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EDITORIAL

The commitment of the International Chamber of Commerce to effective protection of intellectual property goes back to our origins in 1919. That fact alone reflects the interest of international business in a subject that is vital to commercial integrity and the mutual confidence that underlies all successful business dealings.

As business operations become more international, there is a growing need for an internationally coherent system of intellectual property protection. ICC has always thrown its influence and prestige as the world business organization behind initiatives to harmonize intellectual property legislation internationally through our work with the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO), and important regional organizations such as OAMI.

In fact, one of the first actions of ICC during its early days in the 1920s was to work together with the international bureau for the Paris Union and the Madrid Agreement (at the time based in Berne) and with the League of Nations on the 1925 Hague revisions of the Paris Convention and of the Madrid Agreement. Our aim remains to facilitate the international registration of trademarks, fully aware of the capital role played by trademarks in businesses large and small.

In more recent times, ICC supported the creation of the Community Trademark System as an important step towards the objective of a seamless international system of trademark protection, which is becoming essential in an increasingly integrated global economy. This objective would be furthered by the integration of the Community Trademark System into the international system through a link with the Madrid Agreement. ICC hopes that a flexible and cost-effective link will be established without undue delay.

Today, the focus is turning increasingly to enforcement as more countries adopt laws to protect intellectual property. ICC is active here on several fronts, both practical and political.

Our practical contribution is through ICC's London-based Counterfeiting Intelligence Bureau, while at political level we work in partnership with intergovernmental bodies such as the UN Economic Council for Europe and the World Customs Organization.

With the advent of electronic commerce, it is more than ever incumbent upon governments, with the wholehearted support of business, to assure the protection of intellectual property. ICC is well aware that this poses formidable technological as well as legal challenges, but they are challenges that have to be met.

Trademarks will continue to be important markers of trust for consumers in electronic commerce. Because of the discrepancy between the territorial scope of trademark rights and the global nature of the Internet, and differences in philosophy, trademark holders continue to face challenges in using and protecting their trademarks on the Internet.

This is currently seen most clearly in the area of Internet domain names. ICC is spearheading efforts to communicate the priority business users of the Internet assign to the system's stability and the crucial role of trademarks in ensuring consumer trust.

ICC is also formulating a coherent approach in different disciplines, including intellectual property, to the issues of jurisdiction, applicable law and enforcement as these become acute in the borderless context of the Internet.

We have an excellent working relationship with OAMI and will continue to support it by passing on news of its progress to ICC members and by contributing the international business perspective to OAMI's work. ICC looks forward to further work with OAMI towards building an efficient and cost-effective trademark protection system in Europe and throughout the world.

REGISTRATION FEES AND CURRENT ACCOUNTS

The Office would like to remind applicants and their representatives of the functioning of the current account system with a special focus on the payment of registration fees.

What is the system of current accounts?

The establishment and administration of current accounts is regulated by Decision No EX-96-1 of the President of the Office of 11 January 1996 concerning current accounts (OJ OHIM 1/1996, p. 49) as amended by Decision No EX-96-7 of the President of the Office of 30 July 1996 (OJ OHIM 10/1996, p. 1455).

The system of current accounts is an automatic debiting system where all fees and charges due are automatically debited from the current account of the holder.

How is the registration fee debited from the current account?

The registration fee will be automatically debited.

When is the current account debited?

The registration fee will be debited at the end of a period of two months after the applicant has been notified that the mark is registrable (Rule 23 (2) of the Implementing Regulation).

Is the intervention of the applicant necessary?

No intervention of the applicant is necessary.

Is it possible to accelerate the procedure?

If the applicant wishes to accelerate the procedure, he may, at any time after receiving that notification, request the Office to proceed with the registration of the trade mark and instruct the Office to debit the current account immediately. The Office will then debit the current account upon receipt of such request.

Is it possible to stop the automatic debiting for a particular registration fee?

If the applicant does not wish the automatic debiting to take place at the end of the period of two months, he must, before the expiry of the period of two months, expressly declare in writing to the Office that the current account may not be used for the payment of the registration fee.

What happens if the fee has not been paid within the two months?

If at the expiry of the two month period the fee has not been paid, the Office will issue another notification (Rule 23 (3) of the Implementing Regulation): That notification will fix a further time limit of two months, starting at the receipt of the notification, to pay the registration fee together with an additional fee of 25 % (subject to a maximum of 750 euro).

As always, payment may then be effected by cheque or bank transfer, but also by specifically instructing the Office to debit the current account. At this stage there is no automatic debit.

Collection of fees from current accounts

The number of registrations has recently grown substantially as a consequence of the increase in the number of published applications. More than 23,000 marks were registered in 1998, and more than 36,000 will be registered in 1999. Therefore the volume of fees to be collected will also increase considerably.

Current account holders, due to the fact that the sums to be charged to their current accounts will certainly become more important, should make the corresponding provisions more regularly.

In order to facilitate the follow-up of the current accounts, the Office is now sending current account statements on a weekly basis by fax (with an average delay of 5 working days).

How will the transition to the Euro be carried out?

