



ANNUAL REPORT 2002



OHIM - OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET

67.5
45 104
1.016
preparing
for the future

TRADE
MARKS
AND DESIGNS

A great deal of additional information on the European Union is available on the Internet.
It can be accessed through the Europa server (<http://europa.eu.int>).

Cataloguing data can be found at the end of this publication.

ISBN 92-9156-071-5

© OHIM, 2003

Reproduction is authorised provided the source is acknowledged.

Printed in Belgium

PRINTED ON WHITE CHLORINE-FREE PAPER



ANNUAL
REPORT
2002

The background of the top half of the page features a light gray grid. Overlaid on this grid are various numbers in a light green, sans-serif font. The numbers include '67.5', '45', '104', '9', '789', '1.016', '2.41', and '5/343'. The main title 'preparing for the future' is written in a dark green, serif font, with 'preparing' on one line and 'for the future' on the line below it.

preparing for the future

INDEX

EDITORIAL	P. 2
THE COMMUNITY TRADE MARK IN 2002	P. 8
THE COMMUNITY DESIGN: SET TO ARRIVE IN 2003	P. 16
TIMETABLE OF MAIN EVENTS	P. 20
EXTERNAL RELATIONS IN 2002	P. 22
ENABLING STAFF TO REALISE THEIR FULL POTENTIAL	P. 30
PROVIDING A SERVICE AT THE CUTTING EDGE OF TECHNOLOGY	P. 32
ONGOING ANALYSIS OF THE OHIM'S PERFORMANCE	P. 38
BUDGET: KEY FIGURES	P. 42
ORGANISATION CHART	P. 44
STATISTICS	P. 52
USEFUL NUMBERS	P. 60

Mr Wubbo de Boer

PRESIDENT OF THE OHIM



2 002 was a year of consolidation, review and preparation for future challenges. After the difficulties experienced in 2001 with the unexpected drop in trade mark applications, the number of applications filed this past year levelled out considerably. Moreover, 2002 saw success with more opposition and appeal decisions being taken than ever before.

The internal organisation of the Office, already under review last year with internal and external evaluations, was finalised. Eight departments were created to allow for a more coherent distribution of tasks as well as a more consistent overall approach to Office business. The new flat structure of the Office is designed to reduce hierarchy to a minimum and shorten decision-making routes. The restructuring process is now drawing to a close and I am confident that from our users' point of view, it will result in an enhanced and more efficient service and as far as staff are concerned, a clearer awareness of their role within the Office as a whole.

Preparations for registered Community designs were stepped up in 2002. Efforts focused on preparing technical aspects and a study on design demand at European level was carried out. The Office was also involved in the work of the European Commission and Council of the European Union relating to the implementing and fees regulations for Community designs. Guidelines on designs proceedings were prepared and staff received training to prepare them for dealing with this new field of activity. Registered Community designs will provide uniform protection for industrial creations across the European Union, protection that has been long awaited by all sectors of industry. As from 2003, the Office will be faced with a fresh challenge which it will embrace enthusiastically.

The professional development of OHBM staff and the satisfaction of users

Since its inception, the Office has placed great importance on being a paperless organisation. A further step in pursuit of this aim was taken at the end of the past year with the advent of the e-filing system for Community trade mark applications. Electronic filing will save time for applicants and will contribute to providing them with the most transparent service possible. The Office is proud to have established a system which places it at the forefront of industrial property offices around the world and which will go some way to enhancing its image as a modern and state-of-the-art organisation.

Quality remains central to the Office's mission and with this in mind, a benchmarking exercise with national offices was launched in 2002 to compare processes and performance and identify best practices. The outcome of this exercise will enable us to make more improvements to the way the Office operates and will constitute an invaluable learning experience. A survey was also carried out by an external consultancy firm among the users of the CTM system to gain an insight into their views and to determine where improvements can be made regarding the procedures administered by the Office. Reviewing the Office's performance was, in short, a key task throughout the last year and will continue to evolve over the coming year.

MAINTAINING
THE HIGHEST
STANDARDS.

The Office continued to forge links with other Member States and non-member countries. Promotion of the Community trade mark and Community design systems was a priority and the Office also participated, at the request of the European Commission, in technical assistance programmes in industrial property matters in non-member countries. Seminars and workshops were held for the candidate countries for entry in the European Union. In addition, a second trilateral meeting with the Japanese and US industrial property offices took place.

Finally, looking ahead to the future, the Office continued to prepare itself for the enlargement of the European Union. As of 1 May 2004, ten new countries will form part of the Community trade mark and design system, presenting the Office with new challenges and opportunities. The impact of enlargement on all areas of Office work was the subject of much deliberation. Attention was focused on training staff, translating Office documents into the new languages and preparing the Office's computer systems for enlargement, to mention but a few of the tasks undertaken. A significant step was also taken by the Administrative Board and Budget Committee in their last meeting of the year, when they decided to invite representatives from the ten countries of the first wave of enlargement to attend their meetings as observers as of autumn 2003.

I am certain that the work undertaken in the past year will allow the Office to achieve its ultimate goal of providing the best service possible to its users and to continue to play a significant role in the field of industrial property around the world.

Mr Carl-Anders Ifvarsson

CHAIRPERSON OF THE ADMINISTRATIVE
BOARD OF THE OHIM

Shortly before Christmas I sat down at my PC to commit to the paper my views on the year 2002. At that very moment I received a Christmas card from one of the colleagues in Alicante. Aside from the printed text on the card, the colleague had written one extra sentence:

"It was a fascinating year for us and there is more ahead"

Indeed – it has been a fascinating year for the OHIM from several points of view. Let me point at a few:

- * 2002 was the year when a major organisational restructuring of the office was introduced, aiming at creating a still more effective and customer-oriented Office.
- * 2002 was the year when the Administrative Board could take the crucial decision to start receiving applications for the new Community design and fix the date for that to 1 April 2003.
- * 2002 was the year when the enlargement of the European Union took another important step forward as the negotiations were concluded in Copenhagen with ten new candidate States: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia. The Danish Prime Minister Mr Fogh Rasmussen welcomed them on behalf of the Union to become member as of 1 May 2004. The OHIM has been preparing for the enlargement since a couple of years. At the joint meeting this autumn of the Administrative Board and the Budget

Committee they took a decision to welcome the 10 countries to attend the meetings as observers as of autumn 2003. I would like to take this opportunity to welcome them not only as observers but also as members from 2004.

* 2002 was also the year when the Administrative Board and the Budget Committee took a decision to invite representatives of the OHIM's Staff Committee to attend their meetings.

I have pointed at some major events in the life of the OHIM during 2002. But the life of an organisation like the OHIM consists not only of major events. It also consists of hard day-by-day work so that the Office can fulfil its obligations to serve its customers. Some 700 dedicated, professional and competent colleagues fulfill this hard work. I want to seize this opportunity to thank them very much!

Mr Peter Lawrence

CHAIRPERSON OF THE BUDGET
COMMITTEE OF THE OHIM

During the year the Budget Committee continued with its task of scrutinising the Office's budgetary plans and execution. We also began to look at how to assess the impact of enlargement on the Office's budget. From my perspective two aspects of the year's activities stand out as worth commenting further on.

First we have the implementation within the Office of a new approach to the organisation of the senior management team, along the lines suggested by the Deloitte and Touche report. The evidence, from the contributions some of these new members have made to the Budget Committee's proceedings, suggests that this enhanced team will be well placed to deal with the challenges the Office faces now and in the years ahead.

Second, we have a new Financial Regulation which confirms the Office's autonomy, but also places new responsibilities on it, such as for improved financial control and the establishment of an Internal Audit service. But the overall effect is to confirm the Office's position as a body funded by users' fees, and with governance arrangements that allow it to respond flexibly to the demands its users place on it.

A HIGH LEVEL OF ACTIVITY

During the past year the number of Community trade mark applications stabilised at a rate of between 45 000 and 50 000 applications per year (45 104 applications compared to 48 856 in 2001) and there was a high level of activity in all departments.

39 364 applications were published (48 667 in 2001). The average length of examination proceedings was 12 months.

9 789 oppositions were filed (compared to 12 787 in 2001) and 11 612 opposition files were closed (compared to 10 655 in 2001), a high percentage of which (75%) resulted from a withdrawal of an opposition or a Community trade mark application, or an agreement between the parties.

35 896 Community trade marks were registered in 2002.

80 cancellation decisions (20 partial or total cancellation) were taken compared to 52 in 2001, whereas the number of applications for cancellation rose.

The number of appeals filed before the Boards of Appeal stabilised in 2002 (1 016 appeals were filed, 67.5% of which were *inter partes* cases). The number of settled cases continued to increase (1 147, compared to 877 in 2001). In 49.38% of cases, the Boards upheld the decisions taken at first instance (42.6% in 2001). The length of appeal proceedings was 16.8 months in 2002.

The number of appeals lodged before the Court of First Instance more than doubled in 2002 (83 compared to 37 appeals in 2001). However, the number of cases brought before the Court of Justice appeared to stabilise (6 appeals compared to 13 in 2001; 7 questions were referred for a preliminary ruling compared to 7 in 2001). The number of judgments remained stable (26 judgments by the Court of First Instance and one judgment by the Court of Justice on appeal, 7 judgments under the preliminary ruling procedure).

EXPANDING CASE-LAW

The OHIM's decisions on Community trade marks were taken against a background of developing case-law. Several significant developments are worth mentioning.

ABSOLUTE GROUNDS FOR REFUSAL (*ex parte* proceedings)

A high number of judgments concerned the distinctive or descriptive character of word, colour, olfactory or three-dimensional marks.

WORD MARKS

Distinctive character

The Court of Justice confirmed, by final judgment, the OHIM's decision that the sign *Companyline* was devoid of distinctive character for insurance and financial affairs services. The Court of Justice held that the Court of First Instance had not erred in law in finding that the coupling together of the words "company" and "line", both customary in English speaking countries, without any graphic or semantic modification, did not render the sign distinctive for the above-mentioned services.

The OHIM's decisions refusing to register the trade marks EUROCOOL and *UltraPlus* were, on the other hand, annulled by the Court of First Instance. The Court of First Instance considered that the EUROCOOL mark did possess distinctive character for services relating to the transport and storage of food products because it did not constitute a generic or usual name in the sector

THE COURT OF JUSTICE
CONFIRMED, BY FINAL
JUDGMENT, THE OHIM'S
DECISION THAT THE SIGN
"COMPANYLINE" WAS DEVOID
OF DISTINCTIVE CHARACTER.



SLOGANS

The Court of First Instance judged that the OHIM had rightly refused to register the slogan REAL PEOPLE, REAL SOLUTIONS for information technology-related goods and services on the grounds of lack of distinctiveness. According to the Court, the sign would be perceived by the relevant public primarily as a promotional slogan, based on its intrinsic meaning, rather than as a trade mark.

