



06 08 10 TB-AC-07-001-EN-C

ISSN 1681-3766

OHIM ANNUAL REPORT 2006

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BUSINESS

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OHIM-OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET

TRADE  
MARKS  
AND DESIGNS



Publications Office  
*Publications.europa.eu*

ISBN 978-92-9156-117-9



9 789291 561179

THE TRADE MARKS AND DESIGNS OFFICE  
OF THE EUROPEAN UNION



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# Editorials

## **EDITORIAL BY WUBBO DE BOER, PRESIDENT – OHIM**

The year which marked the tenth anniversary of the Community trade mark, and of the opening of the OHIM's doors to the public, was a busy one, full of new developments and innovations on many fronts.

The main development of 2006 was the first User Satisfaction Survey, professionally and independently conducted among the Office's users at the beginning of the year. There was an impressive response to the survey and it produced a number of valuable insights for the OHIM – some of which we have already acted on.

One of the most important conclusions that the OHIM has drawn from the User Satisfaction Survey is that users want greater clarity, consistency and completeness of examiner's decisions. The OHIM has already started implementing an action plan in order to increase the quality and predictability of its decisions. This plan is based on four main elements: regular updating of guidelines, compilation of a trade mark examiners' manual, the launch of a compulsory training programme for examiners, and last, but not least, the introduction of regular quality control checks of the decisions taken by examiners.

This will enable the OHIM to define, in a clear and measurable manner, quality and time standards users can expect, and then make sure it delivers on what it promises. Armed with these standards, users can easily hold the OHIM to account in its different areas of work.

For example, the Office today sets targets for the time taken for the issuance of receipts, completion of examination, publication of applications, notification of opposition decisions and publication of registrations. Users should expect it to meet these targets and to tell it when it does not. I am pleased to say that, thanks to the effort of all the staff and the considerable investment in new systems, this year we have delivered on all bar one of the targets.

However, it is important that we do not become complacent. The OHIM will work continuously to improve its performance in these established areas and to define new targets, based on service standards that are important to users. It will also provide more information, and make it available more clearly, to help users file effective applications.

How can the OHIM commit to improving its services? Partly thanks to the growth in electronic services, which is transforming the way the OHIM works with users. With some 75% of applications filed electronically this year, the trend is already clear. Still, I believe we are only at the beginning of understanding how the Internet will transform the way we do business.

The OHIM is now developing tools that will, for example, enable users to access more information on their files for themselves and to control aspects of their applications such as classification.

Increasingly, such electronic services will empower users and enable them to be self-sufficient in everything from filing to file inspection, classification to opposition. This will fundamentally change the way users work with the OHIM: the Office must focus on those areas where it can add value and deliver unique services to users.

I believe that, in this new world, the most valuable services of the OHIM, and of other national and international offices, will be verifying rather than granting rights, handling earlier private rights through arbitration of disputes and providing an infrastructure for users through offering electronic services and making information available.

As users become more self-sufficient and gain greater control over their own work, they will be able to work together with the OHIM to ensure that its services are of a high quality and transparent. This means making sure that services are delivered quickly, predictably and at a reasonable cost – and delivering on the published standards that are set.



**EDITORIAL BY MARTTI ENÄJÄRVI,  
CHAIRMAN – ADMINISTRATIVE BOARD**

The past year 2006 showed that the OHIM has been a real success story. This is reflected above all in the high numbers of applications in the field of both trade marks and industrial designs. So I wish to extend to both the OHIM's management and its whole staff my warm thanks for a job well done.

Yet the high volumes of applications also bring about challenges. How to organise the work as fluently and flexibly as possible, but at the same time guarantee legal safety and legal safeguards for the clients? A well trained staff working towards clear objectives will certainly be up to this challenge, and a modern Human Resources policy will continue to support their efforts.

The OHIM is further facing many other challenges, such as how to balance its budget; how to build and develop a system in Europe that with maximum efficiency and legal safety will serve European enterprises and citizens; how to serve also applicants from outside Europe as well as possible, since the international agreements call for impartial treatment; how to participate, together with the Commission and the Member States, in the development of international and national trade marks and their integration into the European system; and how to further develop working methods and systems in an appropriate manner. This gives us plenty to consider and develop, by the side of the results already achieved, for the coming years.

To respond to the challenges described above we will need constructive co-operation between the OHIM, the Commission and the Member States, as well as the clients, also in the future. Therefore I would like to thank all those who lately have attended to the development of this strategy. We await with great interest the Commission's statement on the development of IPR activity in Europe.

