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MORE WORK TO BE DONE ON EU TRADE MARK REFORMS

19 December 2014 | James Nurton, London

Negotiations between the European Parliament, the EU Presidency and Council on the reforms to the EU Trade Mark Directive and CTM Regulation will continue next year under the Latvian Presidency, after a meeting this week was postponed.

The so-called trilogue was due to meet for the final time on December 16, but the parties released a [statement](#) saying that "some additional time is needed in order to be able to arrive at a final conclusion on all essential elements of the package".

Interviewed by Managing IP in September, MEP Cecilia Wikstrom said she hoped the discussions would be concluded by the end of 2014, but acknowledged that some difficult negotiations remained.

The statement confirms that there is agreement on many issues, including the contentious topic of goods in transit and small consignments.

But it appears that it has been hard to secure agreement on other aspects of the reforms.

What to do about OHIM's substantial surplus, and how it should be distributed among member states, is probably one of the sticking points.

Another issue that has become prominent is the requirement for all EU member states to provide administrative cancellation procedures for trade marks.

This was proposed in the reforms as a harmonisation measure. At present, some member states provide administrative cancellation and some do not.

However, it now appears some member states do not want to introduce it and want the requirement removed from the package.

Tove Graulund, who chairs MARQUES EU Reform Task Force, told Managing IP: "This is a very important issue for many trade mark owners, whether small, medium or large. Administrative proceedings help the system work smoothly. No one wants to have to go to court to remove unused trade marks."

The discussions on the trade mark reforms have been continuing for several years following the report by the Max Planck Institute. In July this year, the EU Council agreed a [common position](#) and mandated the Italian presidency to enter final negotiations with the European Parliament.

COMMENTS

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