DISTINCTIVENESS
ACQUIRED
THROUGH USE

In the ECOPY case, the Court of First Instance held that any element of evidence of distinctiveness acquired through use which related to use after the date of filing of the trade mark application could not be taken into consideration by the OHIM. The Court of First Instance also refused to examine new evidence of such distinctiveness produced before it for the first time.

in question. With regard to the *UltraPlus* mark, the Court of First Instance held that the mark had distinctive character in respect of plastic ovenware. It considered that the mark was not descriptive of this ovenware, but simply alluded to its excellence. *UltraPlus* was perceptibly different from a lexically correct construction (c.f. *BABY-DRY* judgment of the Court of Justice) and was not commonly used in relation to such ovenware.

The Court of First Instance also confirmed that the marks *LITE* (for food products and catering services), *SAT.2* (for satellite broadcasting services) and *BioID* (fig.) (for information technology goods and services used for biometric identification) were devoid of distinctive character. These marks could in fact be commonly used in trade to identify the goods and services in question. An appeal was brought before the Court of Justice in the *SAT.2* case.

Descriptive character

The Court of First Instance held that the sign *STREAMSERVE* was descriptive regarding computer-related goods, given that it could serve to designate a characteristic of such goods. An appeal was brought before the Court of Justice in this case. The Court of First Instance also held that the signs *TELE AID*, *CARCARD* and *TRUCKCARD* were descriptive for goods and services connected respectively with assistance on the road, cars or heavy goods vehicles. Making reference to the Court of Justice's *BABY-DRY* judgment, the Court of First Instance pointed out that *TELE AID*, *CARCARD* and *TRUCKCARD* did not diverge from English word composition rules. In these four cases, the Court of First Instance found that, in order to be considered descriptive, it was sufficient for one of the possible meanings of a word mark to identify a feature of the goods or services concerned. The Court of First Instance therefore departed from the precedent set by the *Doublemint* judgment.

to identify a feature of the goods or services concerned.

GEOGRAPHICAL INDICATIONS

New practice relating to the names of countries

The OHIM abandoned its practice of refusing to register the names of countries, regardless of the goods or services concerned, on the grounds that they constitute geographical indications and are for this reason either descriptive or non-distinctive. According to the OHIM's new approach, the names of countries will be refused as Community trade marks solely where these countries are known to the relevant public as the places of origin of the goods or services concerned or where there are specific factors indicating that it is reasonable to envisage them being considered as such in the future. This new practice, which is in line with the Court of Justice's Chiemsee judgment, follows the decisions given by the Boards of Appeal in the TOGO and SUDAN cases.

Cancellations of trade marks containing very well-known geographical indications

The Cancellation Division declared the trade mark La Irlandesa 1943 (fig.) (registered for butter and powdered milk) and the trade mark CUBA ALLIADOS (registered for cigars) invalid. It considered that these marks were likely to mislead the public regarding the origin of the goods concerned. The geographical indications contained in the marks were particularly well known in relation to the products in question and there was a risk that the holders of these trade marks would use them for products not having the origin specified, since they had not restricted the list of goods in order to exclude such products.

THE BOARDS OF APPEAL IMPLEMENT THE BABY-DRY JUDGMENT

The Boards of Appeal continued to implement the Court of Justice's BABY-DRY judgment. This led them to accept, as Community trade marks, the names LÄRMSPILER, Slurry-Tower, SODA JET, @Kiosk, INTELLIGENT FINANCE, WORLD LAW GROUP, TradeDoubler, AXON-Bus, NET PEOPLE, E.CONOMY and m-Network on the grounds that they were not the terminology normally used to describe the goods or services concerned or their essential characteristics. On the other hand, the Boards of Appeal upheld, on the basis of the same case-law, the refusal to register the signs THERMOSLEEVE, ACCESSNET, JET SYRINGE and SMARTVENT.

COLOUR MARKS

Colours or colour combinations per se may constitute Community trade marks provided that they are capable of distinguishing the goods or services of one undertaking from those of another. The Court of First Instance confirmed this principle but upheld the OHIM's refusal to register, due to lack of distinctiveness, the colour orange for agricultural, horticultural and forestry products, particularly seeds, and seed treatment installations (*Orange* case). It considered that the use of colours, including the shade of orange claimed or very similar shades, for such goods and treatment installations, was not rare. In addition, as far as seeds are concerned, the use of a colour may simply indicate that they have undergone treatment. Consequently, the relevant public would not perceive the colour claimed as an indication of the commercial origin of the goods concerned. On the other hand, the Court of First Instance considered that the colour orange had a distinctive character for technical consultancy services in the seeds sector. In the Court's view, the specific shade of orange claimed could be considered by the relevant public to indicate the commercial origin of technical consultancy services, given that the colour did not attach to the service itself (by nature colourless) and the colour was used in the absence, inter alia, of any words. An appeal was lodged before the Court of Justice against this judgment.

The Court of First Instance also upheld the lack of distinctiveness of the green and grey colour combination for garden equipment and tools (*Grün/Grau* case), due to the colours not being arranged in a particular way and in view of the usual nature of this colour combination for the goods in question.

OLFACTORY MARKS

In the *Sieckmann* preliminary ruling, the Court of Justice held that a sign which is not in itself capable of being perceived visually may only constitute a trade mark provided that it can be graphically represented, particularly by means of images, lines or characters and that the representation is clear, precise, self-contained, easily accessible, intelligible, durable and objective. In the case of olfactory marks, the requirements of graphic representability are not fulfilled by a chemical formula, by a description in words, by depositing an odour

The Court of First Instance confirmed the lack of distinctiveness of the colour orange for seeds and agricultural installations (and of the green and grey colour combination for garden equipment).

13

sample, or by any combination of the foregoing. The Sieckmann judgment will lead the Boards of Appeal to review their position according to which a description in words is sufficient to satisfy the requirement of graphic representability of an olfactory mark (THE SMELL OF FRESH CUT GRASS and THE SMELL OF RASPBERRIES decisions).

THREE-DIMENSIONAL MARKS

As regards three-dimensional trade marks consisting of the shape of the product itself, the OHIM continued its practice according to which they may constitute trade marks but may only be registered if the characteristics of the three-dimensional mark concerned allow the public to perceive a reference to a specific origin. The Court of First Instance already confirmed this practice in the "tabs" judgments relating to detergents. It reaffirmed this approach in its "torch shape" judgment, ruling that trade marks corresponding to shapes commonly used by other torch manufacturers on the market were devoid of distinctive character. An appeal was brought before the Court of Justice in this case. In the "soap bar shape" case, the Court of First Instance considered that the shape applied for was only a variation on typical shapes of soaps and was, therefore, devoid of distinctive character.

In the reference for a preliminary ruling *Philips/Remington (three-headed electric shaver)*, the Court of Justice laid down the conditions to be met for a three-dimensional trade mark consisting of the shape of the goods to be registered. The Court held the view that in order to be capable of distinguishing an article, the shape of the article of which the trade mark consisted did not require any capricious addition, such as an embellishment which had no functional purpose. It considered, moreover, that



A DESCRIPTION
IN WORDS DOES
NOT FULFIL
THE REQUIREMENT
OF GRAPHIC
REPRESENTATION
OF AN OLFATORY
MARK.

AN OPPOSITION
MAY BE BASED
UPON A DESIGNATION
OF ORIGIN
PROTECTED UNDER
COMMUNITY LAW

In the GERONIMO STILTON v STILTON case, the Opposition Division confirmed that an opposition may be based upon a designation of origin registered in accordance with the provisions of Council Regulation No 2081/92 (in the "STILTON" cheese case). Signs used in the course of trade are not only signs protected by the laws of the Member States, but also rights acquired under Community rules which are directly applicable and implemented in each Member State, such as Regulation No 2081/92.

where a trader had been the only supplier of particular goods to the market, extensive use of a sign which consisted of the shape of those goods may be sufficient to give the sign a distinctive character. This would be the case where, as a result of the use made of the sign, a substantial proportion of the relevant class of persons associated that shape with that trader and no other undertaking, or believed that goods of that shape came from that trader. The Court of Justice also observed that by prohibiting the registration of signs consisting exclusively of the shape of the product necessary to obtain a technical result, the Community legislature wished to guard against individuals acquiring or perpetuating exclusive rights over technical solutions. According to the Court of Justice, such a prohibition is, therefore, applicable where the essential functional characteristics of the shape of a product are solely attributable to the technical result, even if that technical result can be achieved by other shapes.

RELATIVE GROUNDS FOR REFUSAL
(*inter partes* proceedings)

Another major development was the delivery of the first six judgments by the Court of First Instance in *inter partes* proceedings: *Cheff/Cheff*, *ELS/iLS* (fig. mark), *MATRATZENmarktCONCORD* (fig. mark)/*Matratzen*, *Fifties/Miss Fifties* (fig. mark), *HIWATT/HIWATT* and *HUBERT* (fig. mark)/*SAINT-HUBERT* 41.

LIKELIHOOD OF CONFUSION

The Court of First Instance confirmed the OHIM's decision that there was a likelihood of confusion between the trade marks *Fifties/Miss Fifties* (fig.) and the *MATRATZENmarktCONCORD* (fig.)/*Matratzen* trade marks. It also confirmed that there was no likelihood of confusion between the trade marks *HUBERT* (fig.)/*SAINT-HUBERT* 41. However, in the *ELS/iLS* (fig.) case, the Court of First Instance held that, contrary to the analysis carried out by the OHIM, there was indeed a likelihood of confusion between the trade marks concerned. The case-law of the Court of First Instance in 2002 therefore built on the general principles concerning the concepts of likelihood of confusion or reputation already set out by the Court of Justice in judgments given under the preliminary ruling procedure.

clarify procedural matters which are necessary


PROCEDURAL CLARIFICATIONS

The first judgments from the Court of First Instance in *inter partes* proceedings are of great importance to the OHIM and users since they clarify procedural matters which are necessary for conducting *inter partes* proceedings. The Chef/Cheff case dealt with the opponent's obligation to present, within the period laid down by the OHIM, a translation, into the language of the opposition proceedings, of evidence and documents in support of the opposition. As the Court of First Instance pointed out, this obligation is justified by the need to observe fully the principle of the right to be heard and to ensure that the principle of the 'equality of arms' between the parties in *inter partes* proceedings is complied with. The Court of First Instance stated that the Opposition Division of the OHIM was not under any obligation to inform the opponent of his failure to produce the translation of the registration certificate for the earlier mark within the period laid down for that purpose or to grant an additional period of two months within which to produce that translation. In the ELS/iLS case, the Court of First Instance confirmed that the OHIM was obliged to take account only of documents produced within the period laid down for supplying proof of use of the earlier mark. According to the Court of First Instance, the peremptory nature of this time limit meant that the OHIM could not take account of any evidence that was submitted late. The practice followed by the Opposition Division was therefore confirmed as regards these two procedural issues.

THE COURT OF FIRST INSTANCE DEFINES THE CONCEPT OF GENUINE USE

The applicant for a Community trade mark against which an opposition has been filed may request proof that the earlier mark upon which the opposition is based has been put to genuine use. In the HIWATT /HIWATT case, the Court of First Instance defined this concept. Genuine use implies real use of the mark on the market concerned in order to identify goods or services. The trade mark must be objectively present, in a substantial part of the territory where it is protected, in a manner that is effective, consistent over time and stable in terms of the configuration of the sign.