The past year also saw the organisation by WIPO of the first diplomatic conference in Asia. Several primarily techno-juridical amendments to the international trade mark practice were agreed on at this meeting in Singapore. The differences between the industrialised and the developing countries in respect of the trade mark systems were also a central subject of debate at the meeting. Fortunately, after lengthy negotiations, a joint compromise was achieved at the end. This is a good thing, as trade marks keep increasing their significance all the time, along with the growth of international trade and the general globalisation process.

From the beginning of the year 2007, the number of EU Member States will grow by two new States. I wish Bulgaria and Rumania a warm welcome to the OHIM family and the European Community. I also want to thank all my Administrative Board and Budget Committee colleagues for the work they have done to develop the OHIM and the European trade mark and design right systems.

I wish the staff of the OHIM, the members of its governing bodies, the representatives of the Commission, and all our interest groups all the best for the year 2007.





## **EDITORIAL BY ROBERT ULLRICH, CHAIRMAN – BUDGET COMMITTEE**

In 2005, important decisions were taken which have had a significant impact on the work of the Budget Committee in 2006. One of these decisions was of a personal nature – Peter Lawrence, Chairman of this Committee for many years, with whom I had the pleasure of working closely during the last two years as his deputy, was elected by the Council as the new Vice-President of the Office. I would like to thank Peter Lawrence at this point for his efforts and the selfless dedication with which he guided the Committee's activities, in his inimitable style, for over five years. I am also particularly pleased that our special cooperation is continuing now that he has taken up his post as Director of the Office's Finance Department, in addition to his position as Vice-President.

As a further guarantee that the management of the Committee's work and cooperation with the Office will continue to be constructive, and therefore successful, Mr Denis Plantamp, an acknowledged financial expert from the French organisation INPI, has been appointed as my deputy.

2005 also saw the foundation being laid for more intensive technical cooperation between the OHIM and the national offices of the Member States, in the form of projects aimed at further improving the services provided by both the OHIM and the national offices for the benefit of those using the Community systems. These activities were recorded for the first time in the budget in 2006, and this year it was possible to carry out an initial assessment of them during the joint meetings with the Administrative Board. The outcome of this was mainly positive, which meant that the entire project was judged to be worth continuing.

The OHIM's stable financial position also allowed the Budget Committee in 2005 to decide to set up a reserve fund, with the aim of making the budget more transparent, and to transfer the surpluses recorded up to 2003 to this fund, in accordance with the guidelines set out for managing it.

The resources in this fund were topped up further in 2006 thanks to the excellent results in 2004.

In the 10 years since it commenced activities in 1996, the Office has been even more successful than expected in establishing itself as part of the general European trade mark and design protection system, coexisting with and complementing existing national and international systems.

The increase in the number of applications, which has been occurring since 2003, continued in 2006, while the first recorded renewal rate for trade marks, at 75%, far surpassed expectations. Despite the decision to reduce fees in 2005, which became fully effective in 2006,

the 2006 financial year ended yet again with a higher surplus than the previous year. This meant that the goal of moving towards a balanced budget was not achieved.

As a result of the exceptional financial position created by the Office's success, this issue is now the biggest challenge facing all the bodies and institutions involved: for instance, for the European Commission, which has the right of initiative to make possible changes to the basic regulations; for the Office's management, and also for the members of the Administrative Board and Budget Committee, who are called upon, according to the Community Trade Mark Regulation, to offer advice to the Office's management, as well as to submit opinions to the Commission. Initiating a strategic debate at the joint meeting in November and informing the Commission about this first exchange of views are logical steps, therefore, towards a joint effort to resolve this issue.

Relevant input from the experts of both the Committee and the Board can also be viewed, to a certain extent, as confirmation of the principles enshrined in the Community Trade Mark Regulation, according to which financial autonomy and independence are granted to the Office and essential control and organisational functions to the Administrative Board and, in particular, the Budget Committee. This is reinforced by the fact that this financial and operational independence was reconfirmed in 2006 in the recitals of the current Council Regulation amending the Financial Regulation applicable to the general budget of the European Communities.

Looking back over the past years during which flexible and innovative solutions have been reached in a common spirit of cooperation, I would like to say, as I now look ahead to the future, that I believe these joint efforts will help to strengthen trade mark and design protection further in the Community, leading to benefits for the users of all the systems.





# Introduction



## FILING TRENDS

2006 saw an increase of close to 20% in the number of Community trade mark (CTM) applications filed at the OHIM, which, together with the renewal of over 75% of the CTMs filed back in the first year of the OHIM's activity in 1996 and 1997, made for a busy time here in Alicante. CTM applications topped the 70,000 mark for the first time ever, more than 13,000 of which came via the Madrid Protocol, and the Office now has well over 500,000 CTM applications on file. Community design applications also experienced an upward turn – reaching nearly 18,000– and both the trade mark and design departments underwent significant reorganisation to attend better to the needs of users through a more dynamic and efficient handling of applications.

