



European Communities Trade Mark Association

10 July 2012

ECTA ACTIVITY REPORT JULY 2011- JUNE 2012

I. POSITION PAPERS

ECTA provided authorities with the following position papers.

All ECTA's position papers can be found on the Position Papers page of the ECTA website (www.ecta.eu).

A. With the support of the Anti-Counterfeiting Committee:

- **On 2 May 2012** to the European Commission (DG TAXUD), Comments on the new multiannual EU Customs Action Plan to combat Intellectual Property Rights infringements;
 - **On 31 May 2012** to the OHIM, Letter on the EU Observatory;
 - **On 28 June 2012**, to the European Commission (DG TAXUD, DG TRADE, DG MARKT), OLAF, EU Parliament, Position Paper concerning the proposed new regulation on customs enforcement of Intellectual Property Rights;
 - **On 28 June 2012**, to the European Commission (DG TAXUD, DG TRADE, DG MARKT), OLAF, EU Parliament, ECTA Position Paper on fake goods in transit: Trade Mark Infringement and Border Measures;
- **Jointly with other Associations**
- **On 1 October 2011** to ACTA Negotiators - *"Business Community Lauds Countries' Signing of the Anti-Counterfeiting Trade Agreement - Organizations Urge the Rest of the Negotiators to Follow Suit"*;
 - **In January 2012**, to the members of the EU Parliament – *"ACTA - Anti-Counterfeiting Trade Agreement - Why You Should Support It"*;
 - **On 23 April 2012** to the European Commission - *"Objection to the adoption of restrictive legislation or policy options frequently referred to as "generic" or "plain packaging"*;
 - **On 27 April 2012** to the members of the European Parliament, Letter in support of ACTA signed by 130 organisations;
 - **On 25 May 2012** to the members of the European Parliament, Letter in favour of postponing the vote on ACTA until the CJEU has ruled on the compatibility with EU acquis and Fundamental Rights AND/OR until the Commission has provided clarification on a number of points from the Parliament;
 - **On 29 May 2012** to the members of the Council Customs Working Group, Letter on the proposed regulation on Customs Enforcement of Intellectual Property Rights in order to effectively covered counterfeited goods in transit;
 - **On 15 June 2012** to the members of the European Parliament, Letter in favour of clarifications on ACTA in the context of the vote in International Trade Committee on 21 June 2012;

B. With the support of the Design Committee

- **On 17 February 2012** to the OHIM, Position Paper on registered designs representations in OHIM under Article 4 of the Community Design regulation and other IPO's and on the Award of costs;
- **On 13 June 2012** to the WIPO, Comments on the User Survey organised by WIPO on Industrial Design Registration Procedure

C. With the support of the Geographical Indications Committee:

- **On 13 July 2011**, to the OHIM, Letter regarding notably the Policy of the OHIM on the examination of CTMs containing or evoking Geographical indications (GIs);
- **On 27 December 2011**, to the European Commission (DG MARKT and DG AGRI) and to the OHIM, Position Paper on *"Draft regulations of 10 December 2010 re Quality package for food stuff and other products"*;
- **On 17 February 2012**, to the OHIM, Position Paper on GIs and the Community Trademark Quality Check;

D. With the support of the Harmonization Committee

- **On 15 July 2011** to the OHIM, Comments on the convergence programme brief;
- **In June 2012** to the European Commission (DG MARKT) and OHIM, Survey on Article 101 (2) CTMR: additional claims under national law derived from a CTM;
- **In June 2012** to the European Commission (DG MARKT) and OHIM, Survey on Sanctions under national law in case of non-compliance of infringer with a CTM Court's judgment prohibiting infringing or impending infringing actions (Article 102 (1) CTMR);
- **In June 2012** to the European Commission (DG MARKT) and OHIM, Survey Claims for Infringement of earlier national rights against the use of a CTM (Art. 110 (1) CTMR);

