



European Communities Trade Mark Association

Brussels, 10 June 2014

ECTA ACTIVITY REPORT June 2013 – June 2014

Content

	Page
I. Position Papers / Press Release	2
II. Participation in Multilateral and Bilateral Meetings with the OHIM, EU Commission and Entities Linked to the EU Commission	7
III. Participation in Projects Linked to the EU Commission, EU Parliament, EU Observatory, OLAF, EURid and the OHIM	8
IV. Participation in Multilateral and Bilateral Meetings of International Organisations	9
V. Meetings with Associations	9
VI. ECTA Round Tables and Workshops	9
VII. Press	10

I. Position Papers / Press Release

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:

- **Jointly with other Committees:**

February 2014

- Joint paper from BusinessEurope, AIM, ECTA, ICC-BASCAP, INTA and MARQUES: European Trade Mark Package.

April 2014

- ECTA's comments on the EU Presidency Compromise Proposals for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark and on the Proposal for amending the Directive 2008/95/EC to approximate the laws of the Member States relating to trade marks.

June 2014

- ECTA's comments on the last EU Presidency Compromise Proposals for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark and on the Proposal for amending the Directive 2008/95/EC to approximate the laws of the Member States relating to trade marks (focus on outstanding issues: OHIM surplus and good in transit provisions).

- **Committee itself:**

January 2014

- Joint Oireachtas Committee on Health and Children. Pre-Legislative Scrutiny of proposed law for "standardised" or plain packaging for cigarettes – ECTA comments.

B. With the support of the Design Committee

- **Jointly with other Committees:**

April 2014

- ECTA's contribution to EU-China IP discussions: EU-China items for discussion with regard to Trade Marks.

C. With the support of the Geographical Indications Committee:

- **Jointly with other Committees:**

June 2013

- Geographical Indications: Reform of the European Trade Mark system – ECTA's comments on the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark and on the Proposal for amending Directive 2008/95/EC to approximate the laws of the Member States relating to trade marks.

April 2014

- ECTA's comments on the EU Presidency Compromise Proposals for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark and on the Proposal for amending the Directive 2008/95/EC to approximate the laws of the Member States relating to trade marks.

- **Committee itself:**

January 2014

- ECTA position paper on the notion of "comparable goods" in the practice of the OHIM (on absolute and relative grounds).

March 2014

- Contribution to ECTA's comments on draft amendments to OHIM's Guidelines, WP2, 2014.

D. With the support of the Harmonization Committee

- **Jointly with other Committees:**

June 2013

- Reform of the European Trade Mark system – ECTA's preliminary comments on the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark and on the Proposal for amending the Directive 2008/95/EC to approximate the laws of the Member States relating to trade marks.

October 2013

- ECTA comments on the Draft Report by the Committee on Legal Affairs on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark (CTM Regulation) and the proposal for a directive of the European Parliament and of the Council to approximate the laws of



European Communities Trade Mark Association

the Member States relating to trade marks (recast) (Directive) - EXECUTIVE SUMMARY.

February 2014

- Joint paper from BusinessEurope, AIM, ECTA, ICC-BASCAP, INTA and MARQUES: European Trade Mark Package.

April 2014

- ECTA's comments on the EU Presidency Compromise Proposals for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark and on the Proposal for amending the Directive 2008/95/EC to approximate the laws of the Member States relating to trade marks.

June 2014

- ECTA's comments on the last EU Presidency Compromise Proposals for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark and on the Proposal for amending the Directive 2008/95/EC to approximate the laws of the Member States relating to trade marks (focus on outstanding issues: OHIM surplus and good in transit provisions).

- **Committee itself:**

August 2013

- Survey covering the national legal practices concerning the genuine use of a CTM (whether members are aware of decisions of the courts or the NPTOs explicitly confirming genuine use of a CTM by use of the CTM in one country).
- Ex-officio examination of TM applications on relative grounds by the National Offices.
- Survey on Article 53 (2) CTMR: Issue whether a CTM Reg. could be declared invalid based on earlier national rights other than TMs.

