

# OHIM: A work in progress

**Earlier this year OHIM published the results of its second user satisfaction survey. The findings show that while progress has been made, there is still some work to be done**

In March 2006 the Office for Harmonization in the Internal Market (OHIM) published the findings of its first user satisfaction survey. The results were disappointing to say the least and led, in part, to a decision to restructure the office and streamline its processes.

Before the restructuring of OHIM's core trademark business departments, which was completed in July 2006, OHIM's organization and workflows were characterized by fragmentation, and work was split not only between several examiners, but also between departments. Previously, OHIM had a department mainly responsible for formalities and administration, and another which dealt with substantive matters, including examination and opposition. This meant that a number of different, highly specialized examiners in different departments were involved in the processing of an application; something which caused what OHIM termed a 'ping-pong effect' – files were passed between examiners causing unnecessary time delays and leading to an overly rigid procedure.

The underlying principle for the restructuring was to enable one examiner to deal with more than one aspect of an application or opposition and thus perform as many tasks as possible: an idea labelled 'one file, one examiner' by OHIM. This has led to greater streamlining and acceleration of procedures, while at the same time making examiners' tasks more flexible and varied. A trademark is now processed within one department and, in an increasing number of cases, by the same examiner from application to registration.

The boards of appeal, which review OHIM's decisions at an administrative level, have also undergone reorganization under the watchful eye of Paul Maier, who was made president of the boards of appeal in January 2006. Maier is also part of the presidium of the boards, the body charged with, among other things, laying down rules of internal organization and procedure. The presidium has been particularly active since Maier took charge and further changes took effect in September 2007, which coincide with the appointment of a new board member to replace the departing Achim Bender.

OHIM published the results of a second user satisfaction survey in February this year and, at first glance, some progress appears to have

been made. But what has really changed during the course of the past year? As with many things in life, the answer depends on whom you ask.

"I think that the alleged improvements since restructuring have been overstated. In terms of the actual day-to-day activity for our clients, I don't think it has made that much of a difference," says John Olsen of Field Fisher Waterhouse in London. However, the heads of OHIM are keen to stress that the restructuring process has not been easy and early teething problems were inevitable. A large number of examiners needed retraining in order to perform new tasks, they say. "Training can be a long process and the benefits will be seen only after a certain amount of time," explains João Miranda de Sousa, director of the general affairs and external relations department at OHIM. "It was important to ensure that people within OHIM not only accepted the changes, but also were keen to participate actively in the process. I am sure that during the early months users may have experienced a few delays, but more than one year on I think that we are already seeing the benefits of the new system," he adds.

## Surveying the scene

The March 2006 user satisfaction survey highlighted that a significant proportion of users (33% of agents and 38.1% of mark owners) were dissatisfied with OHIM's general performance. Users were particularly unhappy with the time taken to complete certain procedures, in particular in relation to oppositions and appeals to OHIM's boards of appeal. They also cited the lack of predictability of OHIM's decisions and its cumbersome administrative procedures. Other key complaints were difficulties in getting hold of OHIM staff to discuss matters directly and OHIM's poor handling of complaints.

In its second user satisfaction survey published in February 2007 users were asked whether, in general terms, they felt that

## \*Methodology for tables

OHIM data lists separately the filings from each office of the same firm. To obtain a clearer reflection of the market, *WTR* compiled the tables in this article using data provided by OHIM and adding the filings of all the offices of a single firm for the whole of the European Union. (However, the list of representatives provided by OHIM took account only of offices that filed more than 50 CTM applications for the relevant period.) While every care has been taken to guarantee that all relevant figures were considered, *WTR* will accept no responsibility for any mistake in the tables.