THE COMMUNITY DESIGN: SET TO ARRIVE IN 2003



With the entry into force in March 2002 of the Regulation on Community designs and the adoption of the Implementing Regulation on 21 October 2002 and the Fees Regulation on 16 December 2002, all the Community regulations relating to this new industrial property right were completed.

The Administrative Board of the OHIM decided, at its meeting on 18 November 2002, that the OHIM could begin to receive the first applications for registration of Community designs on 1 January 2003, although the filing date would be 1 April 2003.

The recently created Designs Department carried out the necessary preparations to begin processing Community designs applications.

The leitmotiv of the OHIM's designs policy remains unchanged: to endeavour to fulfil users' requirements in the best possible manner by ensuring, among other things, a simple registration procedure and swift proceedings.

PREPARATIONS BY THE OHIM

Numerous plans and projects were undertaken by the OHIM concerning setting up the Registered Community Design system. The OHIM is not required to carry out tasks regarding unregistered Community designs.

Amongst the various projects undertaken, the OHIM was involved, in particular, with the work of the Council working party on adopting the Implementing Regulation and the Fees Regulation.

A study was also carried out by an external company to calculate the number of applications for registered Community designs that would be filed at the OHIM.

Endeavouring to fulfil users' requirements in the best possible manner

17

In addition, preliminary studies were conducted regarding the security measures, costs and human resources required to carry out the task of registering Community designs.

Lastly, guidelines on procedures for registering Community designs were drawn up. Particular attention was also paid to staff training and to defining a communications policy with the General Affairs and External Relations Department.

COOPERATION WITH CENTRAL INDUSTRIAL PROPERTY OFFICES IN THE MEMBER STATES

A Liaison Meeting on designs was held in September 2002 between the OHIM and the national offices.

Discussions were held on the processing of designs applications, the Register of Community designs, professional representation and access to databases.

EUROLOCARNO: A CLASSIFICATION SYSTEM FOR COMMUNITY DESIGNS

Publication of registered Community designs in the Community Designs Bulletin will be carried out in all the official languages of the European Union. One of

the compulsory requirements for any application for a registered Community design is an indication of the product in which the design is intended to be incorporated or intended to be applied.

In an attempt to ensure greater administrative efficiency, the OHIM decided to set up the EUROLOCARNO database, by supplementing the Locarno classification and translating it into all the official languages of the European Union. The Locarno Agreement Establishing an International Classification for Industrial Designs was adopted by the World Intellectual Property Organization in 1968 and is revised every five years.

EUROLOCARNO must contain sufficient information to enable all applicants to find terms which apply to their designs. A procedure will be set up ensuring that this classification is updated on a continuous and regular basis. Applicants are strongly advised to use the indications contained in EUROLOCARNO to ensure that the registration procedure may be conducted as swiftly as possible.

A FORM ADAPTED TO USER REQUIREMENTS

The application form for Community designs and explanatory notes are available in all the official languages of the European Union on the OHIM website and from all the national industrial property offices of the Member States. The form consists of three parts - the application for registration, a page for representations or specimens where relevant and another page for documents to be attached.

THE GROUP OF EXPERTS

A group of experts was set up in June 2002 to study the communications policy with designers and other people working in the field of designs. The members of this group come from academic and design backgrounds and from national design councils. Through their know-how and experience, they have contributed to training and to the promotion of the Community design system ("road show").

The principle of automatic extension

THE OAMI USERS' GROUP

The OAMI TRADE MARK GROUP became the OAMI USERS' GROUP, which will deal with Community designs in addition to Community trade marks.

Several organisations, such as ICOGRADA, BEDA, ICSID and EURATEX, which represent interested parties from the sector, will take part in the Group's meetings.

THE COMMUNITY DESIGN SYSTEM AND THE ENLARGEMENT PROCESS

The issue of Community designs will be dealt with during the later stages of negotiation with the candidate countries for accession to the European Union.

The principle of automatic extension used for the Community trade mark system will also apply for Community designs.

FEBRUARY

4
ECTA/OHIM
Liaison Meeting
Alicante

MARCH

6
Entry into force
of the Community
Designs Regulation

8
British Day,
UK Patent
Office/OHIM
Alicante

13
National
Offices/OHIM
Liaison Meeting -
Procedure and Practice
Alicante

15
Preparatory
Meeting for
Enlargement
(Candidate Countries'
Offices / OHIM)
Alicante

APRIL

8
Meeting
of the OAMI
Trade Mark
Group Alicante

10
Enlargement
Working Party
Brussels

15
Meeting
of the OHIM
Administrative
Board
Alicante

16
Joint
Meeting
of the OHIM
Administrative Board
and Budget Committee
Alicante

17
Meeting
of the OHIM
Budget Committee
Alicante

18
Meeting of the
Kangaroo Group (EP)
Alicante

22
International
Symposium on training
centre networks and
courts in the ASEAN
countries, Bangkok

30
Bilateral Meeting -
Japanese Patent
Office/OHIM
Alicante

MAY

2
Trilateral
Meeting -
United States Patent
and Trademark Office/
Japanese Patent Office/
OHIM - Alicante

6
Trade Marks
Euroforum,
Prague

18
Annual INTA
Meeting, Washington

28
Union Congress,
Budapest

JUNE

12
National
Offices' Liaison
Meeting - Information
Technology and
Information
Alicante

33 important events in 2002. An excellent attendance rate.

21

SEPTEMBER

10

*Annual
Trade Marks
Conference
Budapest*

23

*National
Offices/OHIM
First Liaison Meeting -
Community trade
marks and Designs
Alicante*

30

*Round Table -
UK Patent
Office /OHIM
Alicante*

OCTOBER

2

*Third
Meeting
of the Directors
of the Candidate
Countries' Industrial
Property Offices
Alicante*

7

*Eurolib
Alicante*

9

*Open Forum FICPI,
Prague*

17

*Fourth International
"Trade Marks"
Conference - Geneva*

21

*Meeting
of the ECTA-OHIM
sub-committee
Alicante*

28

*Autumn Meeting
of the Directors of
Bodies of the European
Union, Florence*

NOVEMBER

18

*Meeting
of the OHIM
Administrative Board
Alicante*

19

*Joint
Meeting
of the OHIM
Administrative Board
and Budget Committee
Alicante*

20

*Meeting
of the OHIM
Budget Committee
Alicante*

25

*Meeting
of the OAMI
Trade Mark Group
Alicante*

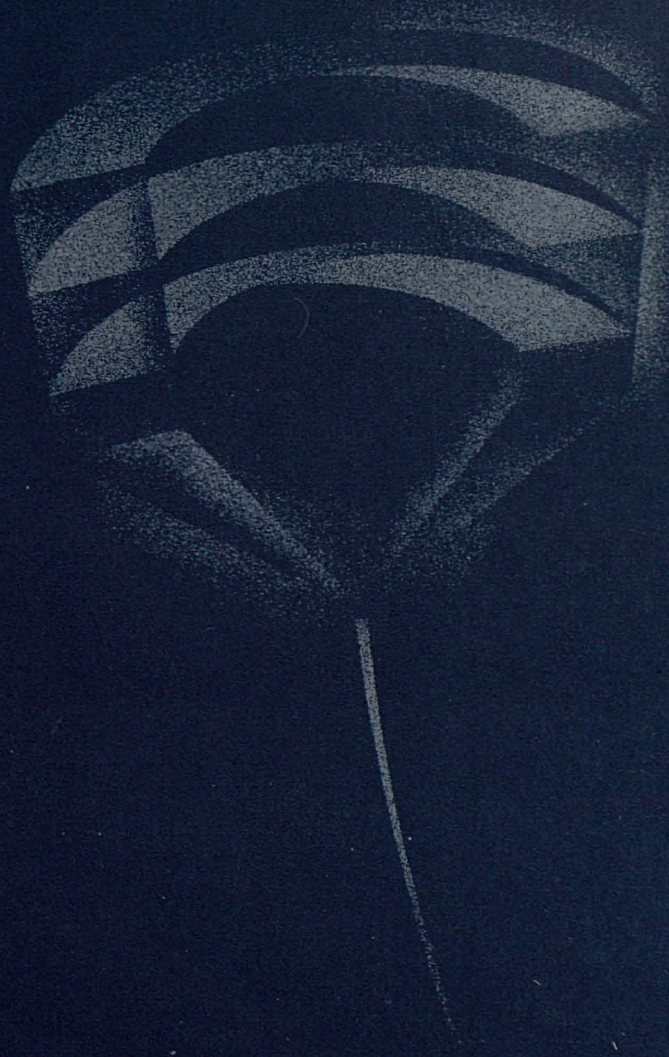
DECEMBER

3

*Visit of Prince
Felipe of Spain
Alicante*

4

*INTA
Euroforum
Alicante*






THE MEMBER STATES OF THE EUROPEAN UNION

The programme for promoting the Community trade mark system in the Member States, which commenced in 2000, continued in 2002. It focused in particular on staff working in the field of communications and information in the national offices. The OHIM also continued, in line with its activities in previous years, to direct promotional efforts at the private sector, and in particular at professional interest groups in the Member States.

Several seminars on the Community trade mark and design system were organised in conjunction with chambers of commerce and universities.

In view of the coexistence of the Community trade mark system with national systems, the OHIM continued to harmonise, at the Liaison Meetings, the legal and technical practices followed by the national offices and by the OHIM. The OHIM's development of an electronic filing system led to in-depth exchanges of information and procedures. Continuing efforts were made in the legal field to harmonise the application of certain provisions common to the national and Community systems. Particular attention was also paid to the consequences of the case-law of the Court of Justice, particularly the "Baby Dry" case, on the legal practices followed by the national offices.



The OHIM continued to harmonise, at the Liaison Meeting, the legal and technical practices

RELATIONS WITH COMMUNITY INSTITUTIONS AND INTERNATIONAL INTELLECTUAL PROPERTY ORGANISATIONS

The OHIM's status as both a Community agency and industrial property office has, since its creation, placed it at the heart of a network of relations with other institutions and organisations. Links with the European Commission and international intellectual property organisations are particularly noteworthy.

Throughout 2002, the European Union received an increasing number of requests for technical assistance from developing countries via international forums such as the World Trade Organization. A direct result of this is that the OHIM receives a growing number of requests from the European Commission to set up technical assistance programmes for non-member countries in the field of industrial property, financed by the European Union.

Since the OHIM does not have express powers to implement technical assistance programmes, discussions were started with the European Commission to define the OHIM's role in this area. The underlying aim is to establish the procedures governing the OHIM's participation in these programmes.

The OHIM's cooperation with other international intellectual property organisations serves to reinforce its role as the industrial property office of the European Union. The close relationship built up with the European Patent Office through the implementation of Community technical assistance projects in the ASEAN countries (ECAP II) soon to be carried out in the Balkan region (CARDS), has strengthened the OHIM's international image as a specialist organisation, involved in cooperation programmes with developing countries.