As from 1 January 1999, the currency of the current accounts will be the Euro. All references to the ECU in legal texts and payments related to the Office will be considered as meaning euro. In practical terms, there will be no change for holders of current accounts. No action or intervention from the side of the holders of current accounts is needed.

Where to obtain more information on current accounts?

For any information on current accounts (opening, statements, problems, etc.) the Financial Service of the Office is at the disposition of anyone. Tel.: +34-965.139.340; Fax: +34-965.139.113 (please use this number only for such information and not for any other purpose). ■

VISITA DE UNOS EMPRESARIOS DE LAS ISLAS BALEARES

Una delegación de 25 empresarios de las Islas Baleares pudo asistir el pasado día 26 de enero de 1999, a la Jornada informativa sobre la Marca Comunitaria, sus ventajas y procedimientos, que se celebró en las instalaciones de la OAMI, gracias a la colaboración entre la Oficina de Armonización del Mercado Interior y el Centro Europeo de Información Empresarial (EIC ES-219) del Centre Balears Europa.

En dicha Jornada, los empresarios de las Baleares obtuvieron información sobre el proceso del registro de la marca, pudieron conocer las ventajas que esto supone para la internacionalización de la empresa: al mismo tiempo, tuvieron la oportunidad de analizar el problema que plantea la usurpación o copia de las marcas y el diseño. En resumen los empresarios de Baleares comprendieron que en el ámbito internacional es fundamental el

registro de las marcas para poder competir en el nuevo marco europeo que se ha animado, aún más, empresarialmente después de la llegada del Euro.

Tras la Jornada, los empresarios de Baleares y el mismo Centre Balears Europa, agradecieron la invitación de la OAMI y reconocieron la importancia de una oficina europea de marcas como mejor defensa comercial. ■

SEMINAR ON INTELLECTUAL PROPERTY FOR EXPERTS ON IP FROM SLOVENIA 1-5 FEBRUARY 1999

During the first week of February, a seminar on Intellectual Property took place for a delegation of 25 experts from the Republic of Slovenia dealing with the protection and enforcement of IP rights. Trade mark and patent examiners as well as representatives and judges participated in the five day event.

In collaboration with, and at the initiative of the President of the Casa de Europa in Elche, OHIM assisted in the organization of the seminar which focused on several domains of intellectual property, namely, the international trade mark and design systems, patents, copyright including the protection of author's rights and the notion of protected works, the European Community design as well as the Community trade mark system.

Given that Slovenia is a front runner in the next wave of EU enlargement, a representative from the European

Commission also provided an introductory speech on the "Enlargement of the EU", where each candidate country will, as one of the prerequisites for membership, have taken on board the rights and obligations of the *acquis communautaire* upon accession to the Community. In this context the protection of intellectual property rights in the new Member States should be the same as that existing in the Community including the comparable means of enforcing those rights.

Further to this introduction, the Director of the Slovenian Intellectual Property Office, Dr. Bojan Pretnar gave a general overview of the legislation in force in Slovenia for the protection of trade marks, patents and copyright, which as he demonstrated, is to a large extent similar to that in the Community.

While several representatives of the OHIM gave lectures covering different aspects of

the Community trade mark system, the European Community design and copyright, speakers from the World Intellectual Property Organization, the World Trade Organization and the European Patent Office were also invited to give specialized presentations. The aim of the seminar was thus to provide a pertinent forum for deepening the knowledge of Intellectual Property legislation and institutions at both European and International level for the Slovenian participants.

As the next enlargement of the European Union draws nearer, this seminar has set a successful precedent for those to be held for other candidate countries. Indeed, OHIM has been approached by other Central European Countries to organize similar seminars for the coming year. ■

STATISTICS (SITUATION AT THE BEGINNING OF APRIL 1999)

COMMUNITY TRADE MARK APPLICATIONS

BREAKDOWN BY COUNTRY

	1996+1998	%	1999 (06.04.99)	%	Total	%
TOTAL WORLD	101.820	100	8.568	100	110.388	100
TOTAL EUROPEAN UNION	61.656	60,55	5.478	63,94	67.134	60,82
BELGIQUE/BELGIË [BE]	1.623	1,59	154	1,80	1.777	1,61
DANMARK [DK]	1.705	1,67	140	1,63	1.845	1,67
DEUTSCHLAND [DE]	16.436	16,14	1.415	16,51	17.851	16,17
ELLAS/GREECE [GR]	228	0,22	23	0,27	251	0,23
ESPAÑA [ES]	6.227	6,12	562	6,56	6.789	6,15
FRANCE [FR]	5.632	5,53	587	6,85	6.219	5,63
IRELAND [IE]	788	0,77	70	0,82	858	0,78
ITALIA [IT]	6.659	6,54	650	7,59	7.309	6,62
LUXEMBOURG [LU]	397	0,39	34	0,40	431	0,39
NEDERLAND [NL]	2.854	2,80	183	2,14	3.037	2,75
ÖSTERREICH [AT]	1.608	1,58	130	1,52	1.738	1,57
PORTUGAL [PT]	576	0,57	84	0,98	660	0,60
SUOMI/FINLAND [FI]	970	0,95	107	1,25	1.077	0,98
SVERIGE [SE]	2.355	2,31	199	2,32	2.554	2,31
UNITED KINGDOM [GB]	13.598	13,35	1.140	13,31	14.738	13,35
TOTAL OUTSIDE EUROPEAN UNION	40.164	39,45	3.090	36,06	43.254	39,18
Amongst which=						
UNITED STATES OF AMERICA [US]	28.540	28,03	2.119	24,73	30.659	27,77
JAPAN [JP]	2.906	2,85	206	2,40	3.112	2,82
SWITZERLAND [CH]	1.958	1,92	147	1,72	2.105	1,91
CANADA [CA]	1.215	1,19	116	1,35	1.331	1,21
AUSTRALIA [AU]	830	0,82	105	1,23	935	0,85
TAIWAN [TW]	558	0,55	49	0,57	607	0,55

