

USERS GIVE CAUTIOUS WELCOME TO OHIM PLAN

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Trade mark users' groups have welcomed OHIM's strategic plan, approved last week, but warned that sound financial management is crucial to its success

The [plan](#) sets out how OHIM will develop over the five-year presidency of António Campinos and covers matters including human resources, IT, buildings, quality control and training.

It resulted from consultation with staff, users groups and IP offices as well as four external audits.

A number of users' groups are observers on OHIM's Administrative Board and Budget Committee, which approved the plan at its meeting on May 4.

One of those present, Dawn Osborne (chair of the AIM trade mark committee) said that users appreciate having the opportunity to provide input into the plan and support the "ambitious goals" regarding improved quality and promoting convergence.

But she added: "Users need certainty and predictability so we are keen to see increased harmonization in working practices, especially in the national offices, which can benefit from sharing best practice with OHIM."

The plan involves a total increase in expenditure in excess of €120 million, though this includes nearly €70 million to improve and enlarge OHIM's offices and some of the €50 million cooperation fund.

Osborne told Managing IP: "Expenditure will be increasing significantly over the period of the plan so sound financial management is critical to make sure that the money is spent wisely."

Tove Graulund, who represents MARQUES as an observer on the Board, called the plan "very positive" and "thorough" and said the costing was "very reasonable in view of the scope of the plan".

She particularly welcomed Campinos's initiatives to improve the quality of examination: "The time has come to look at quality. Yes, we want things done fast but we also want them done really, really well."

One of the most contentious issues remains a plan (not yet implemented) to distribute 50% of CTM renewal fees to national offices in Europe, mirroring the arrangements in place for European patents.

Many users remain sceptical about this, partly because they believe the money may be diverted into general government funds, or may be used to justify cuts to national offices' budgets.

Some 15 national offices in Europe, including Germany, are not financially independent.

Osborne said AIM does not support "diversion of renewal fees" as it believes renewal fees should not be higher than necessary. "However, if such diversion is to take place as in the strategic plan, it must be on the basis of strictly defined, monitored and enforced KPIs," she said.

This is the only way to ensure that diverted fees are used "for the benefits of users and that such monies do not simply displace existing national monies that would otherwise have been spent on these purposes," said Osborne.

Graulund added that the money from renewals should be seen as "an extra luxury for offices to enable them to do a better job and improve services".

Another plank of the plan, which Campinos emphasised in an [interview](#) with Managing IP, is the expected additional responsibilities to be given to OHIM. These could include supervision of the EU Counterfeiting Observatory and management of a database on non-food geographical indications.

Both are expected to be addressed in the Commission's IPR Strategy, due to be announced next week.

Osborne said: "We are cautious about the additional competencies proposed for OHIM because they must not detract from the core role of the office to provide an efficient and effective registration system and because we have yet to see the precise role that OHIM might be able to undertake in the field of enforcement."

"Clearly enforcement is very important to brand owners but another layer of bureaucracy is not needed and interoperability of systems with the other bodies working in the field of anti-counterfeiting is vital," she added.

Observers have also pointed out that responsibility for initiatives such as the Counterfeiting Observatory would involve costs but no direct revenues, which may become of concern to trade mark and design applicants if they feel they are subsidising such activities.

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