From an inter-institutional point of view, the OHIM also worked with the World Intellectual Property Organization and the European Patent Office on training courses for staff from the public and private sectors in developing countries. For example, a two-day seminar was organised in Alicante in March 2002, which was attended by over 20 people from 12 different countries.

CANDIDATE COUNTRIES FOR ACCESSION TO THE EUROPEAN UNION

Preparing the candidate countries for accession to the European Union and extending the Community trade mark system form the two main areas of the OHIM's pre-accession cooperation programme. During the past year, staff from the national offices received training in seminars and workshops. New activities were also commenced with universities and the private sector.

Preparing the candidate countries for accession to the European Union and extending the Community trade mark system.

25

EUROFORUM - TRADE MARKS

A two-day meeting was held in Prague on 6 and 7 May 2002, with financial assistance from the European Commission's PHARE programme.

The aim of Euroforum was to bring together people working in the field of trade marks who were interested in the effects of enlargement on trade mark law and the Community trade mark.

Over 330 people – staff from national offices, lawyers, industrial property advisers and private-sector staff from the Member States, the candidate countries and non-member countries – took part in 12 workshops and seminars covering trade mark law in Europe in detail.

This meeting served to strengthen the foundations for cooperation in the field of trade marks between the Member States and the candidate countries.

*Further information is available at the address :
<http://www.euroforum.oami.eu.int>.*

AN OVERVIEW
OF THE FIVE
CONTINENTS.

ASSOCIATED EUROPEAN COUNTRIES

The excellent relations between the OHIM and the Swiss and Norwegian national offices continued. These two countries are members of EFTA and the EEA respectively.

NON-MEMBER COUNTRIES

The OHIM's relations with non-member countries are conducted within the context of the relations between these countries and the European Union in general. Most cooperation is connected with technical assistance projects financed by the European Commission. However, some bilateral programmes also exist.

AFRICA

The OHIM has maintained excellent relations with the African Intellectual Property Organisation (OAPI) for several years. This year, the OHIM attended the celebrations for the 40th anniversary of the OAPI in Libreville (Gabon Republic).

Within the context of relations with South Africa and at the request of the South African Trade Marks Office (CIPRO), a training course on registration procedures was organised for CIPRO staff. The OHIM also took part, along with the European Patent Office, in a series of seminars organised by the South African office relating to industrial property protection.

The second trilateral cooperation meeting was held in Alicante on 2 and 3 May 2002.

27

THE AMERICAS

This year, the OHIM's activities focused on the United States of America, Mexico and Brazil.

The OHIM continued activities in Mexico involving training the staff of the Mexican Institute of Industrial Property (IMPI) and took part in information seminars on the Community trade mark in the country's main economic centres.

Upon the initiative of the Brazilian Association of Industrial Property Agents (ABAPI), a roving seminar on the Community trade mark system was held in Rio de Janeiro and São Paulo. Staff from the Brazilian Trade Mark Office also attended a workshop on opposition proceedings.

AN OVERVIEW
OF THE FIVE
CONTINENTS.

TRILATERAL COOPERATION BETWEEN THE
OHIM, THE JAPANESE PATENT OFFICE AND
THE UNITED STATES PATENT AND TRADE-
MARK OFFICE.

The second trilateral cooperation meeting between the OHIM, the Japanese Patent Office and the United States Patent and Trademark Office was held in Alicante on 2 and 3 May 2002. The discussions proved fruitful and three proposals for projects for the following year emerged.

Two of these projects related to classification systems (Nice and Vienna) while the third related to information technology issues. The main aim of this joint cooperation is to provide the users of these three trade mark registration systems with user-friendly services on a continuous basis.



ASIA

The OHIM's relations with Asia stem largely from the implementation of European Commission technical assistance projects, such as the ECAP II programme with the Association of South East Asian Nations (ASEAN) and the programme with China that was launched this year.

Several initiatives under ECAP II were conducted, on both a national and regional level, in the ASEAN participant countries: Brunei, Indonesia, the Philippines, Singapore, Thailand and Vietnam. Emphasis was placed on modernising their trade mark offices and on staff training.

The OHIM initiated the implementation of a European Commission technical assistance programme with China, based on trade marks and geographical indications. The OHIM also took part in two major events in China: a commercial meeting was held in Macao, which was organised jointly by the European Commission (Asia Invest) and the Macao Entrepreneurs Club. The second event was the European Union-China partnership meeting, organised jointly in Beijing by Asia Invest and the Chinese Council for the Promotion of International Trade. These two initiatives pursued the aim of promoting trade partnerships between Chinese and European enterprises through the creation of a platform enabling meetings to be held and practical cooperation projects covering a wide range of fields to be analysed.

As in previous years, the meetings between OHIM examiners and the Korean and Japanese offices allowed a comparison to be carried out between the practices followed by these offices and developments during the past year.

The OHIM initiated the implementation of a European Commission technical assistance programme with China based on trade marks and geographical indications.

OCEANIA

Following the success of the seminars organised in Australia and New Zealand in 2001 to promote the Community trade mark, a Community trade mark promotion seminar was organised jointly in Australia by the OHIM and the Intellectual Property Society of Australia and New Zealand (IPSANZ). This seminar introduced the Community trade mark system to an audience of representatives, lawyers, and employees in the sector.

AN OVERVIEW
OF THE FIVE
CONTINENTS.

The OHIM maintains direct and close contact with non-governmental organisations representing users of the Community trade mark system. Contributions from these associations are requested whenever the OHIM wishes to change its practice in the light of developments in legislation or case-law.

The OHIM consults them whenever it plans to adopt new guidelines, use new forms or amend its examination practice. This year, the OHIM hosted an INTA forum in Alicante on the Community trade mark.

ENABLING STAFF TO REALISE THEIR FULL POTENTIAL

H

uman resources policies introduced in 2001 were consolidated in 2002, a year which also saw the launch of new initiatives.

The number of staff employed decreased, firstly as a result of transfers requested by officials to other institutions and secondly because the OHIM decided not to recruit externally. At the beginning of 2002, the OHIM employed 678 officials and temporary and auxiliary staff and 634 at the end of the year.

As regards recruitment, once the OHIM's workload stabilised and the number of transfers to other institutions was clear, a selection procedure commenced in September 2002 to recruit temporary staff and seconded national officials. The outcome of this recruitment will be seen in early 2003. The recruitment of temporary staff will focus on the candidate countries in order to ensure that the new languages arising from the enlargement of the European Union are covered.

The OHIM's new training policy became fully operational in 2002. The OHIM devoted six times as many resources (both human and financial) to training as in 2001. OHIM staff received an average of 16 days' training per person in 2002. The OHIM will continue to devote as many resources to training in 2003 and a new training catalogue will be published showing which courses are available.

With regard to career development, 2002 saw the establishment of new career evaluation and promotion policies. The OHIM follows career development practices within the European institutions, particularly those of the European Commission. The new system will continue to develop in 2003 through the introduction of a new job description and a performance management system. There was also more internal and external mobility in 2002 than in previous years.

Human resources policies introduced in 2001 were consolidated in 2002.

31

With respect to working conditions, the OHIM introduced a new system of flexible working hours, which replaced the former clocking-in system. A new missions management system will be launched in 2003.


A new sector responsible for health and safety at work and ergonomics was set up in the Human Resources Department. It is responsible for ensuring that Spanish and Community legislation in this field is observed.

The opening of the European school in Alicante in September was the result of a major effort by the OHIM in social matters. The introduction of a welfare service and legal consultancy service for staff was also the result of work undertaken by the OHIM in social matters. A crèche for children under four should be set up in 2003.

AT THE BEGINNING
OF 2002, THE OHIM
EMPLOYED 678 OFFICIALS
AND TEMPORARY
AND AUXILIARY STAFF
AND 634 AT THE END
OF THE YEAR.

PROVIDING A SERVICE AT THE CUTTING EDGE OF TECHNOLOGY

ELECTRONIC FILING (e-FILING)



The electronic system for filing Community trade mark applications was launched on 12 November 2002. Since then, over 200 applicants have used this new tool.

E-filing allows Community trade mark applicants to benefit from an enhanced service and strengthens the OHIM's image as a modern, transparent and state-of-the-art organisation, at the cutting edge of technological development.

Two options are available under the e-filing system:

- grouped filing of applications in XML format, generated by a system previously installed at the applicant's premises.

This solution is designed for applicants who are frequent users of our services and provides them with the possibility of preparing applications internally and sending them all at the same time. An acknowledgement of receipt is generated automatically and also, where relevant, a filing date for the application, which results in substantial time-saving.

- an electronic form available on the OHIM's web site: OAMI-ONLINE.

The electronic form clearly sets out the information needed in order to meet the requirements for obtaining a filing date for the application. This means that the OHIM's on-line applicants can benefit from the simplicity and efficiency of e-filing.

ELECTRONIC PUBLISHING (e-PUBLISHING)

The e-publishing project concerns the creation of a new platform for applicants for the distribution of data taken from the Community trade marks register, in different formats (XML, HTML, flat files).

Information on the Community trade mark is currently provided by the OHIM to applicants and the general public via several supports and in several different formats. For example, there is CTM-Online (available on the OHIM website) and CTM-DOWNLOAD (file transfers, SGML). These services have been a genuine success with applicants. CTM-Online has over half a million visitors per month and CTM-Download is accessed by 26 paying users.

The e-publishing project is designed to respond to user needs by introducing a single mechanism for data extraction from EUROMARC, basically integrating a distribution platform within a single application. In this way, the OHIM will be able to guarantee both the coherence and the quality of data for all distribution methods, whether via CD-ROM, the Internet or e-mail. The OHIM will continue to offer the same services and will supply the content in several formats (XML, HTML, text). In addition, the most frequent users of the service will have a data ordering service in the future, depending on their requirements, via e-mail or XML on CD-ROM.

The initial version of the e-publishing system is planned for 2003.

THE MOST FREQUENT
USERS OF THE SERVICE
WILL HAVE A DATA
ORDERING SERVICE IN
THE FUTURE, DEPENDING
ON THEIR REQUIREMENTS.

EURODESIGN

The OHIM is at present developing a new computerised system for the management of Community designs. This project - Eurodesign - will be in operation at the beginning of 2003.

An initial version of the various modules (mail receipt and dispatch, examination, correspondence, etc) was completed in 2002.

Pursuant to the Community Designs Regulation, which was adopted on 12 December 2001 and the Implementing Regulation, the OHIM must ensure respect for the confidentiality of designs filed until they are published.

The system includes a set of security mechanisms, ranging from monitoring the use of resources and controlling access to the database, to the electronic document management system and surveillance systems (trace, alert and firewall).

DAMI-ONLINE

The introduction of Community designs raises the issue of an overhaul of the structure and design of the OHIM's website. The website is regarded as a gateway for access to information relating to the OHIM and the two types of industrial property right it administers. This site has to contain a large amount of data and is an invaluable source of assistance to users, providing services such as the Euronice Online system, which has been modified to provide better assistance relating to the classification of goods and services in the eleven official languages of the European Union.