E. With the support of the Law Committee:

- **On 13 December 2011** to the OHIM, Comments on the accessibility of examiners by users of the CTM and RCD systems;
- **On 17 February 2012** to the European Commission (DG MARKT) and OHIM, Position Paper on new proposal by Commission for regulation entrusting the OHIM with certain tasks - Observatory on counterfeiting and piracy;
- **On 11 June 2012**, to European Sisters Association, ECTA comments on the case Colloseum Holding AG v Levi Strauss & Co. (Case C-12/12) and the question of genuine use;
- **On 20 June 2012**, to the European Commission (DG MARKT, DG SANCO? DG COMPETITION) and the French Authorities (INPI and Minister in charge of Public Health), Position paper on French new law on pharmaceuticals;

F. With the support of the OHIM Link Committee:

- **On 15 February 2012** to the OHIM, Position Paper on criteria in opposition proceedings;
- **On 29 June 2012**, to the OHIM, Position Paper on Mediation before Boards of Appeal;

G. With the support of the OHIM Link and Professional Affairs Committees:

- **On 17 February 2012** to OHIM, Position Paper on the award of costs in opposition proceedings in opposition proceedings and on the evidence before OHIM under Article 78 of the CTM regulation;
- **On 12 June 2012** to OHIM and the European Commission (DG MARKT), Position Paper on the Change of representative.

II. PARTICIPATION IN MULTILATERAL AND BILATERAL MEETINGS WITH THE OHIM, EU COMMISSION AND ENTITIES LINKED TO THE EU COMMISSION AND THE EU PARLIAMENT

- Cabinets of the Commissioner for Internal Market and Services (Mr Barnier) and the Commissioner for Health and Consumer Policy (Mr Dalli) and DG TRADE, 22 September 2011, Brussels;
- 9th meeting of the EU-China IPR working group, 14-15 November 2011, Beijing;
- OHIM Administrative Board and Budget Committee meetings, 15-16 November 2011, Alicante;
- IMCO Public hearing on customs enforcement of IP Rights in the European Parliament, 22 November 2011, Brussels;
- EPP Group Hearing on the European Trade mark System in the 21st Century in the European Parliament, 11 January 2012, Brussels;
- ECTA OHIM link Meeting, 17 February 2012, Alicante;
- OAMI Users Group meeting, 17 April 2012, Alicante;
- OHIM Administrative Board and Budget Committee meetings, 24-25 April 2012, Alicante;
- Conference on "Enforcement of intellectual property rights: The review of Directive 2004/48/EC" organized by DG MARKT in association with the Danish Presidency, 26 April 2012, Brussels;
- LIBE Workshop on the Anti-Counterfeiting Trade Agreement (ACTA) and its compatibility with fundamental rights in the European Parliament, 16 May 2012, Brussels;
- OHIM 7th Liaison meeting on Trade marks, 21-22 May 2012, Alicante;
- 2nd New OHIM Website User Working Group meeting, 24 May 2012, Alicante.

III. INVOLVEMENTS IN PROJECTS LINKED TO THE EU COMMISSION AND THE OHIM

- ECTA Volunteers in projects of Packet 1 of OHIM Cooperation Fund (designview project, seniority date base project and similarity of goods and services project);
- ECTA Volunteers in projects of Packet 2 of OHIM Cooperation Fund (harmonized user satisfaction survey and common call centre);
- ECTA Volunteer in convergence programme brief (absolute grounds – figurative trade marks project).

