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EDITORIAL

The Harmonisation Office is already playing a crucial role in the completion and functioning of the Internal Market. After the opening of the Harmonisation Office on 1 April 1994, the Office has now achieved its "cruising speed", with the total number of annual applications for Community trade marks expected to stabilise around 30,000.

The Office's business plan for 1998 and 1999 envisages the elimination of the backlog in the processing of the 86,000 applications which have been filed up to date whilst new applications will be promptly handled. The state of the art computer and communications systems now installed will provide the Harmonisation Office with the tools to meet these targets and ensure it operates with optimal efficiency.

I am very pleased to see that the Office has intensified the contacts with its clients through the establishment of a users' committee, the "Trade Mark Group". This will meet on a regular basis to exchange views on the functioning of the Community trade mark system in general and on the Harmonisation Office in particular. I am confident that the Office's President, Jean-Claude Combaldieu, and his motivated staff will realise the objectives set out in their business plan.

The Harmonisation Office is key to the functioning of the Internal Market in the field of industrial property. The impressive number of Community trade mark applications so far filed demonstrates clearly that the Community trade mark system meets a real need from industry. Moreover, the establishment of a single and unitary trade mark system for the whole territory of the Community will remove most of those obstacles that once came from trade mark systems that had effect only within the territory of the EC Member States concerned.

BUZÓN DE DOCUMENTOS

A PARTIR DEL 1º DE OCTUBRE, LA OAMI PONDRÁ A DISPOSICIÓN DE SUS USUARIOS UN NUEVO MEDIO DE DEPÓSITO DE DOCUMENTOS. SE TRATA DE DOS BUZONES ACCESIBLES DESDE LA ACERA DE LA OFICINA EN AVENIDA DE AGUILERA 20. UNO DE ESTOS BUZONES SE ABRE AUTOMÁTICAMENTE A MEDIANOCHE, EL OTRO, SE CIERRA A LA MISMA HORA,

Today, trade marks are major assets for companies in their national, regional and international trade. Consumers have become extremely trade mark minded as a consequence of improved standards of living and sophisticated means of communication and advertising. Trade mark issues are nowadays a regular feature on the agenda of EU Ministers and of bilateral and multilateral trade negotiations.

The Commission will come forward with a programme to tackle counterfeiting of intellectual property rights, including trade marks and will continue to follow closely global discussions on problems relating to the use of trade marks on the Internet.

The Office for its part will be expanding on two fronts. First, it is expected that the construction of the Office's new building will be completed by the end of 1999. It will mark the successful establishment of the Office in Alicante. The continuous support and efforts of the Spanish Government to make the Harmonisation Office a success are very much appreciated by the Commission. Secondly, the Union will witness a future enlargement with, no doubt, important implications for the Office. The Union is currently "screening" six new candidates for Accession to the EU (the Czech Republic, Cyprus, Estonia, Hungary, Poland and Slovenia). Other countries are expected to follow. It will be a great challenge to monitor the consequences of the enlargement of the EU for the Community trade mark system and to adapt the functioning of the Harmonisation Office accordingly.

The Commission, and in particular my own Directorate General, DG XV, will support the Office, so that it can meet the challenges it will face in the years ahead. ■

PERMITIENDO ASÍ EL DEPÓSITO DE DOCUMENTOS LAS 24H HORAS, 265 DÍAS AL AÑO. AL DÍA SIGUIENTE, LOS DOCUMENTOS DEL BUZÓN CERRADO AL PÚBLICO SON RECOGIDOS Y FECHADOS CON LA VESPERA. LOS SOLICITANTES Y SUS REPRESENTANTES DE ALICANTE SE BENEFICIAN ASÍ DE UNA FACILIDAD SUPLEMENTARIA, AL DEPOSITAR EN LOS PLAZOS, SUS SOLICITUDES, SUS OPOSICIONES, Y CUALQUIERA OTRO TIPO DE DOCUMENTOS RELATIVOS A LAS MARCAS COMUNITARIAS. ■

NOTIFICATION OF TIME AND PLACE OF PUBLICATION OF CTM APPLICATIONS

The Office recently changed the manner in which applicants or their representatives are informed of the forthcoming publication of a Community trade mark (CTM) application in the Community Trade Marks Bulletin.