In view of the enlargement of the European Union, joint consultation of the trade mark authorities of the candidate countries is an important tool.

35

TECHNICAL COOPERATION BETWEEN THE OHIM AND THE NATIONAL OFFICES

The OHIM and national offices are constantly looking for technical solutions to enable them to become more efficient. The work carried out at Liaison Meetings dealing with information technology and information enables the OHIM to play a harmonising role at European level. Discussions at the information technology and information Liaison Meetings covered projects aimed at providing a number of services via the Internet which have traditionally been supplied to users of industrial property offices.

The Administrative Board of the OHIM decided at its November meeting to set up an Information Technology and Information working group to enable experts from the national offices of the Member States, the candidate countries, and Switzerland and Norway to exchange their experience on certain projects.

AN INFORMATION
TECHNOLOGY AND
INFORMATION WORKING
GROUP WAS SET UP
TO ENABLE EXPERTS
FROM NATIONAL OFFICES
TO EXCHANGE THEIR
EXPERIENCE ON
CERTAIN PROJECTS.

JOINT CONSULTATION SYSTEM

In view of the enlargement of the European Union, joint consultation of the trade mark registers of the candidate countries is an important tool for users of the Community trade mark system. This project was carried out with assistance from the Commission, more specifically the TAIEX office of the Enlargement Directorate-General. A large number of trade marks is at present available in the database supplied by the pilot countries. This tool is accessible via the OHIM's website.

HARMONISATION OF DATA TRANSFER STANDARDS: XML

The OHIM is planning to set up a data transfer standard in order to facilitate electronic communications on the Internet and on CD-ROM. In the future, there will be a full electronic publication platform. The OHIM has chosen to use XML (Extensible Markup Language) for the data transfer standard.

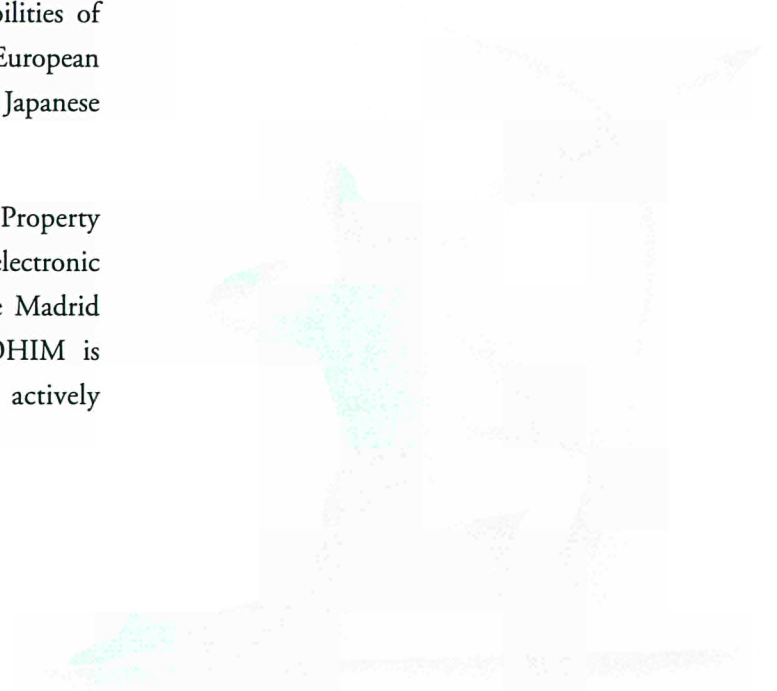
The OHIM is planning to set up a data transfer standard in order to facilitate electronic communications on the Internet and on CD-ROM.

37

An XML standard has been set up for the Community trade mark. This XML standard will also apply to designs and will allow an XML standard for the OHIM to be developed subsequently.

The development of such a standard requires coordination and an analysis of all the possibilities of harmonisation with the Member States of the European Union, as well as with other partners such as the Japanese and American industrial property offices.

In the same field, the World Intellectual Property Organization is at present improving its own electronic data transfer protocol (in conformity with the Madrid Agreement) and will also use XML. The OHIM is following this work with interest and is actively supporting this initiative.



ONGOING ANALYSIS OF THE OHIM'S PERFORMANCE



During 2001, the OHIM carried out an exhaustive assessment of all internal work procedures. The detailed evaluation of the functioning of all departments, which began in March 2001, was completed at the beginning of 2002.

During 2002, performance analysis activities developed around three main areas:

- Gaining a better knowledge of users and, in particular, their reasons for choosing the Community trade mark system or not (CTM survey);
- Comparing the OHIM's performance with that of national or international offices working in the field of intellectual property (Benchmarking);
- Establishing a system for measuring the OHIM's performance (Balanced Scorecard).



CTM SURVEY

Objective:

To gain a better knowledge of the users of the Community trade mark system and their expectations. The study focused both on trade mark owners and the agents acting on their behalf.

The study was carried out with the assistance of an external consultant and under the supervision of an internal consultative committee, which set the objectives and subjects to be covered.

Gaining a better knowledge of users.

The population of the study was chosen to ensure a representative sample of users. 360 agents from the Member States of the European Union and 319 owners from both inside and outside the European Union were selected and questioned.

CTM study results:

The OHIM has a positive image amongst users of the Community trade mark system. In general, users consider that the OHIM has achieved a lot in a relatively short period of time. Two weak points emerged however: the length of the registration procedure and the usefulness of national search reports.

Industrial property agents and owners anticipate an increase in Community trade mark applications and expect the rate of renewal of Community trade marks to be high: 58% of agents and 77% of owners are expecting a renewal rate of over 75%.

The complete report is available on the OHIM website.

THE OHIM HAS
A POSITIVE IMAGE
AMONGST USERS
OF THE COMMUNITY
TRADE MARK
SYSTEM.

BENCHMARKING

The OHIM launched an exercise to compare its performance relating to trade mark registration and general communications with that of ten national and international intellectual property organisations. This exercise is being carried out in an attempt to improve the OHIM's procedures and communications with its users and is intended to supplement the internal evaluation of the OHIM and the restructuring process. The principal aim of the exercise is to identify best practices for trade mark activities.

A questionnaire containing over 200 points was drawn up and used by the staff carrying out the exercise.

A report summarising the information collected during the survey is at present being drawn up.

THE BALANCED SCORECARD

By far the best image to describe the Balanced Scorecard is of the controls in an aircraft cockpit used by the pilot to monitor flight parameters.

The objective of the OHIM's Balanced Scorecard project, which was launched in May 2002, is to supply OHIM management with a tool for measuring overall performance and assisting with decision-making.

This tool has several advantages:

- it enables information from different areas and perspectives to be collected together within a single framework (finance, clients, internal procedures, human resources);
- this information is presented in a highly visual manner (graphs, arrows, etc.) and very coherently, so it can be easily understood;
- the Balanced Scorecard indicators are closely linked to the OHIM's overall strategy and to the more specific objectives set for each of the above-mentioned perspectives;

The OHIM launched an exercise to compare its performance with that of ten organisations.

41

- the coexistence of different indicators enables the relationships between them to be identified more clearly and possible inconsistencies to be pinpointed. For example, a logical sequence could be as follows: better-trained staff, higher quality internal procedures, more satisfied users and therefore better financial results.

The OHIM's Balanced Scorecard will also enable the indicators to be seen in a historical perspective, by supplying data on past periods. This will enable trends to be revealed and simulations undertaken. The Benchmarking project will also enable the OHIM to compare its results in most fields with those of its partners.

· SUPPLYING OHIM
· MANAGEMENT WITH
· A TOOL FOR MEASURING
· OVERALL PERFORMANCE
· AND ASSISTING
· WITH DECISION-MAKING.
·

In 2002, as in previous years, the amount of revenue allocated to the OHIM budget was such that it was foreseen to cover all the OHIM's expenditure and for a small surplus to be generated.

The majority of fees collected were fees charged for an application for a Community trade mark (approximately 44 000) as well as from the fees charged for registration (approximately 36 200).

A comparison of the figures with the 2001 budget shows important deviations from this in so much as that, the level of revenue, in particular revenue generated from the registration of CTMs, almost equals that of revenue expenses on OHIM administration/personnel. The final profit gained is higher than the one originally forecast.

BUDGETARY REVENUE 2002

Fees collected:	96 217 717.11 €
Publications:	1 110 878.64 €
Interest:	3 218 459.63 €

TOTAL: 100 547 055.38 €

BUDGETARY EXPENDITURE 2002:

Personnel expenses:	47 040 134.63 €
Buildings, Information Technology, Equipment and miscellaneous:	24 812 513.44 €
Publications and Promotion:	751 105.40 €
Expenditure regarding the Community trade mark registration procedure	24 329 995.57 €