**Top 30 filers of CTM applications\***  
(April 1 2006 to March 31 2007)

Position	Representative name	Representative country of origin	CTM filings
1	Bureau Gevers	Belgium	971
2	Marks & Clerk	United Kingdom	785
3	Novagraaf	Netherlands	657
4	Elzaburu	Spain	542
5	Ungria Patentes y Marcas SA	Spain	528
6	Field Fisher Waterhouse LLP	United Kingdom	499
7	Murgitroyd & Company	United Kingdom	443
8	Clarke Modet y Cia SL	Spain	409
9	Withers & Rogers LLP	United Kingdom	407
10	Jacobacci & Partners SpA	Italy	399
11	Lovells	United Kingdom	397
12	Pons Patentes y Marcas Internacional SL	Spain	390
13	Udapi & Asociados	Spain	385
14	Jeffrey Parker & Co	United Kingdom	378
15	FR Kelly & Co	Ireland	377
16	Barker Brettell	United Kingdom	355
17	Herrero & Asociados	Spain	350
18	Boult Wade Tennant	United Kingdom	336
19	RGC Jenkins & Co	United Kingdom	298
20	Perani Mezzanotte & Partners	Italy	288
21	Grünecker Kinkeldey Stockmair & Schwanhäusser	Germany	286
22	Frank B Dehn & Co	United Kingdom	285
23	Kilburn & Strode	United Kingdom	279
24	D Young & Co	United Kingdom	263
25	Cabinet Germain & Maureau	France	259
26	Mitscherlich & Partner	Germany	251
26	Bureau DA Casalunga-Josse	France	251
28	Page White & Farrer	United Kingdom	246
29	Boehmert & Boehmert	Germany	245
30	Bugnion SpA	Italy	244

OHIM had performed better than, the same as or worse than in the previous year. The results were largely positive for OHIM, with 35% of agents stating that the functioning of OHIM had improved in the past year, against 7% who believed that it had worsened. The figures relating to trademark proprietors show a similar trend: 16% felt that things had improved, while only 3% thought the opposite.

Although the 2007 user satisfaction survey indicates an overall improvement in performance in many areas, it also demonstrates that a number of issues remain. It highlights:

- increases in the number of complaints against OHIM in terms of delays and errors;
- a decline in the level of consistency at examination level;
- difficulties in contacting the relevant OHIM staff member;
- high levels of dissatisfaction with the information systems (eg, clarity of information, problems in obtaining the correct information and reliability of the e-filing system); and
- lack of awareness on the part of agents and mark owners as to the changes brought in following the previous survey.

OHIM says it takes the results of these surveys very seriously and intends to continue asking its users for feedback in future years. In response to the weaknesses highlighted, OHIM has organized a working group which has put forward an action plan. This identifies three key

**Top 10 filers of CTM applications in Benelux\***  
(April 1 2006 to March 31 2007)

Position	Representative name	CTM filings
1	Bureau Gevers	971
2	Novagraaf Nederland BV	382
3	Shield Mark BV	224
4	Merkenbureau Knijff & Partners BV	204
5	Elzas Noordzij BV	172
6	Nederlandsch Octrooibureau	146
7	Denemeyer & Associates	141
8	Vereenigde	128
9	Heyns	108
10	Office Ernest T Freylinger SA	103

**Top 10 filers of CTM applications in France\***  
(April 1 2006 to March 31 2007)

Position	Representative name	CTM filings
1	Cabinet Germain & Maureau	259
2	Bureau DA Casalunga-Josse	251
3	Monteiro	211
4	Novagraaf France	184
5	Cabinet Beau De Lomenie	137
6	Inlex Conseil	133
7	Bredema	114
8	Cabinet @Mark	94
9	Cabinet Plasseraud	92
10	Gilbey De Haas	90



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## Feature: OHIM: A work in progress

From left

**João Miranda de Sousa**

Director of the general affairs and external relations department at OHIM

**Paul Maier**

President of OHIM's boards of appeal



areas of concern: timeliness, quality of decisions and availability. OHIM has now released a Service Charter clearly defining its objectives in relation to the three areas of chief concern. It is a set of concrete and measurable standards which guides the service policy of the office.

### Timetable for success

The Service Charter has introduced revised time targets, and put in place monitoring and reporting systems. In Miranda de Sousa's opinion, the figures published on OHIM's website (<http://oami.europa.eu>) speak for themselves: "At the start of 2006, it took 20 months on average to register a mark and now it takes around 15 months," he claims.

Progress does seem to have been made with regard to the timeliness of examination procedures, but OHIM still has plenty of work to do to raise performance levels for oppositions. "Although great effort was made to improve the situation concerning oppositions, we must admit that we have not yet reached our objectives," says Miranda de Sousa. This is a sentiment echoed by many users, including Novagraaf's Pieter de Ruijter, who is based in Amsterdam. "I have a lot of experience with OHIM's Opposition Division and my main complaint is that many opposition actions still seem to be taking too long to complete and in many circumstances there does not appear to be any correlation between the complexity of the case and the time required," he says. To meet this challenge, OHIM is training more of its examiners to deal with opposition procedures, which will greatly improve its capacity in this area and help it to come closer to achieving its objectives.

