

Invite external consultants for MC advice + education

1.7 Create a professional and social “membership experience”

1.8 Enlarge ECTA Council to EEA + countries

Create Task Force to identify whether the ECTA Council should be enlarged and how

2. Broaden ECTA's Expertise (BEE)

2.1 Broaden scope of expertise (establishing new committees)

- Copyright committee created in 2015

- Committee on related-issues

Create Task Force to identify whether a new committee is necessary or whether sub-committees should be established within existing committees

- Check other subjects such as Anti-Trust or Competition Law

- Unfair Competition

Create Task Force to identify whether a new committee is necessary or whether sub-committees should be established within existing committees

- Case Law
- IP 2030 – Where do we go ? (3D printing, open source, one-click-licensing)

2.2 Broaden ECTA's expert base:

- Speakers at workshops/conferences (academia, anti-IP, industry, judges)

- Broaden subjects of dialogue:

- Broader IP issues
 - Technologies – social platforms, virtual business models, etc.
 - Commercialization of IP rights

2.3 Broaden dialogues with officials

- National Government

- National Offices

- Judges

2.4 Increase the size of ECTA Committees, their field and topics

3. Reinforce External Partnerships (REP)

3.1 Maintain good relationship with EUIPO and the EU Commission (GROWTH, Trade, Competition, Foodstuffs, Connect)

- Regular EUIPO Meetings (EUIPO Link, Liaison, MBBC) and define regular attendance and persons attending
- At least 3 Meetings / Year with EU Commission – Management Committee, invite committee chair responsible for subject
- Invite at least two EUIPO speakers to our conferences
- Organize joint workshop once per year

3.2 Maintain good relationship with WIPO

- WIPO Link Committee created in 2015
- Regular WIPO Meetings (WIPO Link once a year, Attend Working Group Meetings and possibly Standing Committee on TMs, Designs and GIs – by responsible Chairs and WIPO Link Committee Member)
- Invite at least one WIPO speaker to our conferences
- Organize joint workshop once per year

3.3 Maintain and enhance good relationship with EU Council, EU Parliament and enhance relationship with national legislators (Council Involvement) as well as national trade mark office

- At least 2 Meetings / Year with EU Council Reps and EU Parliament Reps – Management Committee, invite committee chair responsible for subject
- Invite at least one EC or EP Rep to our conferences
- Channel position papers through Council Members to national legislator on a regular basis
- at least one meeting per year between Council Member and national legislator and report during Council Meeting

3.4 Draft an agenda of activities (work and social) that could be jointly organized with sister organizations

- Identify associations, preferably from outside the EU, which organize annual meetings

- Suggest joint seminars, to take place either at ECTA's annual meeting or the other way around
- Organize joint or independent parties or other social events during the other associations' annual meetings to promote ECTA

3.5 Identify and cooperate with Associations, including Trademark Owners' Associations, Copyright Associations and non-IP Associations in the EU and around the world with which a strategic partnership can be established

- Attend Sister Association meeting once per year
- Attend NGO coordination meetings twice per year

3.6 Enforce contact to SME's

- contact EU countries' Chambers of Commerce to contact SME's; for ECTA conferences - there could be a separate block (1 day) for SME owners about basic trade mark law and filing strategies held by IP professionals/company IP
- ECTA organizing in each country a workshop for SME's about national rights, IRs and CTMs and maybe also about copyrights / unfair competition issues because that's also important for SMEs

3.7 Strengthen partnerships with national Trademark Offices, Boards, Agencies and Universities

- Reinforce/establish good relations with UK, Iceland, Liechtenstein, Norway Offices
- Disseminate ECTA Position Papers
- Advertise ECTA Award

3.8 Involvement in / lobby for Governmental programmes regarding Trade mark issues in EU member countries

- Organize meetings / seminars with authorities (judges, Customs workers, etc.) in various countries around the EU
- Keep an eye on programmes initiated by governmental bodies in various EU countries (such as, in schools, etc.) and offer ECTA's support / involvement

4. Strengthen the Internal Organization (SIO)

4.1 Members: Improve Communication to members and Transparency of ECTA's internal work and decision making

- Yearly update Communication Strategy

4.2 Office: Improve capabilities

- Larger office space - Office has relocated in Brussels to a new office with more space
- Engage new employee - Daniela Derksen has been employed as Legal Communicator
- New Software and Hardware to facilitate tasking
 - Appropriate Mobile Devices for Manager Legal Affairs, Manager Administration and Legal Communicator
 - Check existing server architecture and need for interactive content and Communication management – possibly renew / add capabilities
 - Check existing software and need for interactive content and communication management - possibly renew / add capabilities

4.3 Council: Improve participation in ECTA's affairs/decision making process

a. Creation of Council Subcommittees/work groups tasked with examining issues

- Use Ad-Hoc Task Forces for specific issues
- Disseminate position papers to national legislator
- Each council member to meet national rep once a year

b. Creation/adoption of procedures (selection, discussion, voting majorities) to request MC to look after certain issues

4.4 Management Committee: Strengthen legitimacy and transparency

- Adoption and ratification by Council of the rules defining selection, nomination and election of ECTA's executive officers
 - Draft an updated criteria & selection method sheet for approval by Council
 - Implement new criteria and selection method
- Advanced dissemination to Council of agenda/issues to be discussed at MC meetings
 - Agendas and Minutes are sent to Council prior and after MC Meetings
 - Council has opportunity to add Agenda Items

- Institution at Council Meetings of a specific question time where Council members may address MC members
 - Reserve a 30min Q&A section for Council Meetings in June and a 60min section in October; questions should be handed in at least 2 days prior to the meeting

4.5 Committees: Increase participation and develop output

a. Engage Vice Chairs and Secretaries

- Draft updated expectation sheet for Vice Chairs and Secretaries of which tasks they should perform

b. Use of Task Managers

- Check whether all chairs have used task managers for their projects

c. Co-opting non-members into specific Committee projects

d. Creation of Sub-committees tasked with specific long range issues

e. Implementation of open enrolment sessions during Annual Meetings

f. Reorganization of ECTA's current Committees work:

- organize special ad hoc committees when ECTA decides to be involved into "large" projects, for example, Trade mark Legislative package, BREXIT (pool from all ECTA members)
- Revise aims and objections of current committees
- Revise internal organisation of Committees work.
 - team work
 - permanent sub-committees/teams focusing on certain scope of questions (Madrid system, well-known trade mark, etc.)

g. create platform/tool for easier processing of Committee members documents

4.6 Annual Meeting: Increase quality /involvement on sessions

- Prepare fixed guidelines for session Chairs to follow in organizing their panels
- Create Guidelines (expectations as to performance and contents) for
 - Session chairs (moderators)
 - Speakers

4.7 Speed up work on documents and papers – instalment of standard routines, web based



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4.8 Change name: ECTA: European Copyright and Trade Mark Association

Create Task Force to identify whether a new title is necessary and what should be changed

5. Broaden Financial Basis (BFB)

5.1 Charge for Workshops, Webinars and Seminars (non-members only)

5.2 Sponsorship opportunities

5.3 ECTA merchandise

- T-shirts, mugs, mouse pads...the sky is the limit
- Potentially - Order it during registration and pick up at conference.

5.4 Offer content for money

- Subscription to restricted information on ECTA website – news alerts, publications
- Should be cheaper than membership fee.

5.5 Liaise with other IP service providers

5.6 Referral System for Legal Services

Ruta Olmane

ECTA President

Budapest, June 2017