April 2014

- Survey regarding the class fees in each Member State in order to compare them to OHIM's fees – proposed amendments to the CTMR.

E. With the support of the Internet Committee:

- **Jointly with other Committees:**

April 2014

- ECTA's contribution to EU-China IP discussions: EU-China items for discussion with regard to Trade Marks.

- **Committee itself:**

December 2013

- Survey on national Domain Name ADRs, and on UDRP.

January 2014

- ECTA comment to support the creation of a specific TLD category, with the .brand TLDS.

February 2014

- ECTA Internet Book: ECTA Law Book X – Domain Names.

F. With the support of the Law Committee:

- **Jointly with other Committees**

June 2013

- Reform of the European Trade Mark system – ECTA's preliminary comments on the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark and on the Proposal for amending the Directive 2008/95/EC to approximate the laws of the Member States relating to trade marks.

October 2013

- ECTA - APRAM - BMM - MARQUES - UNION Joint Statement "Objections to the adoption of "Plain Packaging" and excessive measures restricting normal use of trade marks.
- ECTA comments on the Draft Report by the Committee on Legal Affairs on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark (CTM Regulation) and the proposal for a directive of the European Parliament and of the Council to approximate the laws of the Member States relating to trade marks (recast) (Directive) - EXECUTIVE SUMMARY.

February 2014

- Joint paper from BusinessEurope, AIM, ECTA, ICC-BASCAP, INTA and MARQUES: European Trade Mark Package.

April 2014

- ECTA's comments on the EU Presidency Compromise Proposals for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark and on the Proposal for amending the Directive 2008/95/EC to approximate the laws of the Member States relating to trade marks.

June 2014

- ECTA's comments on the last EU Presidency Compromise Proposals for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark and on the Proposal for amending the Directive 2008/95/EC to approximate the laws of the Member States relating to trade marks (focus on outstanding issues: OHIM surplus and good in transit provisions).

- **Committee itself:**

March 2014

- Joint statement: reflexion on to the adoption of “plain packaging” legislations (APRAM, ICC-BASCAP, BMM, ECTA, MARQUES, Unifab, UN).
- ECTA contribution: New Zealand Parliament Bill – Plain packaging for cigarettes.

G. With the support of the Membership & Disciplinary Committee

- **Jointly with other Committees:**

April 2014

- ECTA's contribution to EU-China IP discussions: EU-China items for discussion with regard to Trade Marks.

H. With the support of the ECTA – OHIM Link Committee

- **Jointly with other Committees:**

March 2014

- ECTA's comments on draft amendments to OHIM's Guidelines, WP2, 2014.

- **Committee itself:**

June 2014

- Position paper on Convergence Programme – CP3 Absolute Grounds – Figurative Marks.
- Position paper on Convergence Programme – CP5 – Relative Grounds – Likelihood of Confusion (Impact of non-distinctive/weak components).

I. With the support of the Professional Affairs Committee

- **Jointly with other Committees:**

April 2014

- ECTA's comments on the EU Presidency Compromise Proposals for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark and on the Proposal for amending the Directive 2008/95/EC to approximate the laws of the Member States relating to trade marks.

- **Committee itself:**

February 2014

- Survey on the comparative study of the Syllabus of qualifying examination in other EU member countries, where qualifying examinations exist.
- Survey on general trade mark advice by national trade mark authority.
- Survey on specific trade mark advice by national trade mark authority.

April 2014

- Survey on professional representation before the OHIM – proposed amendments to the CTMR.

II. Participation in Multilateral and Bilateral Meetings with the OHIM, EU Commission and Entities Linked to the EU Commission

June 2013

- Meeting with the IP Attachés of Germany, Hungary, Poland, Italy, Lithuania, Sweden, France, and United Kingdom.

September 2013

- Bilateral meetings with DG MARKT and DG TRADE on 20 September 2013, Brussels.
- Meeting with the Members of the European Parliament, Brussels.
- Meeting with the IP Attachés of Germany, Hungary, Poland, Italy, Lithuania, Sweden, France, and United Kingdom, Brussels.