## LISTENING TO USERS

Indeed, it was this goal of providing users with the most efficient tools and systems possible that led the OHIM to commission the User Satisfaction Survey, the first such survey since opening in 1996. Undertaken by GfK Emer Ad Hoc

Research, one of the world's leading companies in this field, the survey was the first independent exercise of its kind, the results of which have shown the OHIM that the main priorities for the users of both the registered Community design (RCD) and the CTM systems are clarity, consistency and coherency in the decisions taken by the OHIM. On the basis of the survey's findings, a variety of quality checks, revised working methods and organisational restructuring has enabled the OHIM to improve notably in the areas highlighted as being weak points and to design future developments around specifically identified user needs. The OHIM has also succeeded in reducing the majority of the backlogs inherited from previous years despite the increased workload brought about by the rise in CTM and RCD filings.

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RCD FILINGS.**

## REORGANISATION

2006 was also the year in which a complete overhaul of the internal organisational structure of the OHIM's trade mark operations was carried out, as part of the implementation of the 'one file, one examiner' system which is now in place. Examiners commenced training in a range of different procedures relating to the examination process, which will enable them eventually to handle all the steps involved in the examination of any particular case. This is an obvious advantage for those who may have filed a mark as it creates a unique point of contact for any information they may need on their file. It also diversifies the work of the examiners, allowing each examiner to carry out tasks in all areas of the examination process as opposed to merely in one single area of expertise as was previously the case.

## PERFORMANCE AND ACCOUNTABILITY

The OHIM is committed not only to ensuring faster and more efficient systems, but also to being fully accountable to those who use the systems it offers. In this context, the targets set at the beginning of 2006 were published quarterly alongside the actual performance figures for each relevant period. The OHIM came close to reaching almost every one of its set goals in these areas, with marked improvements in the time it takes to publish the registration and the time taken to issue filing receipts. The poorer results in reaching the targets established in the field of notifying opposition decisions will be the subject of greater efforts in 2007.

## FEES

2006 was the first complete year in which the effects of the reductions in a significant number of CTM fees became clear. This was particularly so in relation to the special fee reductions applied to applications filed electronically. The use of e-filing for CTM applications leapt from around 25% in the year 2005 to an average of over 70% in 2006, proving beyond doubt that the fee reduction for e-filed applications is popular with users, and has helped the Office move towards its goal of becoming a fully electronic organisation. Other lowered fees in effect throughout 2006 include those affecting CTM registration and CTM renewals.

**THE USE OF E-FILING  
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## E-BUSINESS

The way in which the OHIM interacts with its users is increasingly being shaped by the growing dependence of the worldwide business community on the Internet and by the rapidly advancing technologies it creates. The OHIM is aware of this and throughout 2006 it continued to enhance its existing e-business solutions as well as adding some new options for e-transactions. E-oppositions and e-payment were implemented and a new improved version of the CTM-ONLINE database was launched. The EUROCLASS tool was also introduced, providing greater ease of use and significantly reduced time-frames in the CTM examination process.

## RENEWALS

This year, for the first time in its relatively short existence, the OHIM experienced its first full calendar year of Community trade mark renewal activity. This was to be a period in which user confidence in the Community system for protecting trade marks would be reflected in the number of companies worldwide which finally decided to renew these rights with the OHIM and, as predicted, the response from CTM proprietors was positive: more than 60% of all registered CTMs filed back in 1996 and 1997 have now been renewed for a further ten years, this time granting protection in a European Union of 25 Member States.

## ENLARGEMENT

As was the case in the years preceding the 2004 enlargement of the European Union, 2006 saw a number of developments at the OHIM in relation to the accession of Bulgaria and Romania to the EU in 2007.