OTHER STATISTICS RELATING TO COMMUNITY TRADE MARKS

	1999 (02.04.99)	1996+1998	Total
Filing dates accorded	8.513	93.981	102.494
Number classifications checked	10.270	85.442	95.712
Applications published	8.471	59.226	67.697
Oppositions	640	11.622	12.262
Contested applications	490	8.820	9.310
Appeals	151	252	403
Registered Trade Marks	10.624	24.856	35.480
Published Registered Trade Marks	16.434	12.374	28.808
Requests for cancellation	5	19	24

ALLUMER LES "BOOSTERS"

L'histoire d'un succès est un carrefour de circonstances. Une intuition d'abord: une marque communautaire unitaire pour le grand marché européen. Un besoin évident pour les entreprises. Un outil ensuite pour gérer cette marque: l'OHMI; un outil performant et efficace qui inspire la confiance des usagers. Or la confiance engendre le succès.

Performance et efficacité sont les fruits d'une volonté constante du Conseil de disposer d'un Office responsable et motivé doté de l'autonomie juridique et budgétaire. Pendant près de 20 ans le Conseil a dû lutter pour éviter les pièges d'une administration centralisatrice et d'une machinerie incompatible avec les objectifs de rapidité, de productivité et d'auto-financement. C'est la simple application de la subsidiarité; c'est l'«expression du bon sens» pour paraphraser le Président Jacques Santer lorsqu'il est venu à Alicante. Le bon sens est intemporel. Il n'accepte pas les compromis où chacun perd son âme et, pire encore, où l'intérêt des citoyens et des usagers est perdu de vue pour des raisons étrangères aux causes que l'on prétend servir.

La confiance, disais-je, elle est là. Tellement là que les prévisions de demandes de marque communautaire pour 1999 vont probablement augmenter de 30 % pour atteindre 40.000.

Ma vision de l'Office à moyen terme est une augmentation constante des demandes à l'image de ce qui s'est passé pour l'Office européen des brevets. Quand on contemple les millions de marques existant dans le monde il semble que "l'appel d'air" de la marque communautaire soit irrésistible. L'adhésion de la Communauté au Protocole de l'Union de Madrid accélérera encore le phénomène.

L'OHMI doit relever le défi et garder la confiance des entreprises. Ce n'est pas, vraiment pas le moment de casser son dynamisme au nom de dogmes centralisateurs et harmonisateurs qui vont, nous le voyons encore plus clairement aujourd'hui, à contre sens de l'histoire de l'Europe.

Comme toute croissance, il convient de la maîtriser. C'est la responsabilité de la direction de l'Office sous le contrôle des représentants des Etats membres et de la Commission réunis au sein du Conseil d'administration et du Comité budgétaire de l'Office. Une gestion de proximité alliée à une bonne connaissance du fonctionnement d'un Office de propriété industrielle sont nécessaires pour conduire cet Office.

Plus que jamais le pilote doit être prudent et responsable. Mais si les prévisions d'augmentation des demandes de marque devaient

se confirmer il faudra placer l'OHMI sur un orbite supérieur. Il faudra allumer les "boosters". Ni trop ni trop peu.



Jean-Claude COMBALDIEU

USEFUL NUMBERS

- **Switchboard** telephone number:
+ 34-96-51 39 100
- **General inquiries** telephone numbers:
+ 34-96-51 39 243; + 34-96-513 92 72;
- **General inquiries** fax number:
+ 34-96-51 39 173
Requests for literature (leaflets, standard forms, official texts, places where to buy Office publications, etc.), questions concerning the filing of applications, questions concerning procedure (fees, priority, seniority, etc.).
- **Fax number for the filing of any correspondence relating to community trade marks** (applications, letters to examiners, oppositions, cancellations, appeals, Register matters, etc.): + 34 -96-51 31 344
CTM applicants and proprietors and their representatives are strongly urged to use exclusively the above fax number where faxes arrive at an automatic fax server which does not involve any printing and physical handling of documents, for all communications relating to proceedings before the Office. This will facilitate and accelerate the handling of incoming faxes, whereas the sending of such communications to other fax numbers in the Office will require additional operations and creates substantial administrative burdens.
- **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 copies from the files or the Register:**
+ 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 CTMS (paper and CD-ROM), EUROM, etc.
- **The Office's Internet site:** oami.eu.int