IV. PARTICIPATION IN MULTILATERAL AND BILATERAL MEETINGS OF INTERNATIONAL ORGANISATIONS

- 9th session of the WIPO Working Group on the Legal Development of the Madrid System for the International Registration of Marks from 4 to 8 July 2011, Geneva;
- 3rd session of the WIPO Working Group on the Digital Access Service for Priority Documents from 12 to 15 July 2011, Geneva;
- WIPO Symposium of Intellectual Property Authorities - Services for Access to Knowledge in Promoting Innovation and Creativity, 22-23 September 2011, Geneva;
- 26th session of the WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications from 24 to 28 October 2011, Geneva;
- 7th session of the WIPO Advisory Committee on Enforcement from 30 November 2011 to 1 December 2011, Geneva;
- WIPO Working Group on the Development of the Lisbon System (Appellations of Origin) from 12 to 16 December 2011, Geneva;
- ECTA-WIPO Annual Meeting, 3 April 2012, Geneva;
- WIPO Director General's Meeting with NGO's, 19 April 2012, Geneva;
- WIPO Working Group on the Development of the Lisbon System (Appellation of origin), from 11 to 15 June 2012, Geneva.

V. MEETINGS WITH ASSOCIATIONS

- Global Anti-Counterfeiting Group annual meeting, 29-30 September 2011, Paris;
- NGO coordination meeting at AIPPI annual conference, 17 October 2011, Hyderabad, India;

- NGO meeting at ASIPI annual conference, 31 October 2011, Santa Cruz, Bolivia;
- European Sister Organisations Meeting, 9 March 2012, Munich, Germany;
- NGO coordination meeting at INTA annual conference, 8 May 2012, Washington DC, USA.

VI. ORGANISATION OF ROUND TABLES, WORKSHOPS OR SEMINARS

After successful workshops in London and Rome, ECTA has continued to promote The Hague System covering international registration of designs by organising the following workshops:

- **Paris, 1 July 2011**, Workshop on international registrations of designs in collaboration with APRAM and WIPO;
- **Hamburg, 26 September 2011**, in collaboration with GRUR, WIPO and the German Patent Office;
- **The Hague, 12 December 2011**, in collaboration with BMM, WIPO and the BOIP
- **Madrid, 26 March 2012**, in collaboration with COAPI, AGESORPI, WIPO and the Spanish Office for Patents and Trade Marks.

In addition, ECTA has organised in the context of the reform of the EU trade mark system the following seminar:

- **Brussels, 8 February 2012**, ECTA Seminar on the crucial challenges for the European trade mark system;

With regard to Geographical indications,

- **Alicante, 16 February 2012**, ECTA Round table on Geographical Indications on the Community Trademark System;

And, in the context of the EU study on parasitic behaviour and of the UK consultation on plain packaging, in collaboration with ITMA and INTA,

- **London, 29 June 2012**, a Joint Seminar on “*The role of Get-Up, Trade Dress and packaging in the enforcement and protection of brands*”.

VIII. MEDIA

- **July 2011**, *Laying the foundations of the trade mark reform* – article by Annick Mottet Haugaard, ECTA President, and Fabio Angelini, Chair of the ECTA Law Committee, published in the World Intellectual Property Review Annual 2011;
- **12 October 2011**, Press Release - Signing of the ACTA;



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- **11 January 2012**, TV report, including interview with Annick Mottet Haugaard, ECTA President, during the EPP Group hearing on the EU trade mark reform;
- **26 January 2012**, Press Release - Business Community urges European Parliament to pass ACTA;
- **April 2012**, *ECTA and the importance of IP rights* - article by Max Oker-Blom, ECTA Secretary General, and Annick Mottet Haugaard, ECTA President, published in Global Business Magazine;
- **16 May 2012**, TV report on LIBE Workshop on the Anti-Counterfeiting Trade Agreement (ACTA) and its compatibility with fundamental rights at the European Parliament, including intervention of Annick Mottet Haugaard, ECTA President;
- **May 2012**, *Like a Rolling Stone: Should ACTA be Stopped ?*, published World IP Review, Volume I, Issue 2, including contribution from Marius Schneider, Chair of the ECTA anti-Counterfeiting Committee;
- **On 21 June 2012**, PRESS RELEASE, Source: www.actafacts.com, Manufacturing and creative sectors urge responsible consideration of ACTA before Plenary vote by Parliament.

During the concerned period, ECTA has also published 21 Flashes and 1 Gazette.