The boards of appeal, on the other hand, appear to be showing real signs of moving in the right direction. The first user satisfaction survey portrayed the boards of appeal in a particularly poor light. It really pressed home to Maier that urgent action was needed. It seems that everyone took this message on board, as the results over the course of 2006 and early 2007 have been impressive. The boards produced 73% more decisions last year than in the previous year and the average pendency time has been reduced considerably. "We have been pretty successful in bringing down pendency times over the past 12 months," Maier says. "In the second quarter of 2007, for example, the average time for an *ex parte* decision to be made and notified was 118 days. We can certainly improve on things, but I think this is pretty good." It is a similar story for *inter partes* appeals, which now take on average 127 days for the decision to be made once exchanges between parties have closed. "*Inter partes* proceedings, however, generally take longer as they are more complicated on an administrative level; there are more parties to communicate with, for one thing," Maier notes.

## Top 10 filers of CTM applications in Germany\*

(April 1 2006 to March 31 2007)

Position	Representative name	CTM filings
1	Grünecker Kinkeldey Stockmair & Schwanhäusser	286
2	Mitscherlich & Partner	251
3	Boehmert & Boehmert	245
4	Graf Von Westphalen	222
5	Meissner Bolte & Partner	182
6	Mayer Brown Rowe & Maw LLP	175
7	Harmsen & Utescher	167
8	Hoffmann - Eitle	134
9	Wuesthoff & Wuesthoff	126
10	Bardehle Pagenberg Dost Altenburg Geissler	113

## Top 10 filers of CTM applications in Italy\*

(April 1 2006 to March 31 2007)

Position	Representative Name	CTM filings
1	Jacobacci & Partners SpA	399
2	Perani Mezzanotte & Partners	288
3	Bugnion SpA	244
4	Barzanò & Zanardo	232
5	Modiano	212
6	Dott Proff Franco Cicogna	209
7	Società Italiana Brevetti SpA	190
8	Giambrocono & C SpA	184
9	Signus SAS Di Zanetti Giancarlo & C	135
10	Studio Torta Srl	129

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## Busy boards

Over the course of the past year the Office for Harmonization in the Internal Market (OHIM) Grand Board of Appeal has issued its first decisions.

In the *OPTIMA Case* (R 331/2006-G) the board discussed whether an applicant can withdraw its Community trademark (CTM) application even if the examiner has refused to allow registration. In other words, the question was whether the two months granted for appeal allowed for the withdrawal of the application. The Grand Board answered this question in the affirmative, noting that withdrawal is possible even if the applicant has not brought an appeal.

The Grand Board has also examined the issue of acquired distinctiveness in relation to three-dimensional marks (Case R 856/2004-G). The mark at issue was the Lego brick registered in relation to construction toys. A competitor introduced a cancellation request, which was suspended pending a preliminary ruling by the European Court of Justice (ECJ) in the *Philips Case* (C-299/99). The ECJ held that if a shape is necessary for the functioning of a product then it cannot be protected as a trademark. The OHIM Cancellation Division then applied this reasoning to the *Lego Case* and ordered the cancellation of Lego's mark. Lego appealed and asked for the case to be handled by the Grand Board. Unfortunately for Lego, the Grand Board agreed with the Cancellation Division and held that the shape of the Lego brick was essentially functional and therefore could not be protected. Lego has appealed.

A third case related to issues of public morality surrounding the application to register SCREW YOU as a CTM for various products, including clothing, beverages and products typically sold in adult stores, such as sex toys (Case R 495/2005-G). The OHIM examiner refused registration on public morality grounds. On appeal, the Grand Board tried to give guidance on a number of matters. It clarified that the basis for examining public morality is the reasonable person. It allowed registration of the mark for sex toys and other products sold in adult stores, but not for the other goods.

The fourth and final case heard by the Grand Board involved an application to register the mark CARDIOLOGY UPDATE used in conjunction with a conference on cardiology regularly held in Switzerland (Case R 667/2005-G). Swiss organization Stiftung für Herz- und Kreislaufforschung based its application on acquired distinctiveness. A further issue related to whether an appeal could be brought in a language other than that used for the original procedure. On this latter issue, the Grand Board held that the language of appeal must be the same as the language of the original proceeding. However, an additional month's extension can be granted to allow the appellant to file its appeal in the correct language. With regard to the substantive issue, the Grand Board stated that it is not unthinkable that an event which takes place outside of the European Union can lead the related mark to acquire distinctiveness through use. However, it noted that there must be some evidence of use in EU member states. In the case at hand, the appellant produced statements from cardiology experts located within the European Union, which purported to show that the event was known to people in the relevant field based in EU member states. In the Grand Board's opinion, this evidence was insufficient to prove use of the mark in the European Union; it merely demonstrated that cardiology experts from inside the European Union attended the conference in Switzerland, but not that there was actual use in EU member states. Accordingly, it upheld the decision to refuse registration.