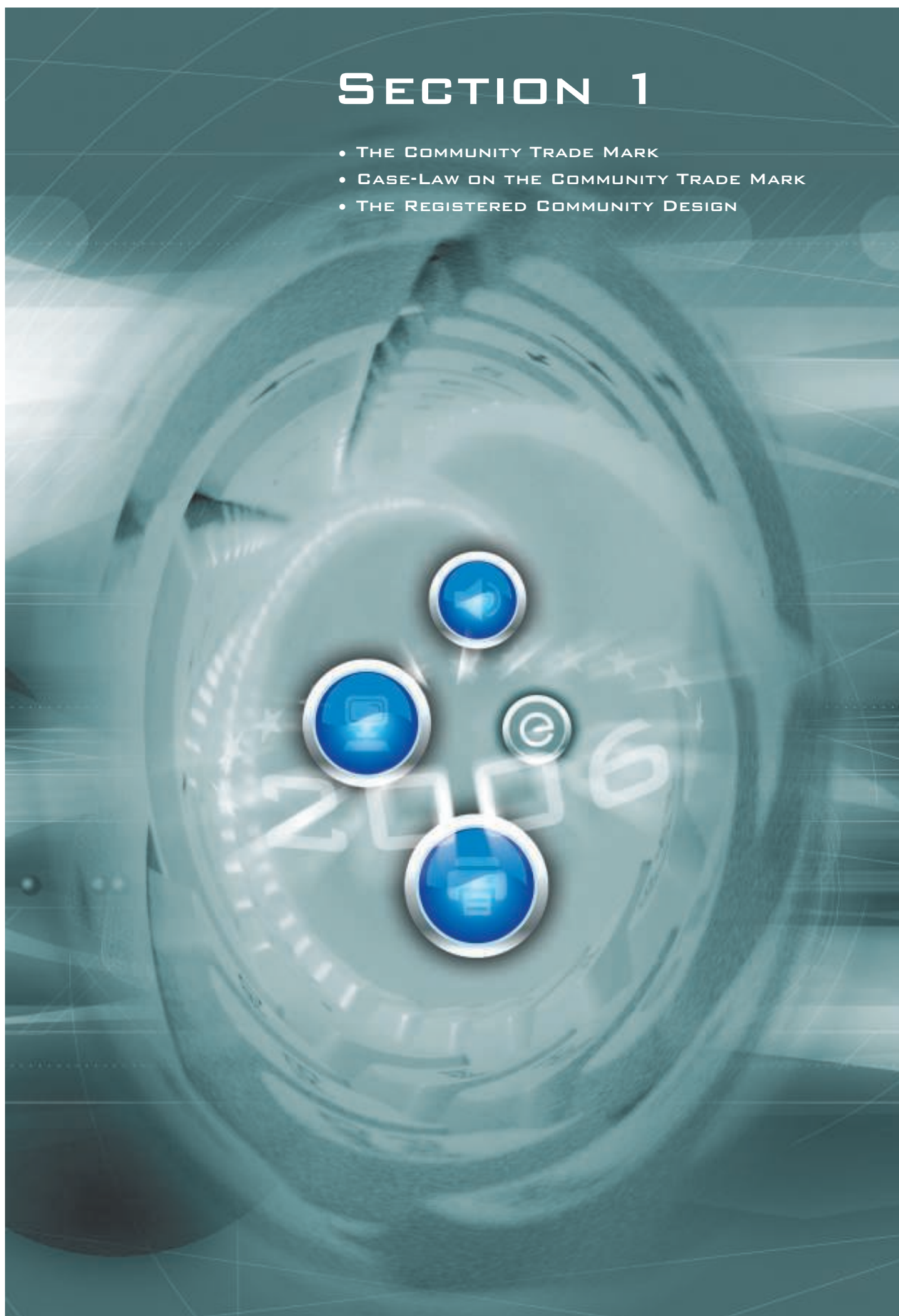
The translation of all of the Office's official forms, explanatory notes and databases was carried out and the necessary modifications to the appropriate IT applications were also completed.

The Office is confident that the preparatory measures undertaken will ensure the smooth transition of CTM & RCD procedures to a twenty-seven member EU and warmly welcomes both Bulgaria and Romania into the Community trade mark and design systems.



# SECTION 1

- THE COMMUNITY TRADE MARK
- CASE-LAW ON THE COMMUNITY TRADE MARK
- THE REGISTERED COMMUNITY DESIGN



# The Community Trade Mark



## TRENDS

Around 77,000 applications to register Community trade marks were received by the OHIM throughout 2006, representing an increase of around 20% in relation to the 64,000 applications filed in the previous year. 13,000 of these were received via the Madrid Protocol. This upward trend in trade mark applications is very much in line with filings at other national industrial property offices across the European Union and is as much a reflection of the general upward turn in the world economy as it is of the high level of acceptance among the business community of the CTM as a valued IP asset.

Businesses in over 170 countries applied for Community trade mark protection in 2006. The European Union as a whole is still very much the major source of CTM applications, accounting for over 65% of the total amount. However, the United States of America still tops the list of CTM filing nations, with over 17% of CTM applications coming from firms in the US. Applications originating from Asia, particularly Japan, South Korea and China, account for around 5% of worldwide CTM filings.

