

WEEKLY NEWS - AUGUST 10, 2009 Users back OHIM Cooperation Fund proposals

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OHIM is pressing ahead with the establishment of a Cooperation Fund, after receiving broad support from national offices and users during the past month

The €50 million **fund** is part of a package of measures to address OHIM's surplus and is designed to improve trade mark procedures in Europe.

After receiving feedback from most member states and users during the past month, OHIM President Wubbo de Boer is expected to set up a management board and ask consultants Gartner to gather feedback from national offices by September.

OHIM will then submit an indicative work programme to member states at a meeting in November.

In a **statement** submitted to OHIM, five users' organisations (AIM, BusinessEurope, ECTA, INTA and MARQUES) said they support "the overall mission and principles" outlined in a so-called Initiation Note circulated by OHIM in June.

The Initiation Note was sent to EU member states and users' representatives after the OHIM Administrative Board and Budget Committee met in May.

The nine-page note sets out how OHIM proposes that the €50 million Cooperation Fund be set up, as well as providing details on its mission, principles, governance and approach.

The note was prepared with the help of consulting firm Gartner, which will advise on the establishment and allocation of the fund. It says that the Fund would be used for projects closely related to the harmonisation and protection, promotion and enforcement of trade marks and designs, and that the allocation of funds should be driven by the optimal contribution to users' priorities.

OHIM proposes to set up a management board to identify projects, and advise the president on expenditure. Members of the board will be appointed by the president as special advisers, and will be assisted by a technical and business adviser (Gartner), programme management office and programme manager.

The management board will comprise two business professionals (not associated with any particular users' body) and two senior EU figures. The chair of the OHIM Administrative Board (Antonio Campinos) will be an observer.

The board members are expected to be appointed, and the aims finalised, before the Administrative Board meeting in November this year.

Users and national offices have sent feedback on the note to OHIM during the past month.

In their comments, the five users groups expressed their concern regarding "the risk that CTM-generated funds would be diverted to member states' general purposes unrelated to trade marks" and said they are "encouraged" by the note's focus on modernising registration procedures and eliminating unnecessary differences in practice.

The users' groups also emphasise the need for "sound financial management and transparency" in the allocation of the fund.

One of the disputed aspects of the Fund is whether it should be used to support design as well as trade mark matters. The Note says it should cover both.

"We recognise that improvements in the functioning of the office systems may also have indirect benefits for designs but trust that the focus of the Cooperation Fund will be on trade marks, not designs," they add.

Another controversial issue is to what extent the Fund can be used for "enforcement" work.

This is likely to require further discussion, according to Tove Graulund of MARQUES: “What role do national offices play in enforcement? What would support for enforcement work involve?”

She said the priority for the Fund should be to start with “the most important things”: “We believe that projects should be very specific, defined, concrete and able to be controlled financially.”

The Cooperation Fund is a short-term measure, which is part of a package to deal with OHIM’s surplus. The recent fee reductions for CTM applications are also part of the package.

In the long term, the Commission proposes to amend the CTM Fees Regulation to give national offices a share of CTM renewal fees.