The OHIM website publishes very detailed monthly reports, which include the average pendency times for all the relevant departments and clearly demonstrate whether they are hitting their targets. Olsen feels that the idea of establishing best practices in this way may go some way to improving matters. "If OHIM sets out timeframes for applications and appeals and sticks to those goals, it will be on the right track," he says. Olsen believes there are echoes with the UK system, which suffered from similar problems before the Patent Office (now the Intellectual Property Office) moved to Newport. "Through dedicated management and strictly observed targets the UK office has now become a beacon of excellence in

### Top 10 filers of CTM applications in Spain\*

(April 1 2006 to March 31 2007)

Position	Representative name	CTM filings
1	Elzaburu	542
2	Ungria Patentes y Marcas	528
3	Clarke Modet y Cia SL	409
4	Pons Patentes y Marcas Internacional SL	390
5	Udapi & Asociados	385
6	Herrero & Asociados	350
7	J Isern Patentes y Marcas	226
8	Dr Ing M Curell Suñol II SL	156
9	Propo SL	125
10	Durán - Corretjer	123

### Top 10 filers of CTM applications in the United Kingdom\*

(April 1 2006 to March 31 2007)

Position	Representative name	CTM filings
1	Marks & Clerk	785
2	Field Fisher Waterhouse LLP	499
3	Murgitroyd & Company	443
4	Withers & Rogers LLP	407
5	Lovells	397
6	Jeffrey Parker & Co	378
7	Barker Brettell	355
8	Boult Wade Tennant	336
9	RGC Jenkins & Co	298
10	Frank B Dehn & Co	285

### Top filers of CTM applications in other EU states\*

(April 1 2006 to March 31 2007)

Position	Representative name	Representative country of origin	CTM filings
1	Torggler & Hofinger	Austria	58
1	Sandel Løje & Wallberg	Denmark	130
1	Benjon OY	Finland	92
1	FR Kelly & Co	Ireland	377
1	J Pereira Da Cruz SA	Portugal	90
1	Albihns AB	Sweden	126

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William Arthur Ward

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## A nation of complainers

An interesting trend highlighted by the Office for Harmonization in the Internal Market's (OHIM) user satisfaction surveys is the relatively high level of dissatisfaction on the part of users in the United Kingdom when compared to other national user groups. One reason for this, suggests Field Fisher Waterhouse's John Olsen, stems from the fact that users in the United Kingdom now have an extremely efficient and effective national system of registration. "The functioning of the UK Intellectual Property Office is very much a give-and-take process. It listens to users and readily modifies procedures where necessary. This flexible approach is less a part of the more autocratic methodology used by institutions in continental Europe, upon which OHIM's processes are based," says Olsen.

Two key issues in relation to OHIM are raised by UK practitioners

time and again: first, OHIM examiners are very dogmatic in their approach to the way in which the rules work or should be applied; second, there are the complications caused by the post-examination matters of the appeal process through the boards of appeal and the Court of First Instance. UK practitioners feel that it still takes too long to obtain a decision and the rulings are not integrated in the way they have come to expect in the United Kingdom. "This is perhaps because the European systems on which many of OHIM's decision-making processes are based are not *stare decisis*. But even the mechanics of getting an appeal through the system can be problematic," says Olsen. "We're still waiting for appeals that have been pending for over two years and justice deferred is justice denied."

dealing with rights and the users of the system," he explains. "OHIM would do well to look at what is happening in the United Kingdom and at other national offices."

### Quality control

Quality of decision-making remains an issue for many users of the Community trademark (CTM) system. Maier feels that the level of criticism is unjustified. Backed by OHIM's statistics, he notes that in 2006 the boards confirmed 81% of OHIM examiners' decisions in *ex parte* cases. So far in 2007 this has risen to 84%. Over the same timeframe the boards confirmed 64% of examiners' decisions in *inter partes* cases in 2006 and 66% in 2007. The boards' own decisions have an 80% confirmation rate on appeal to the European courts in Luxembourg. "In my opinion the system is now working fairly effectively. People want appeals to be real appeals; nobody ever dreamt that there would be a 100% confirmation rate," says Maier. "These figures are particularly important to me because it shows that the system is largely consistent. There are mistakes, but

one must bear in mind the volume of cases being heard by OHIM."