Previously the Office issued a written notice to applicants or representatives indicating the month in which a particular application was expected to be published. This solution was adopted because of technical constraints and the high volume of published applications. However, this had a number of disadvantages for our clients. Firstly, the indication of a particular month still left the recipient of the notification uncertain as to which of the several issues of the Bulletin for that month would contain the

application in question. The high number of applications published (averaging around 4,000 each month) made the situation particularly difficult. Secondly, although an application would be in order for publication technical difficulties could prevent it being published as planned. Although the number of such cases was not high, for the applicant or representative in question it was a source of understandable frustration.

The Office, currently in the process of reaching normal levels of operation as regards ex parte cases, has now introduced a new system designed to eliminate the disadvantages mentioned above. Notifications in respect of CTM applications published from Bulletin No. 77/98 (official publication date 12 October 1998) onwards contain the

official date of publication, the **number of the Bulletin**, and the **number of the page** where the application will be published. The notifications are issued only where it is certain that a publication will take place. They are sent regularly some weeks before the official publication date even if in some cases the distribution of the Bulletin in question may already be underway. The Office hopes that this improved level of service will be of benefit to its clients.

The Office, by circular letter of 30 September 1998, has informed the international non-governmental organisations with whom it co-operates about the change of practice and requested these organisations to inform their members accordingly. ■

CTM DOWNLOAD REPLACES CD-ROM FOR COMMUNITY TRADE MARKS

As of November 1998, the OHIM CD-ROM for applications for Community trade marks will be replaced by an on-line access facility, entitled CTM Download.

Since July 1996, the OHIM has been producing a monthly CD-ROM containing all data on Community trade marks as held in OHIM's own EUROMARC internal database. This service is not intended for public consumption, but rather for companies wishing to build their own systems making use of the data. The national offices also receive this data in order to perform their information duties.

Those interested in making commercial use of the data of Community trade marks have signed a licence agreement. The licence fee has been maintained at 5,000 ECU since 1996, and 25 licences have been granted to date.

Article 11 of the licence agreement on the provision of the data stipulates that "Initially, OHIM will provide the data referred to in Annex 1 on a **CD-ROM** to be made available monthly. At a later stage, depending on the means available to OHIM and according to technical details to be established, the

data referred to in Annex 1 may be made available on-line."

The description of the new format was sent to subscribers at the beginning of August 1998, and, from November, *CTM Download* will cater for those wishing to download the daily updates of the Community trade mark database. For those not wishing to perform downloads

daily, the up dates will remain accessible for a period of three months.

To allow our subscribers time to adapt to the new format, the OHIM will continue to produce the CD-ROM until the end of 1998, meaning that, from the beginning of 1999, *CTM Download* will be the sole means of obtaining the data. ■

Characteristics	CD-ROM on Community Trade Marks	CTM Download
Support	CD-ROM	On-line via Internet
Update	Monthly	Daily
Format	Flat	SGML (Standard Generalised Markup Language)
Content of the DB	Cumulative DB, each version replacing the previous one	Incremental DB (following constitution of the complete DB)
Price	5,000 ECU	5,000 EURO
Contractual Conditions	Signature of a Licence Agreement	Signature of a Licence Agreement
Information on the status of CTM	Deduced from 3 fields of the CD-ROM: - Filing date - Date of publication (of the application) - Registration date	- Filing date accorded; - Classification checked - Absolute grounds OK - Publication done - Opposition pending - Registration publication done - Refusal - Withdrawal - Appeal pending - Interruption of proceedings - Revocation proceedings pending - Action before ECJ

INAUGURATION DE OAMI ON-LINE, LE SITE WEB DE L'OFFICE

L'OHMI ne disposait pas jusqu'à ce jour d'un site Internet propre. Il offrait au public un site hébergé sur le serveur Europa de la Commission européenne. Cette situation a changé et à partir du mois d'octobre 1998, le nouveau site de l'OHMI pourra être consulté à l'adresse suivante:

oami.eu.int

La structure du site, dans les 5 langues de l'Office, est conçue pour que celui-ci soit consulté par le plus grand nombre. Elle vise à offrir un accès facile à l'ensemble des informations utiles: des formulaires aux règlements sur la marque communautaire, en passant par la liste des mandataires agréés, la liste des taxes, la description de nos publications, les décisions

d'oppositions et des chambres de recours, l'organigramme de l'Office, le rapport annuel, etc.