November 2013

- OHIM 45th Administrative Board and 43rd Budget Committee meetings, Alicante.

February 2014

- ECTA - OHIM Link Committee Annual Meeting, 21 February 2014, Alicante.

March 2014

- Bilateral meetings with DG MARKT, 13 March 2014, Brussels.
- Bilateral meeting with the IP Attaché of Germany, 13 March 2014, Brussels.
- Bilateral meeting with the EU Council Presidency representatives of the Working Party on Intellectual Property (trade marks), 13 March 2014, Brussels.

May 2014

- OHIM 47th Administrative Board and 45rd Budget Committee meetings, 20-22 May 2014, Alicante.

III. Participation in Projects Linked to the EU Commission, EU Parliament, EU Observatory, OLAF, EURid and the OHIM

July 2013

- 1st EU Customs – right holders and stakeholders meeting in the framework of action 1.3.2 of the EU Customs Action Plan to combat IPR infringements for the years 2013 to 2017, DG TAXUD (9 July 2013), Brussels.

September 2013

- Website Users Working Group Meeting, 30 September 2013, Alicante.
- EU- China Dialogue on IPR, Beijing.

October 2013

- Liaison Meetings on Trade Marks and Designs, Alicante.
- EU Observatory Plenary Meeting, 28- 29 October 2013, Alicante.

February 2014

- 9th Liaison Meeting on Technical Cooperation, 20-21 February 2014, Alicante.
- Enforcement, public awareness, and legal and international working group meetings, 25-26 February, Brussels.

March 2014

- EU-China IP Working Group, Preparatory Meeting, 20 March 2014, Brussels.

April 2014

- OHIM 11th Liaison Meetings on Trade Marks, 8-9 April 2014, Alicante.
- Observatory private sector representatives meeting, 11 April 2014, Brussels
- 21st OAMI Users Group Meeting, 30 April 2014, Alicante.

IV. Participation in Multilateral and Bilateral Meetings of International Organisations

October 2013

- Participation in the WIPO - Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs, 28-30 October 2013, Geneva.

March 2014

- UNCITRAL Working Group VI (Security Interest), 31 March 2014, New York.

V. Meetings with Associations

June 2013

- Coordination Meeting – Reform of the CTM, 4 June 2013, Brussels.

September 2013

- NGO coordination meeting at AIPPI Forum&Exco meeting, 8 September 2013, Helsinki.

February 2014

- European Sister Associations Meeting, 28 February 2014, Rome.

May 2014

- NGO coordination meeting at INTA Conference, 12 May 2014, Hong Kong.

VI. ECTA Round Tables and Workshops

June 2013

- ECTA - GRUR Joint Event Brussels Workshop "European trade mark system under review - A first analysis of the new proposed legal framework", 3 June 2013, Brussels.

October 2013

- ECTA Round Table Session “Brand owner life before and after IP Translator”, 24 October 2013, Stockholm.

November 2013

- ECTA Round Table Session “Brand owner life before and after IP Translator”, 6 November 2013, Budapest.
- ECTA Round Table Session “Brand owner life before and after IP Translator”, 27 November 2013, Lisbon.

February 2014

- ECTA Round Table Session on Designs, 20 February 2014, Alicante.

March 2014

- ECTA Workshop on “Trade marks, packaging and lifestyle regulation”, 12 March 2014, Brussels.

VII. Press

Annual 2013 Publications

- *"From ACTA to standardised packaging: ECTA's overview of 2012"*, ECTA publication in WIPR e-Digest 2013.
- *"All roads lead to Brussels"*, IPPro The Internet, The Annual 2013-2014.

September 2013

- *"Marques et PME: Succès de la formule européenne"*, Press Publication for Magazine Les Décideurs.

October 2013

- *"Trade marks and SMEs- A successful formula"*, ECTA Press publication for Trade Mark Attorney Magazine.

May 2014

- *"Stopping fakes in their tracks: past, present and future of IP infringements and goods in transit"*, Intellectual Property magazine.