This year OHIM will make more than 9,000 first instance decisions. Last year the boards of appeal rendered 1,657 rulings and they have issued around 8,000 since they were established. "On average, only 9% of the boards' decisions have been appealed," notes Maier. "Of course, these are merely statistics and other factors need to be taken into consideration, but I believe they give a good indication that the system works."

At the beginning of 2007 OHIM revised its system of quality control checks used to detect errors and to ensure that the overall standard of examination and opposition decisions is the best possible. Once a week, experienced CTM examiners select for quality cross-checking a total of 102 absolute grounds decisions and 16 opposition decisions. These checks are carried out on the basis of OHIM's own predefined quality attributes, including structure, consistency and motivation for a decision. The error rates are published monthly on OHIM's website together with OHIM's target rates. "In most cases we are very close to meeting our target rates at the present time," says Miranda de Sousa. "However, these improvements are unlikely to have been noticed by users responding to our second user satisfaction survey as they were introduced only at the turn of the year. We hope to see higher satisfaction rates in relation to the quality of decisions in the next survey." OHIM is also considering the possibility of establishing a quality control mechanism made up of external experts to complement the existing checks carried out internally.

### Effective communication

Another key area of concern for many users of the system is the availability of staff. There are a number of ways of contacting OHIM, one of which is the main telephone switchboard. Users had complained about delays in answering and high levels of 'lost' calls. In response, OHIM outsourced its switchboard in September 2006, with the result that 98% of calls are now answered in less than 20 seconds.

OHIM has also changed its guidelines to users on the best methods for contacting examiners. "Instead of using the telephone, OHIM recommends that users direct queries to examiners by email. In this way we are able to give a standard of service in terms of timeliness and quality of information that we are not able to guarantee if contact is made by telephone," explains Miranda de Sousa. The target set by OHIM is to answer any email addressed to a member of staff, notably examiners, within two working days. At present, OHIM claims to be hitting this target in 92% of cases.

OHIM has also set up a number of dedicated telephone lines for specific queries and services. Perhaps most importantly, it now has a dedicated telephone line and email portal manned by a team of IT experts for users encountering technical difficulties with the e-business services.

### OHIM means e-business

Practitioners report that there are still issues with OHIM's e-filing system. Delays occurring during the application process are of particular concern. "The business user group has given regular input to OHIM on these issues and I have been told that a root cause appears to be a technical problem on OHIM's side," says De Ruijter. "It seems that OHIM has been very slow to deal with this problem.



Anticlockwise from left  
**Jean-Pierre Maeder**  
Group head of trademarks at Nestlé  
**John Olsen**  
Head of the trademark and brand protection group at Field Fisher Waterhouse in London  
**Pieter de Ruijter**  
Senior trademark attorney at Novagraaf in Amsterdam



Our offices in other jurisdictions have encountered similar issues and on occasion we have had to resort to filing by fax. The system needs urgent updating," he adds.

With its key strategic goal of becoming a genuinely paperless office, OHIM is particularly sensitive to criticism of its information services and more specifically its online tools. The creation of a dedicated e-business telephone hotline, available 12 hours a day from 7:30am to 7:30pm, is only one of the changes implemented by OHIM in response to complaints about its e-filing system.

OHIM has established a group of 'shadow users' who test the e-filing system by each running five CTM and five registered Community design (RCD) files per day from locations in France, Germany, Italy, Spain and the United Kingdom. The shadow users check availability, stability and the speed of the systems, and give regular reports to OHIM's technical team. Other improvements to the e-business processes include the weekly publication on OHIM's website of workaround solutions for known bugs and regular workshops and meetings with users, with a specific focus on paralegals as direct users of OHIM's e-business systems.

In addition, OHIM launched this year a project to redesign its website, which has been criticized as cumbersome and not intuitive by many users. "The improved site should be up and running by the end of 2007 or the beginning of 2008," says Miranda de Sousa. "It is being developed in consultation with OHIM users and is intended to be more user friendly, to provide easier and more direct access to information, and to allow increased interaction between OHIM and its users by means of new channels of communication, such as forums and online chat facilities."

