



European Communities Trade Mark Association

ECTA ACTIVITY REPORT JUNE 2009 - JUNE 2010

I. ECTA MEETINGS AND MEETINGS ATTENDED WITH OFFICIALS

- On 7 July 2009, ECTA met DG TAXUD and DG MARKT.
- On 30 September 2009, ECTA met DG MARKT.
- On 27 October 2009, ECTA attended the OHIM E-business Users Group meeting in Alicante.
- On 29-30 October 2009, ECTA held its 57th Council and Committee meetings in Porto, Portugal.
- On 6 November 2009, the ECTA OHIM Link Committee met OHIM in Alicante.
- On 16 November 2009, ECTA attended the joint meeting of the OHIM Administrative Board and Budget Committee in Alicante.
- On 17 November 2009, ECTA attended the meeting of the OHIM Administrative Board in Alicante.
- On 23-26 November 2009, ECTA attended the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications at WIPO.
- On 11 December 2009, ECTA met DG AGRI.
- On 24 February 2010, ECTA attended the extraordinary meeting of the OHIM Administrative Board and Budget Committee in Alicante.
- On 15 March 2010, ECTA attended the 17th Meeting of the OAMI Users Group in Alicante.
- On 13 April 2010, ECTA attended the OHIM Administrative Board Meeting in Alicante.
- On 14 April 2010, ECTA attended the OHIM Budget Committee meeting in Alicante.
- On 7 May 2010, ECTA attended its annual meeting with WIPO in Geneva.

II. POSITION PAPERS

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

ECTA, in cooperation with AIM, BUSINESSEUROPE, INTA and MARQUES, provided **on 4 May 2010**, the 27 IP attachés of the Members States, DG MARKT and the OHIM with a joint statement in connection with the draft Council Conclusions of the Spanish Presidency on the Study on the functioning of the European trade mark systems: "*Future Revision of the Trade Mark System in the European Union -Trade Mark Users Associations ask Competitiveness Council not to jump to conclusions.*"

In addition, ECTA also provided:

A. **With the support of the Law Committee:**

1. **On 29 June 2009**, in cooperation with AIM, BUSINESSEUROPE, INTA and MARQUES, DG MARKT with a joint letter on the overall Study of the EU Commission on the functioning of the trade mark systems in the EU.
2. **On 10 July 2009**, in cooperation with AIM, BUSINESSEUROPE, INTA and MARQUES, the OHIM with a joint letter commenting the Initiation Note on the Cooperation Fund.
3. **On 16 September 2009**, in cooperation with AIM, BUSINESSEUROPE, INTA and MARQUES, the Chair of the Management Board of the OHIM Cooperation Fund with suggestions in connection with the Cooperation Fund.
4. **On 25 September 2009**, DG MARKT with a letter in connection with the Tender for the Study.
5. **On 6 October 2009**, DG MARKT with a letter following the meeting of 30 September 2009.
6. **On 7 October 2009**, DG MARKT with a letter in connection with judicial architecture at the EU level and with a questionnaire.
7. **On 10 November 2009**, the Management Board of the OHIM Cooperation Fund and the OHIM with "*Projects to be covered by the Cooperation Fund – ECTA's additional suggestions*".
8. **On 14 December 2009**, the Management Board of the OHIM Cooperation Fund and OHIM with suggestions.
9. **On 14 January 2010** the Max Planck Institute, DG MARKT and the OHIM with its comments in connection with the MPI's letter of 17 November 2009 (Study on the functioning of the European Trade Mark System).
10. **On 16 February 2010**, the Max Planck Institute, the OHIM and DG MARKT with its reply to the Questionnaire on TM functioning in the EU for the Max Planck Institute.

11. **On 16 April 2009**, the OHIM, DG MARKT and the Max Planck Institute with *“comments on OHIM proposal on how to deal with the Office’s surplus included in OHIM contribution to the Study on the overall functioning of the trade mark system in Europe”*.

B. With the support of the Professional Affairs Committee:

On 22 March 2010, the Management Board of the OHIM Cooperation Fund and OHIM with proposals for field 3, information services.