TOTAL: 96 933 749.04 €

CARL-ANDERS IFVARSSON
Chairperson of the Administrative Board

PETER LAWRENCE
Chairperson of the Budget Committee

WUBBO DE BOER
President

ALEXANDER VON MÜHLEND AHL
Vice-President
for Legal Affairs

ALBERTO CASADO CERVIÑO
Vice-President for Technical
and Administrative Affairs

BOARDS OF APPEAL

BRUNO MACHADO
President

FIRST BOARD OF APPEAL

SYLVIE MANDEL
Chairperson

KATHLEEN LEE
WALTER PEETERS
JOSÉ LUIS SOARES CURADO
Members

SECOND BOARD OF APPEAL

KERSTIN SUNDSTRÖM
Chairperson

PETER DYRBERG
DAVID KEELING
TOMÁS DE LAS HERAS LORENZO
Members

THIRD BOARD OF APPEAL

STEFANO SANDRI
Chairperson

ACHIM BENDER
THÉOPHILE MARGELLOS
Members

FOURTH BOARD OF APPEAL

CHRISTIANE
HOFFRICHTER-DAUNIGHT
Chairperson

FERNANDO LÓPEZ DE REGO
CARLO RUSCONI
Members

REGISTRY

ERIC GASTINEL
Head of Service

SCIENTIFIC SERVICE

KARIN KLÜPFEL
Head of Service

ADMINISTRATION
OF TRADE MARKS AND
DESIGNS DEPARTMENT

VINCENT O'REILLY
Director

FERNANDO MARTÍNEZ TEJEDOR
Deputy Director

DATA RECEPTION, CAPTURE
AND DISTRIBUTION SERVICE
JEAN ROUSSEAUX
Head of Service

REGISTER AND RELATED
DATABASES SERVICE
GORDON HUMPHREYS
Head of Service

FORMALITIES EXAMINATION
SERVICE
MICHAEL DICKAS
Head of Service

ORGANISATION CHART

DESIGNS DEPARTMENT

PAUL MAIER
Director

FINANCE DEPARTMENT

PETER RODINGER
Director

GENERAL AFFAIRS
AND EXTERNAL
RELATIONS DEPARTMENT

JOÃO MIRANDA DE SOUSA
Director

VIRGINIA MELGAR
Deputy Director

JAVIER RUJAS MORA-REY
Deputy Director

HUMAN RESOURCES
DEPARTMENT

JUAN RAMÓN RUBIO MUÑOZ
Director

INFORMATION TECHNOLOGIES
AND FACILITIES MANAGEMENT
DEPARTMENT

MARC VANAOKEN
Director

ASSET AND PERFORMANCE
MANAGEMENT SERVICE

GÜNTHER MARTEN
Head of Service

FACILITIES MANAGEMENT
SERVICE

MIGUEL ANGEL
VILLARROYA SANCHEZ
Head of Service

IT DEVELOPMENT SERVICE

RAINER TRETTER
Head of Service

IT PRODUCTION AND
TELECOMMUNICATIONS SERVICE

TALMA DE CASTRO
E COSTA RODRIGUES
Head of Service

USER SUPPORT AND
IT SECURITY SERVICE

FRANCISCO GARCÍA VALERO
Head of Service

QUALITY MANAGEMENT
DEPARTMENT

WILLIAM COPINE
Director

TRADE MARKS DEPARTMENT

HANS JAKOBSEN
Director

PANAYOTIS GERDOULAKOS
Deputy Director

INDUSTRIAL PROPERTY
MATTERS SERVICE

DETLEF SCHENNEN
Head of Service

SERVICE 1

BERNHARD MÜLLER
Head of Service

SERVICE 2

HENDRIK DIJKEMA
Head of Service

SERVICE 3

ILSE MAYER
Head of Service

SERVICE 4

DIMITRIS BOTIS
Head of Service

SERVICE 5

JÖRG WEBERNDÖRFER
Head of Service

PRODUCTION SERVICE

BENOÎT LORY
Head of Service

INDUSTRIAL
PROPERTY
LITIGATION UNIT

ORESTE MONTALTO
Director

FINANCIAL CONTROLLER

MARIANO RAMIREZ BATTISTIG

CENTRAL INDUSTRIAL PROPERTY OFFICES OF THE MEMBER STATES

BELGIQUE/BELGIË

Office de la Propriété industrielle
Administration de la Politique
commerciale
Ministère des affaires économiques
Boulevard du Roi Albert II, 16
B-1000 Bruxelles

Dienst voor de Industriële Eigendom
Bestuur Handelsbeleid
Ministerie van Economische Zaken
Koning Albert II-laan, 16
B-1000 Brussel

[http://mineco.fgov.be/organization_](http://mineco.fgov.be/organization_market/index_fr.htm)
[market/index_fr.htm](http://mineco.fgov.be/organization_market/index_fr.htm)

[http://mineco.fgov.be/organization_](http://mineco.fgov.be/organization_market/index_nl.htm)
[market/index_nl.htm](http://mineco.fgov.be/organization_market/index_nl.htm)

DANMARK

Patent-og Varemærkestyrelsen
Danish Patent and Trademark Office
Helgeshøj Allé 81
DK - 2630 Taastrup

<http://www.dkpto.dk/>

DEUTSCHLAND

Deutsches Patent- und Markenamt
Zweibrückenstraße 12
D - 80331 München

[http://www.patent-und-](http://www.patent-und-markenamt.de/)
[markenamt.de/](http://www.patent-und-markenamt.de/)

IRELAND

Patents Office
Government Buildings
Hebron Road
Kilkenny
Ireland

<http://www.patentsoffice.ie/>

ITALIA

Ufficio italiano brevetti e marchi
Via Molise, 19
I - 00187 Roma

[http://www.european-patent-](http://www.european-patent-office.org/it/)
[office.org/it/](http://www.european-patent-office.org/it/)

LUXEMBOURG

Service de la Propriété Intellectuelle
Ministère de l'Economie
19-21, boulevard Royal
L - 2449 Luxembourg
Adresse postale :
L - 2914 Luxembourg

<http://www.etat.lu/EC/>

NEDERLAND

Bureau voor de Industriële Eigendom
Netherlands Industrial Property
Office
P.O. Box 5820
NL - 2280 HV Rijswijk (2H)

<http://bie.minez.nl/>

ÖSTERREICH

Österreichisches Patentamt
Kohlmarkt, 8-10
A - 1014 Wien

<http://www.patent.bmwa.gv.at/>

ELLAS/Ελλάς

Υπουργείο Ανάπτυξης
Γενική Γραμματεία Εμπορίου
Γενική Γραμματεία Εσωτερικού
Διεύθυνση Εμπορικής και
Βιομηχανικής Ιδιοκτησίας
Πλατεία Κάνιγγος
GR-101 81 ΑΘΗΝΑ

Ministère du Développement
Secrétariat Général du Commerce
Direction Générale du Commerce
Intérieur
Direction de la Propriété
Commerciale et Industrielle
Place de Kanning
GR - 101 81 ATHÈNES

<http://www.obl.gr/>

ESPAÑA

Oficina Española de Patentes y Marcas
Panamá, 1
E - 28071 Madrid

<http://www.oepm.es/>

FRANCE

Institut National de la Propriété
Industrielle
26 bis rue de Saint-Pétersbourg
F - 75800 Paris Cedex 08

<http://www.inpi.fr/>

PORTUGAL

Instituto Nacional da Propriedade
Industrial (INPI)
Campo das Cebolas
P - 1100 Lisboa

<http://www.inpi.pt/>

SUOMI/FINLAND

Patentti- ja rekisterihallitus
Patent- och registerstyrelsen
National Board of Patents and
Registration of Finland
Arkadiankatu 6 A
FIN - 00100 Helsinki

<http://www.prh.fi/>

SVERIGE

Patent- och Registreringsverket
Swedish Patent and Registration
Office
Valhallavägen 136
P.O. Box 5055
S - 102 42 Stockholm
<http://www.prv.se/prveng/front.htm>

UNITED KINGDOM

The Patent Office
Concept House
Tredegar Park
Cardiff Road
Newport
Gwent NP10 8QQ
United Kingdom
<http://www.patent.gov.uk/>

BENELUX

Benelux-Merkenbureau
Bureau Benelux des Marques
Bordewijklaan 15
NL - 2591 XR Den Haag
<http://www.bmb-bbm.org/>

CENTRAL INDUSTRIAL PROPERTY OFFICES OF THE CANDIDATE COUNTRIES

**РЕПУБЛИКА БЪЛГАРИЯ /
REPUBLIC OF BULGARIA**

Патентното Ведомство
52 Б, Др. Г.М. Димитров бул.
BG - 1113 София

Patent Office of the Republic
of Bulgaria
52b, Dr G.M.Dimitrov BLVD.,
BG - 1113 Sofia

<http://www.bpo.bg/>

EESTI

Eesti Patendiamet
Toompuiestee, 7
EE - 15041 Tallinn

<http://www.epa.ee/eng/index.htm>

LATVIJA

Latvijas Republikas Patentu valde
Citadeles iela 7/70
LV - 1010 Rīga

<http://www.lrpv.lv>

ΚΥΠΡΟΣ / CYPRUS

Υπουργείο Εμπορίου,
Βιομηχανίας και Τουρισμού
Τμήμα Καταχώρησης Εταιριών
και Πρωτόκολλο Κατάθεσης
Γωνία λεωφόρος Μακαρίου
& οδός Καρπενισίου
CY - 1427 Λευκωσία

Ministry of Commerce, Industry
and Tourism
Department of Registrar of
Companies and
Official Receiver
Corner Makarios av. &
Karpenissiou str.
CY - 1427 Nicosia

<http://www.pio.gov.cy/drc/index.html/>

MAGYARORSZÁG

Magyar Szabadalmi Hivatal
Garibaldi utca 2
HU - 1054 Budapest

<http://www.hpo.hu/>

LIETUVA

Lietuvos Respublikos Valstybinis
patentų biuras
Kalvarijų g. 3
LT - 2600 Vilnius

<http://www.is.lt/vpb/engl/>

MALTA

Intellectual Property Office
Ministry for Economic Services
Valletta - Lascaris

http://www.commerce.gov.mt/about_ipo.asp/

ČESKÁ REPUBLIKA

Úřad Průmyslového Vlastnictví
České Republiky
Antonína Cermáka 2a
CZ - 160 68 Praha 6

<http://www.upv.cz/english/index.html/>

SLOVENSKÁ REPUBLIKA

Úrad priemyselného vlastníctva
Slovenskej republiky
Jána Švermu 43
SK - 974 04 Banská Bystrica 4

<http://www.indprop.gov.sk/english/>

TÜRKİYE

Türk Patent Enstitüsü
Necatibey caddesi No:49
TR - 06430 Kizilay - Ankara

<http://www.turkpatent.gov.tr/>

POLSKA

Urząd Patentowy
Rzeczypospolitej Polskiej
Aleja Niepodległości 188-192
PL - 00-950 Warszawa

<http://www.uprp.pl/>

ROMANIA

Oficiul de Stat pentru Inventii si
Marci
Strada Ion Ghica, Sec. 3
RO - 70018 Bucuresti

<http://www.osim.ro/web/eng/indexen.html/>

SLOVENIJA

Ministrstvo za gospodarstvo
Urad Republike Slovenije
za intelektualno lastnino
Kotnikova 6
SI - 1001 Ljubljana

<http://www.uil-sipo.si>

INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS WITH WHICH THE OHIM COOPERATES

ASSOCIATION DES
INDUSTRIES DE MARQUE
AIM

9 Avenue des Gaulois
B - 1040 Bruxelles
<http://www.aim.be>
brand@aim.be

EUROPEAN COMMUNITIES
TRADE MARK ASSOCIATION
ECTA

Bisschoppenhoflaan 286, Box 5
B - 2100 Deurne-Antwerpen
<http://www.ecta.org>
ecta@ecta.org

FÉDÉRATION EUROPÉENNE
DES MANDATAIRES
DE L'INDUSTRIE EN
PROPRIÉTÉ INDUSTRIELLE
FEMIP

Service des marques
22, avenue Galilée
F - 92350 Le-Plessis-Robinson

ASSOCIATION INTERNATIONALE
POUR LA PROTECTION DE LA
PROPRIÉTÉ INDUSTRIELLE
AIPPI

Bleicherweg 58
CH - 8027 Zurich
Switzerland
<http://www.aippi.org>
general_secretariat@aippi.org

EUROPEAN FEDERATION OF
PHARMACEUTICAL INDUSTRIES
AND ASSOCIATIONS
EFPIA

Leopold Plaza Building
Rue du Trône 108, boîte 1
B - 1050 Bruxelles
<http://www.efpia.org>
efpia@efpia.org

INTERNATIONAL TRADEMARK
ASSOCIATION
INTA

Mr Bruce J. MacPherson
International Manager
1133 Avenue of the Americas
New York, NY 10036-6710
USA
Tel. (1-212) 768 98 87
Fax (1-212) 768 77 96
<http://www.inta.org>
nameofcontact@inta.org