### Caring about complaints

At the end of 2003, OHIM created a Customer Care Unit in order to deal with customer complaints concerning CTMs and RCDs. The aim is to maintain close contact with users, giving suitable answers to their complaints. However, the 2007 user satisfaction survey highlighted that there is a general lack of awareness of the existence and/or functions of the unit. "I must say I struggled to locate it on OHIM's website. We only became aware of it very recently when some of my colleagues discovered it during the course of bringing a complaint. I don't think it has received much promotion from OHIM," says De Ruijter.

Miranda de Sousa is disappointed that users seem to be unaware of the assistance available from the unit. "All the relevant information is readily available on our website and perhaps users should take more time to look at the information we provide there," he says.

Nonetheless, OHIM has taken a number of steps to increase awareness of the Customer Care Unit by informing non-governmental organizations and participants in all seminars and workshops about its existence. OHIM also regularly publishes articles about the unit's activities in its email bulletin *Alicante News*. It is also looking to include information about the unit in certain standard letters issued to users. "We don't want to overload these letters with information as this will distract from the core reason for issuing the letter. However, we are envisaging commencing a short promotional campaign which will involve putting a small notice in these letters," says Miranda de Sousa.

### Continued progress

Although significant progress has been made in the past 12 months, OHIM is well aware that it faces a number of challenges over the course of the next year and beyond. It hopes to speed up the decision-making process even further, and increase the reliability and consistency of its decisions. "We need to simplify both internal procedures and those set out by the Community Trademark Regulation," says Miranda de Sousa.

"We would not oppose any moves to bring in certain legislative changes to procedural rules that have become outmoded or are poorly adapted to the demands of the electronic world," he adds.

Maier also stresses the necessity of adapting to the modern world. A new IT tool is set to come into operation in 2008 and it is hoped that the system will allow for greater efficiency and interaction between OHIM's different layers. "It even allows for files to be signed by the board members electronically, obviating the need for the file to be passed around from member to member," he says. "These are small things, but in total they will make a big difference."

Of utmost importance to multinational mark owners such as Société des Produits Nestlé is uniformity of practice at a global level. "I would like to see an assimilated and coherent practice with strict examination standards," says Nestlé's Group Head of Trademarks Jean-Pierre Maeder. "Restrictive examination standards allow for greater predictability in terms of both registration and enforcement." In a recent industry presentation to OHIM, Maeder raised the point that OHIM should take more of a lead in the harmonization of registration practice. "OHIM's name includes the word 'harmonization' and it must take the initiative in standardizing the practices of the national offices with its own practice. There is too much discrepancy between the examination practices of national offices and OHIM itself," he explains.

It appears that OHIM is giving these types of idea serious consideration, as it has put forward a strategic objective to develop its cooperation with national IP offices to augment the harmonization process. "We live in a world of globalization and companies want to see a consistent approach to the registration of trademarks and designs. Differences should not exist when it comes to examination and delivering a registration title," says Miranda de Sousa. "OHIM has a key role to play in ensuring the harmonization of procedures available in the European Union, which is why we are putting more of an emphasis on liaising with the heads of national offices and holding technical workshops," he adds.

OHIM is also implementing initiatives to develop a common e-filing structure throughout the European Union. The aim is that a company could use a simplified web portal system to register its mark with OHIM or EU member states' national offices. This system would link together all the national offices' databases with those at OHIM. "We have a team of IT experts looking into this right now," says Miranda de Sousa. "It should be possible to develop a common platform that can be used by the national offices and by OHIM," he adds. OHIM also hopes to foster greater harmonization between the EU system and those in place at larger international offices such as the US Patent and Trademark Office and the Japanese Patent Office.

However, OHIM is keen to stress that this is a process of harmonization, not hegemony. The CTM is complementary to national protection in member states and offers companies an alternative route for protecting their rights within the European Union. "The possibility of being able to choose one system or another or a combination must remain intact. The CTM system and OHIM should not be seen as replacements for national protection and local IP offices," emphasizes Miranda de Sousa.

One other strategic objective for OHIM is the reduction of surplus funds built up over its period of operation. "The financial surplus shows that the current fees are more than enough to cover the costs of operation of OHIM and should be reduced," says Miranda de Sousa. "We do not want to take out of industry pockets money that could be put to better use. A public body such as OHIM should not exist to extract money from industry and we fully support the European Commission's initiative to reduce OHIM's fees," he concludes. [WTR](#)