Ainsi, le site s'organise-t-il autour de 6 pôles thématiques:

- Rôle de l'OHMI
- La marque communautaire en pratique
- Contacts: pour faciliter vos démarches
- Aspects juridiques
- Diffusion de l'information sur la marque communautaire
- Administration de l'Office.

Il est possible à différents niveaux du site de passer d'une langue à l'autre sans revenir à la page de menu principal ("home page"). Enfin, une bande d'outils offrira un accès direct aux nouveautés, au plan du

site, à un index, à un FAQ (Frequently Asked Questions), à des liens avec d'autres sites en matière de marques, et à une boîte de dialogue.

Au début, le site n'offrira pas toutes les possibilités annoncées car il est encore en phase de construction mais l'Office s'efforcera de consacrer d'importants moyens afin que ce service aux usagers puisse être complété dans les meilleurs délais, notamment par un logiciel de recherche, la constitution de l'index et la création d'hyper-liens.

L'ambition de l'OHMI est d'offrir à moyen terme un instrument d'information performant, permettant de restituer rapidement tous les documents qu'il produit. ■

STATISTICS OF COMMUNITY TRADE MARKS. (SITUATION AT THE END OF SEPTEMBER 1998)

COMMUNITY TRADE MARK APPLICATIONS

BREAKDOWN BY COUNTRY

	1996+1997	%	1998 (31.09.98)	%	Total	%
TOTAL WORLD	70.248	100	22.788	100	93.036	100
	1996+1997	%	1998 (31.09.98)	%	Total	%
TOTAL EUROPEAN UNION	41.771	59,46	14.332	62,89	56.103	60,30
BELGIQUE/BELGIÉ [BE]	1.061	1,51	401	1,76	1.462	1,57
DANMARK [DK]	1.179	1,68	387	1,70	1.566	1,68
DEUTSCHLAND [DE]	11.625	16,55	3.418	15,00	15.043	16,17
ELLAS/GREECE [GR]	150	0,21	50	0,22	200	0,21
ESPAÑA [ES]	4.262	6,07	1.395	6,12	5.657	6,08
FRANCE [FR]	3.501	4,98	1.505	6,65	5.016	5,39
IRELAND [IE]	499	0,71	194	0,85	693	0,74
ITALIA [IT]	4.281	6,09	1.737	7,62	6.018	6,47
LUXEMBOURG [LU]	249	0,35	93	0,41	342	0,37
NEDERLAND [NL]	1.977	2,81	648	2,84	2.625	2,82
ÖSTERREICH [AT]	1.071	1,52	394	1,73	1.465	1,57
PORTUGAL [PT]	344	0,49	170	0,75	514	0,55
SUOMI/FINLAND [FI]	640	0,91	223	0,98	863	0,93
SVERIGE [SE]	1.568	2,23	565	2,48	2.133	2,29
UNITED KINGDOM [GB]	9.364	13,33	3.142	13,79	12.056	13,44
	1996+1997	%	1998 (31.09.98)	%	Total	%
TOTAL OUTSIDE EUROPEAN UNION	28.474	40,53	8.456	37,11	36.930	39,69
Amongst which=						
UNITED STATES OF AMERICA [US]	20.508	29,19	5.769	25,32	26.277	28,24
JAPAN [JP]	2.137	3,04	575	2,52	2.712	2,92
SWITZERLAND [CH]	1.419	2,02	397	1,74	1.816	1,95
CANADA [CA]	818	1,16	274	1,20	1.092	1,17
AUSTRALIA [AU]	551	0,78	194	0,85	745	0,80
TAIWAN [TW]	311	0,44	189	0,83	500	0,54

OTHER STATISTICS RELATING TO COMMUNITY TRADE MARK APPLICATIONS

	1998 [up to 02.10.98]	1996+1997	Total
Filing dates accorded	24.163	62.617	86.780
Number classifications checked	28.012	50.611	78.623
Applications published	36.854	11.633	48.486
Oppositions	6.993	933	7.926
Contested applications	5.280	702	5.982
Appeals	161	21	182

OTHER OHIM FIGURES

	ON 02.10.98
Number of professional representatives	5.334
Number of current accounts	587
OHIM Personnel	380

C'est avec grande tristesse que nous avons appris la terrible nouvelle de l'accident du vol 111 qui a endeuillé l'OMPI. Au nom de l'Office et de tous ses collaborateurs je tiens à exprimer nos plus profonds regrets et condoléances face à ce drame.