ASOCIACIÓN INTERAMERICANA
DE LA PROPIEDAD INDUSTRIAL
ASIPI

Rivadavia 611 5º
Buenos Aires 1002
Argentina
<http://www.asipi.org>
asipi@asipi.org

THE EUROPEAN APPAREL
AND TEXTILE ORGANISATION
EURATEX

24, Rue Montoyer, boîte 10
B - 1000 Bruxelles
<http://www.euratex.org>
info@euratex.org

LICENSING EXECUTIVES
SOCIETY INTERNATIONAL
LES

Mr Jonas Gullikson
Vice-President
c/o Ström & Gullikson AB
P.O. Box 4188
S-20313 Malmö
Tel.: +46 40 75745
Fax: +46 40 23 78 97
<http://www.sg.se>
mail@sg.se

ASSOCIATION OF EUROPEAN
TRADE MARK OWNERS

MARQUES
Mr. Colin Grimes
Secretary General
840 Melton Road
Thurmaston
Leicester LE4 8BN
UK
Tel.: (44-116) 264 00 80
Fax.: (44-116) 264 01 41
<http://www.marques.org>
marques@martex.co.uk

BUREAU OF EUROPEAN
DESIGNERS ASSOCIATIONS
BEDA

C/Diagonal, 452 5º
E - 08006 Barcelona
<http://www.beda.org>
office@beda.org

CONSEIL EUROPÉEN
DE L'INDUSTRIE CHIMIQUE
CEFIC

Avenue E. Van Nieuwenhuysse 4,
boîte 1
B - 1160 Bruxelles
<http://www.cefic.org>
nameofcontact@cefic.be

COMMITTEE OF NATIONAL
INSTITUTES OF
PATENT AGENTS

CNIPA
Widenmayerstraße 48
Postfach 860624
D - 81633 München

THE EUROPEAN UNION
MEMBERS COMMISSION OF FICPI
EUCOF

Riemergasse 14
A - 1010 Wien
sonn@sonn.at

INTERNATIONAL CHAMBER
OF COMMERCE

ICC
38, cours Albert 1er
F - 75008 Paris
<http://www.iccwbo.org>
icc@iccwbo.org

INTERNATIONAL COUNCIL OF
GRAPHIC DESIGN ASSOCIATION

ICOGRADA
P.O. Box 5
Forest 2
B - 1190 Bruxelles
<http://www.icograda.org>
secretariat@icograda.org

INTERNATIONAL COUNCIL
OF SOCIETIES OF INDUSTRIAL
DESIGN

ICSID
Erottajankatu 11 A 18
FI - 00130 Helsinki
<http://www.icsid.org>
icsidsec@icsid.org

UNION DES CONFÉDÉRATIONS
DE L'INDUSTRIE ET DES
EMPLOYEURS D'EUROPE

UNICE
Mr Dirk F. Hudig, Secretary General
Mr Jérôme Chauvin - Legal Adviser
- Company Affairs Department
40 Rue Joseph II, boîte 4
B-1040 Bruxelles
Tel. (32-2) 237 65 11
Fax (32-2) 231 14 45
<http://www.unice.org>
main@unice.be

UNION OF EUROPEAN
PRACTITIONERS IN
INDUSTRIAL PROPERTY
UNION

Mr Philippe Overath
Secretary General
c/o Cabinet Bede
Bd Lambermont, 140
B-1030 Brussels
Tel. (32-2) 779 03 39
Fax (32-2) 772 47 80
mail@bede.be

INDEX

OVERVIEW	P 53
COMMUNITY TRADE MARK APPLICATIONS	P 53
BREAKDOWN OF APPLICATIONS BY COUNTRY OF ORIGIN	P 54
BREAKDOWN OF REGISTERED TRADE MARKS BY COUNTRY OF ORIGIN	P 55
BREAKDOWN BY CLASS - TOP 5	P 56
OPPOSITION	P 57
PROCESSING OF OPPOSITIONS	P 57
INVALIDITY/REVOCATION	P 57
APPEALS	P 58
EX PARTE APPEALS BEFORE THE BOARDS OF APPEAL	P 58
INTER PARTES APPEALS BEFORE THE BOARDS OF APPEAL	P 59
AVERAGE DURATION OF PROCEDURES CONCLUDED IN 2001 AND 2002 (IN MONTHS)	P 59

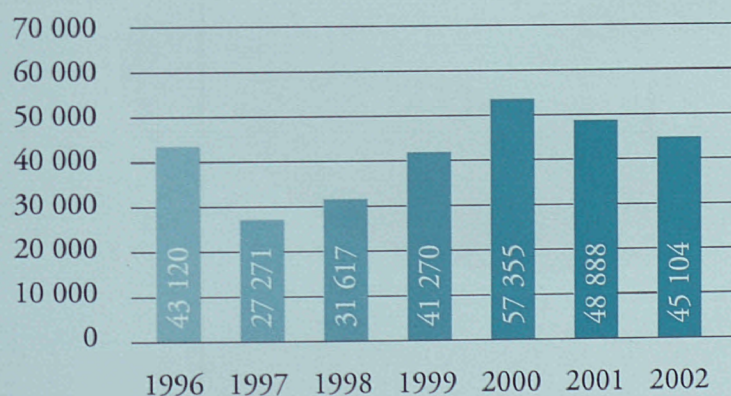
* THE DATA FOR 2002 ARE ESTIMATES

	CUMULATIVE	AVERAGE FOR PREVIOUS YEARS	2002
Community trade mark applications	294 625	41 587 ⁽¹⁾	45 104
Registrations	168 190	33 074 ⁽²⁾	35 896
Oppositions	56 814	11 756 ⁽²⁾	9 789
Oppositions resolved	40 471	9 620 ⁽³⁾	11 612
Appeals before the Boards of Appeal	4 430	1 138 ⁽³⁾	1 016
Decisions taken	3 064	639 ⁽³⁾	1 147
Appeals before the CFI	173	30 ⁽³⁾	83
Judgments given by the CFI	64	13 ⁽³⁾	26
Appeals before the Court of Justice	22	5 ⁽³⁾	6
Judgments given by the Court of Justice	2	0 ⁽³⁾	1

(Reference years : (1)1996-2001 - (2)1998-2001 - (3)1999-2001)

COMMUNITY TRADE MARK APPLICATIONS

	AVERAGE 1996-2001		2002	
	NUMBER	%	NUMBER	%
EU-15	25 679	62%	29 435	65%
NON EU-15	15 908	38%	15 669	35%
TOTAL	41 587	100%	45 104	100%



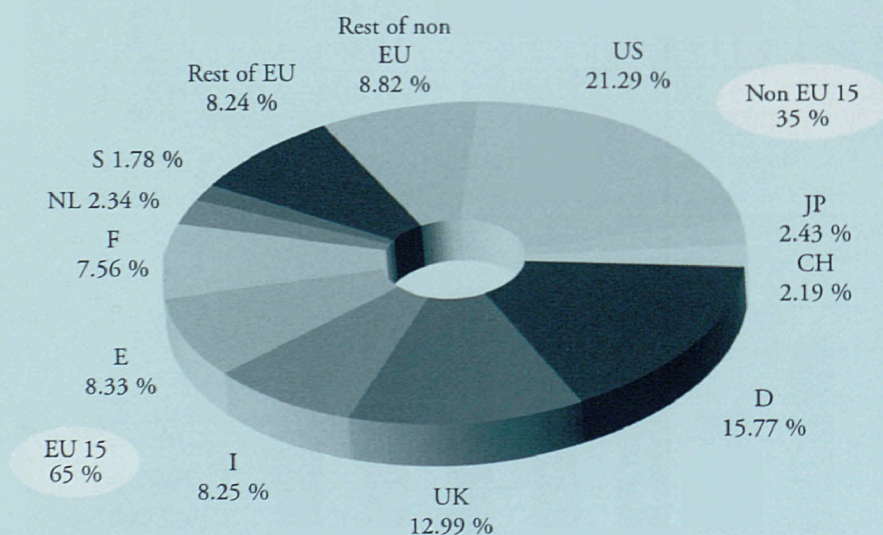
Total: 294 625

Average:
42 000/year

BREAKDOWN OF APPLICATIONS BY COUNTRY OF ORIGIN

COUNTRY	APPLICATIONS AVERAGE 1996-2001	% WORLD 1996-2001	APPLICATIONS 2002	% WORLD 2002
TOP 10				
United States [US]	10 809	25.99	9 602	21.29
Germany [D]	6 926	16.65	7 113	15.77
United Kingdom [UK]	5 444	13.09	5 860	12.99
Spain [E]	2 613	6.28	3 759	8.33
Italy [I]	2 952	7.10	3 719	8.25
France [F]	2 490	5.99	3 410	7.56
Japan [JP]	1 240	2.98	1 098	2.43
Netherlands [NL]	1 098	2.64	1 055	2.34
Switzerland [CH]	832	2.00	990	2.19
Sweden [S]	922	2.22	801	1.78
REST OF EUROPEAN UNION				
Denmark [DK]	653	1.57	727	1.61
Austria [A]	617	1.48	717	1.59
Belgium [B]	609	1.46	598	1.33
Finland [FIN]	391	0.94	438	0.97
Ireland [IRL]	391	0.94	429	0.95
Portugal [P]	257	0.62	378	0.84
Luxembourg [L]	209	0.50	233	0.52
Greece [EL]	108	0.26	197	0.44
Rest of Non European Union	3 027	7.28	3 980	8.82
TOTAL	41 586	100.00	45 104	100.00

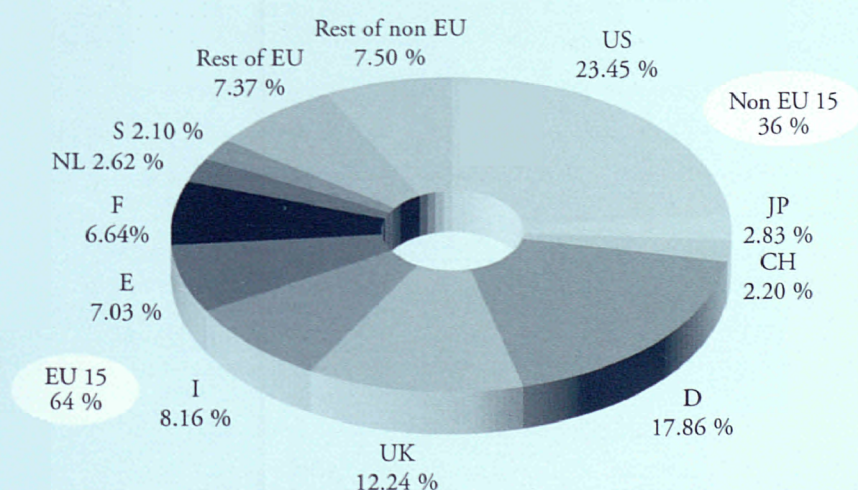
APPLICATIONS 2002



BREAKDOWN OF REGISTERED TRADE MARKS BY COUNTRY OF ORIGIN

COUNTRY	REGISTERED TRADE MARKS AVERAGE 1996-2001	% WORLD 1996-2001	REGISTERED TRADE MARKS 2002	% WORLD 2002
TOP 10				
United States [US]	8 587	25.96	8 417	23.45
Germany [D]	5 459	16.51	6 411	17.86
United Kingdom [UK]	4 251	12.85	4 394	12.24
Italy [I]	2 565	7.76	2 929	8.16
Spain [E]	2 081	6.29	2 525	7.03
France [F]	2 016	6.09	2 383	6.64
Japan [JP]	999	3.02	1 016	2.83
Netherlands [NL]	876	2.65	941	2.62
Switzerland [CH]	709	2.14	788	2.20
Sweden [S]	747	2.26	755	2.10
REST OF EUROPEAN UNION				
Denmark [DK]	525	1.59	430	1.20
Belgium [B]	515	1.56	545	1.52
Austria [A]	478	1.44	503	1.40
Finlande [FIN]	328	0.99	337	0.94
Ireland [IRL]	294	0.89	331	0.92
Portugal [P]	197	0.60	198	0.55
Luxembourg [L]	156	0.47	193	0.54
Greece [EL]	66	0.20	108	0,30
Rest of Non European Union	2 226	6.73	2 692	7.50
TOTAL	33 074	100.00	35 896	100.00

