

OHIM CHALLENGED ON SENIORITY AND DOUBLE SPENDING

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Simon Crompton, Stockholm

OHIM and WIPO will sign a memorandum next week to cooperate more closely on issues such as trade mark classification and search

Speaking at the ECTA meeting in Stockholm, Marcus Höpperger of WIPO said: "On an administrative level, we already work very closely. But this will also be increased by the memorandum of understanding that WIPO and OHIM will sign next week, on June 17."

He was responding to challenges from the audience that OHIM's services overlap with those of WIPO.

Standing up at the end of the first session, Tove Graulund of MARQUES asked: "What is being done to reduce the overlap between OHIM and WIPO in developing electronic tools? It would be nice to see some reduction in the double spend."

But Höpperger added that the two systems could never work in exactly the same way, as the Madrid System and Community trade marks are "different animals". "You cannot file directly into Madrid, for instance," he said.

The second challenge raised by the audience came from Gabrielle Olsson Skalin of Ikea and concerned seniority. She explained that she makes it a policy to hang on to all national trade marks across Europe, to retain priority.

Graulund took up the point, asking Christian Archambeau of OHIM why it said on his presentation that the project to create a seniority database was being delayed.

"This is a long-term project that we expect to complete in 2013," said Archambeau. "But it is only fair and transparent to report that some national offices are not as enthusiastic or investing as much in getting this done as others. It is a very resource-intensive project as well, particularly as some offices don't keep records of seniority."

Finally, one disgruntled member of the audience said that his experience of opposition procedures at OHIM was "terrible", with "very often the most important aspect of the opposition receiving no mention at all".

In response, Archambeau highlighted that OHIM is trying to improve its quality of examination in many ways under its **new strategic plan**, including improving peer review between examiners.

"We have to alter people's incentives so that, rather than being driven entirely by hitting their targets, examiners are rewarded for taking the time to make sure a colleague reaches the right conclusion in his case," said Archambeau.

"For years now we have been chasing numbers, trying to get the backlog down. Now we are in a steady state, which allows many of these problems to be looked at more directly."

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