La grande famille de la propriété intellectuelle est en deuil. Des amis proches dont l'action était


essentielle nous ont quitté brutalement.

Ludwig Baümer a tant fait durant sa carrière. Toujours actif et créatif tout en restant modeste, il a été un rouage essentiel pour l'amélioration continue de la protection de la propriété intellectuelle.

Joachim Bilger dont l'engagement dans le travail était grand et

important, en cette période de réorganisation de l'OMPI manquera également beaucoup.

A tous ceux qui les côtoyaient quotidiennement, nous exprimons notre soutien.



Jean-Claude COMBALDIEU

LEGAL QUESTION MARK

Question:

Have the Member States fulfilled their obligations under Article 91 of the Regulation and set up CTM Courts?

Answer:

So far, only Germany, Sweden and Denmark have officially addressed a formal notification to the Commission on this matter.

Germany has set up 47 courts divided between First and Second Instances, a complete list of which will be published in the Official Journal of the Office shortly. Sweden has designated as First Instance the *Stockholms tingsrätt* and as Second Instance the *Svea hovrätt*. Denmark has designated as First Instance the *So- og Handelsretten, Copenhagen* and as Second Instance the *Højesteret, Copenhagen*.

No official notification has been received from the other Member States. The following countries have however, taken certain steps:

Austria: Paragraph 69d (1) of the draft Austrian trademark law has foreseen the *Handelsgericht, Vienna* as the First Instance Court and the *Oberlandesgericht, Vienna* as the Second Instance Court.

Belgium: The government passed a bill on 10 February 1998 in which the *Tribunal de Commerce de Bruxelles* is appointed as the Court of First Instance and the *Cour d'Appel de Bruxelles* as the Court of Second Instance.

This has not yet been published in the 'Moniteur.'

Finland: Section 42, 3rd sentence, of the Finnish trademark law provides that "The District Court of Helsinki" shall serve as the trademark court. Within the District Court there is both First and Second Instances.

France: Article 718-4 of the *Projet de loi modifiant le code de la propriété intellectuelle* designates the *Tribunaux de grande instance* as CTM Courts of First Instance and the *Cours d'appel* as the Courts of Second Instance. However, the selection of which of the *Tribunaux de grande instance* will effectively be CTM courts, has yet to be decided by a regulation.

United Kingdom: Point 9 of the *Community Trade Mark Resolution 1996 (No. 1908)*, designates in England, Wales and Northern Ireland, the *High Court* and in Scotland the *Court of Session*.

USEFUL NUMBERS

- **Switchboard** telephone number: + 34-96-51 39 100
- **General inquiries** telephone number: + 34-96-51 39 243; + 34-96-513 92 72:
- **General inquiries** fax number: + 34-96-51 39 173
Requests for literature (leaflets, forms, opening of current accounts, official texts, places where to buy Office publications, etc.), questions concerning the filing of the application, authorisation, opposition and appeal forms, questions concerning the procedure (fees, priority, seniority, etc.).
- **Fax number for the filing of any correspondence relating to community trade marks** (applications, letters to the examiners, oppositions, appeals, inscription in the Register, etc.): + 34 -96-51 31 344
For the deposit of documents concerning your Community trade marks, you are strongly urged to use this number to facilitate the systematic scanning and handling of incoming faxes. On the contrary, the sending of a document to any other fax number at the Office will necessitate a series of additional tasks (circulation of the fax on paper version between various services, despatch to the mail room which has to prepare the paper version before scanning etc).
- **Telephone number for obtaining information concerning means of payment:** + 34-96-51 39 340
Opening of current accounts, bank transfers, payments by cheques, etc.
- **Telephone number for obtaining information about professional representatives:** 34-96- 51 39 117
List of professional representatives, new entries, allocation of ID numbers, authorisations, etc.
- **Telephone number for obtaining information concerning certified copies:** + 34-96-51 39 175
- **Telephone number for obtaining information concerning subscriptions to our publications:** + 34-96- 51 39 102
- **OHIM's Official Journal, the Bulletin of CTM, (paper and CD-ROM), EUROM, etc.**