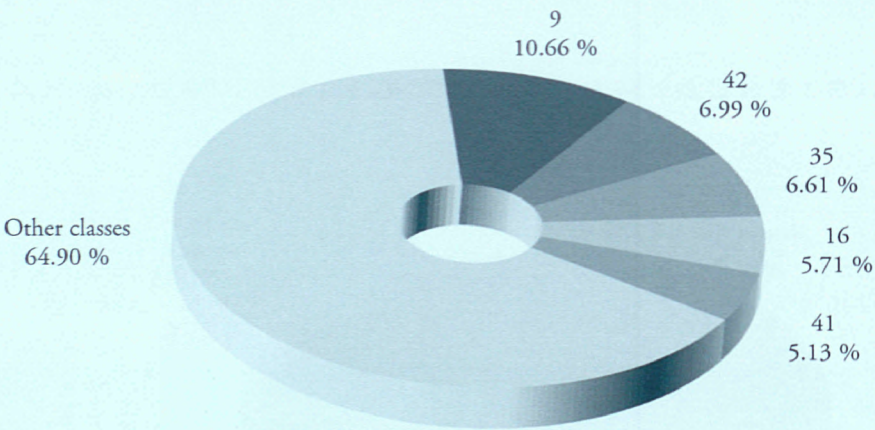
REGISTERED MARKS 2002



BREAKDOWN BY CLASS - TOP 5

CLASS	APPLICATIONS 2002	% 2002	APPLICATIONS 1996-2001	% 1996-2001
9	12 961	10.66	79 374	12.12
42	8 490	6.99	64 171	9.80
35	8 029	6.61	41 535	6.34
16	6 941	5.71	44 927	6.86
41	6 237	5.13	32 935	5.03
Other classes	78 881	64.90	391 839	59.84
TOTAL	121 539	100.00	654 781	100.00

APPLICATIONS 2002



OPPOSITION

	AVERAGE FOR PREVIOUS YEARS	2001-2002
Applications published	38 148	39 364
Applications opposed	7 414	7 150*
% applications published	19.4%	18.2%*

* Estimates

PROCESSING OF OPPOSITIONS

	AVERAGE FOR PREVIOUS YEARS	2002
Oppositions filed	11 544	9 789
Oppositions resolved	7 195	11 612
- by taking a decision	1 494	2 914
- without a decision	5 702	8 698
Oppositions in process		15 325
- subject to cooling-off period		6 775

INVALIDITY/REVOCAION

	AVERAGE FOR PREVIOUS YEARS	2002
Applications made	90	159
Cases closed	33	90
- by taking a decision	25	80
- without a decision	8	10
Applications pending	57	298

APPEALS

	2001	2002
Appeals before the Boards of Appeal	1 046	1 016
- <i>ex parte</i>	357	330
- <i>inter partes</i>	689	686
Appeals before the CFI	37	83
- <i>ex parte</i>	14	35
- <i>inter partes</i>	23	48
Judgments of the CFI	27	26
- upholding decision	14	15
- partial annulment	6	9
- total annulment	5	2
- inadmissibility	1	0
- case does not proceed to judgment	1	0
Appeals before the Court of Justice	13	6
- <i>ex parte</i>	13	6
- <i>inter partes</i>	0	0
Judgments of the Court of Justice	1	1
- annulment	1	1

ex parte APPEALS BEFORE
THE BOARDS OF APPEAL

	2001	2002
Appeals lodged	357	330
Cases resolved	404	422
- without a decision	49	48
- interlocutory revision	17	25
- withdrawal/restitutio in integrum	32	23
- with a decision	355	374
- inadmissibility	32	31
- decision upholding previous decision	192	191
- annulment	104	106
- partial annulment	27	46

inter partes APPEALS BEFORE
THE BOARDS OF APPEAL

	2001	2002
Appeals lodged	689	686
Cases resolved	483	725
- without a decision	49	30
- withdrawal/restitutio in integrum	49	30
- with a decision	434	689
- inadmissibility	33	41
- decision upholding previous decision	164	334
- annulment	128	163
- partial annulment	30	39
- decision on cost after friendly settlement	79	112

AVERAGE DURATION
OF PROCEDURES CONCLUDED
IN 2001 AND 2002
(IN MONTHS)

	2001	2002
from application to publication	9.7	12
from application to registration		
- without opposition	16.1	16.4
- with opposition	36.5	37.3

Switchboard : + 34 965 139 100

General enquiries : + 34 965 138 800

General enquiries fax number

Requests for literature (leaflets, standard forms, information on opening current accounts, official texts, sales offices for office publications, etc.), questions concerning the filing of applications, authorisations, notices of opposition and appeal, questions concerning procedure (fees, priority, seniority, etc.).

+ 34 965 139 173

Fax number for **the filing of any correspondence relating to Community trade marks and designs**, (applications, letters to examiners, oppositions, appeals, entries in the Register, etc.). As regards filing any correspondence relating to your Community trade marks and designs, you are strongly advised to use this number as your fax will be stored numerically, which will expedite processing. Sending a document to any other fax number in the OHIM entails additional tasks (Circulation of the paper version of the fax between services, dipatch to the Mail Section which has to prepare the document before scanning, etc.).

+ 34 965 131 344

Telephone number for obtaining information concerning **means of payment**. Opening current accounts, bank transfers, payments by cheque, etc.

+ 34 965 139 340

Telephone number for obtaining information about **professional representatives**. List of professional representatives, news entries, allocation of ID numbers, authorisations, etc.

+34 965 139 379

Telephone number for obtaining information concerning **certified copies**.

+ 34 965 139 198

Telephone number for obtaining information concerning **subscriptions to publications**. OHIM Official Journal, CTM Bulletin (paper and CD-ROM), EUROM, etc.

+ 34 965 139 102

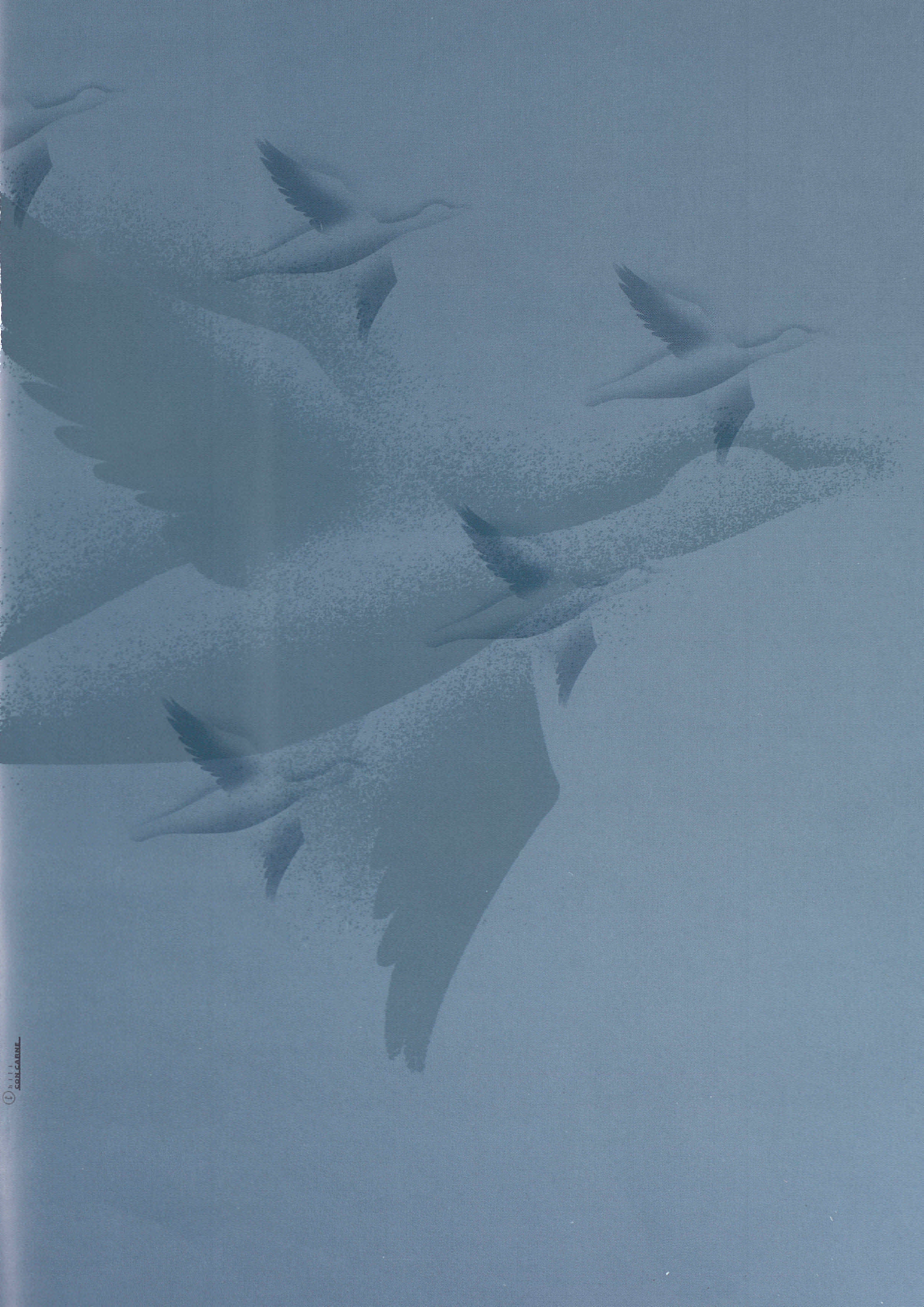
Office for Harmonization in the Internal Market (Trade Marks and Designs)

Annual report 2002

2003 — 64 pp. — 21 x 29.7 cm

ISBN 92-9156-071-5







Publications Office
Publications.eu.int

ISBN 92-9156-071-5



9 789291 560714