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

1. **On 19 March 2010**, in cooperation with AIM, BUSINESSEUROPE and INTA, the Management Board of the OHIM Cooperation Fund and the OHIM with *“Proposal for field 4, enforcement activities: A Tool for electronic exchange of data between OHIM, NPTOs, IP Enforcement Authorities and right holders”*.
2. **On 25 May 2010** DG TAXUD, with its response to the Consultation Paper on the Review of EU Legislation on Customs Enforcement of IPRs.

D. With the support of the Internet Committee and in cooperation with MARQUES:

1. **On 22 November 2009**, ICANN with *“Comments of ECTA, the European Communities Trade Mark Association and MARQUES, the Association of European Trade Mark Owners on ICANN’s New gTLD Applicant Guidebook, third draft”*.
2. **On 25 January 2010**, ICANN with *“Comments of MARQUES, the Association of European Trade Mark Owners and ECTA, the European Communities Trade Mark Association on Expressions of Interest”*.
3. **On 25 January 2010**, ICANN with *“Comments of ECTA, the European Communities Trade Mark Association and MARQUES, the Association of European Trade Mark Owners on STI Recommendations”*.
4. **On 1 April 2010**, ICANN with *“Comments of ECTA, the European Communities Trade Mark Association and MARQUES, the Association of European Trade Mark Owners on the Proposed Framework for the Fiscal Year 2011 Operating Plan and Budget”*.
5. **On 1 April 2010**, ICANN with *“Comments of MARQUES, the Association of European Trade Mark Owners and ECTA, the European Community Trade Marks Association on Trademark Post Delegation Dispute Resolution Procedure”*.
6. **On 1 April 2010**, ICANN with *“Comments of MARQUES, the Association of European Trade Mark Owners and ECTA, the European Communities Trade Mark Association on the trademark clearinghouse”*.
7. **On 1 April 2010**, ICANN with *“Comments of ECTA, the European Communities Trade Mark Association and MARQUES, the Association of European Trade Mark Owners on Uniform Rapid Suspension (URS)”*.
8. **On 1 June 2010**, ICANN with concerns on *“ICANN issues”*.

E. With the support of the Geographical Indications Committee:

1. **On 8 January 2010**, WIPO with “*Questions and answers to WIPO survey on the Lisbon System*”.
2. **On 23 February 2010**, DG AGRI, DG MARKT and the OHIM with “*Comments on Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on agricultural product quality policy*”.

III. SPECIAL ROUND TABLES IN THE CONTEXT OF THE STUDY ON THE FUNCTIONING OF THE EUROPEAN TM SYSTEMS

In order to contribute to the debate on the EU trade mark system, which is particularly relevant in the context of the current Study on the overall functioning of the system launched by the European Commission, ECTA is organising a series of Round Tables in collaboration with the OHIM and the National Trade Mark Offices, so that the stakeholders will have a better understanding of the effective impact of OHIM’s activities and the CTM system in the different Member States and learn from the experience of the respective users. By repeating this Round Table on identical topics in the various EU Member States, ECTA hopes also to help the further harmonization of the different practices, both from a procedural and legal point of view, at EU level.

In this regards, after The Hague in April 2008 and Munich in March 2009, ECTA has organised the following Round Tables in 2010:

- **London, 26 February 2010**, “*The Community Trade Mark and the National Trade Marks: are they in harmony? The UK point of view*”;
- **Brussels, 23 March 2010**, “*Europe vs. the United States: Is there something the European Trade Mark system can learn from the United States after all? A Benchmarking Round Table on the Community Trade Mark*”;
- **Paris, 30 April 2010**, “*La marque communautaire et les marques nationales: sont-elles en harmonie? Le point de vue français*”.

The forthcoming Round Tables will be:

- **Riga, 9 July 2010**, “*The Community Trade Mark and the National Trade Marks: are they in harmony? The Baltic countries’ points of view*”;
- **Helsinki, 13 September 2010**, “*The Community Trade Mark and the National Trade Marks: are they in harmony? The Scandinavian countries’ points of view*”;
- **Cracow, 22 October 2010**, “*The Community Trade Mark and the National Trade Marks: are they in harmony? The Eastern European points of view*”.