Almost 62,000 marks were registered in 2006, representing an impressive leap from the 34,000 registered in 2004. Slightly fewer oppositions were received than in 2005 – a total of around 14,000 – and in terms of cancellation applications filed, there was a total of 553 received over the year.

The use of the OHIM's electronic filing system was the chosen preference in around 75% of all Community trade mark applications, jumping to nearly 95% in applications for CTM renewal.

Over the year, 1,659 appeals were lodged, 591 in relation to *ex parte* cases, and another 1,068 filed in *inter partes* cases. The total number of decisions taken by the Boards of Appeal in 2006 reached just over 1,600.

In its first full calendar year of Community trade mark renewal activity, the OHIM received applications to renew more than 22,000 CTMs, around 75% of all registered marks filed in 1996 and 1997.

## PERFORMANCE STANDARDS

At the beginning of the year, the OHIM set itself ambitious performance targets in relation to five specific areas of the CTM registration procedure. In only one of these areas has the OHIM failed to come close to its proposed objective, with more than satisfactory results in the other four tasks. The disappointing results in the notification of opposition decisions are partly due to a miscalculation on the part of the OHIM as to the expected numbers of oppositions filed in 2006 and partly due to the fact that fewer members of staff are proficient in handling opposition matters.

STANDARD	JAN- MAR 2006	APR- JUN 2006	JUL- SEP 2006	OCT- DEC 2006	TARGET END- 2006
1. To be issuing a receipt for 80% of CTM applications within 1 week of receiving the application	81.75%	83.18%	87.30%	90.92%	80.00%
2. To be finalising the examination of 80% of CTM applications within 12 weeks of receiving applications	61.54%	65.41%	65.58%	69.27%	80.00%
3. To be publishing 80% of CTM applications within 32 weeks of receiving application	58.68%	66.40%	70.97%	66.24%	80.00%
4. To be notifying the opposition decision for 80% of cases within 4 months from the closure of the adversarial part of the procedure	15.48%	29.14%	29.19%	16.18%	80.00%
5. To be publishing the registration for 80% of non-opposed applications within 18 months of receiving applications	78.54%	84.56%	84.74%	90.05%	80.00%

## REORGANISATION

Much of the success behind these statistics is due to the way in which the working methods have been streamlined, with more examiners able to carry out more tasks as a result of the 'one file, one examiner' principle.

In the first step towards the implementation of the 'one file, one examiner' principle, where eventually only one examiner will carry out each and every one of the tasks relating to a CTM file, from filing to publication, it was decided to restructure completely the OHIM's trade marks operations, with two new departments created shortly after the summer.



In addition to the basic CTM examination tasks, carried out in the same manner by both departments, the Trade Marks and Register Department (TMRD) has the responsibility for EURONICE and for all related databases, whereas the Trade Marks and Cancellation Department (TMCD) takes care of cancellation matters and applications filed through the Madrid Protocol.

Depending on the language in which an application is filed, the case will go to one or other of these two new departments, with the exception of English, French, German and Spanish, which are common to both.

In terms of how files are handled, the same examiner will now check the formalities, the classification and the absolute grounds for each of their assigned cases, eliminating the previous need for various members of staff, and indeed various departments, to carry out this work.

Evidently, it will take time for the staff to adapt to the new working practices brought about by this change, and training will be ongoing as 2007 progresses. However, there was little negative impact on productivity during the transition period and it is expected that the performance standards set for 2007 will be met.

### CHANGE OF PRACTICE

An important change in practice in relation to opposition proceedings took place in 2006, specifically in the rules concerning the cooling-off period. Before this change, it was common for the OHIM to issue a number of extensions to the cooling-off period on the basis of multiple requests from either of the parties.

As of 2006, in the event that an agreed extension to the initial two-month period is requested, an automatic extension of 22 months will be granted, taking the total time for the cooling-off period to 24 months, with the option to 'opt out' unilaterally open to either of the parties at any time.

This greatly reduces the need for the OHIM to intervene and gives the parties more time to conclude their dispute. Despite initial reticence concerning this new practice, due in part to the fact that it was implemented with little consultation with users, the general feeling now is that it works well and benefits both parties.

## The Community Trade Mark

## QUALITY

The OHIM's main aim in the field of quality is consistency and transparency. As part of the process of achieving this, 2006 saw the commencement of the action plan on quality in CTM decisions. A random selection of decisions, both *ex parte* and *inter partes*, was examined for errors every week by a team of legal advisors, ensuring that recurring errors were identified and eliminated, and that examiners were made aware of where the main mistakes lie.

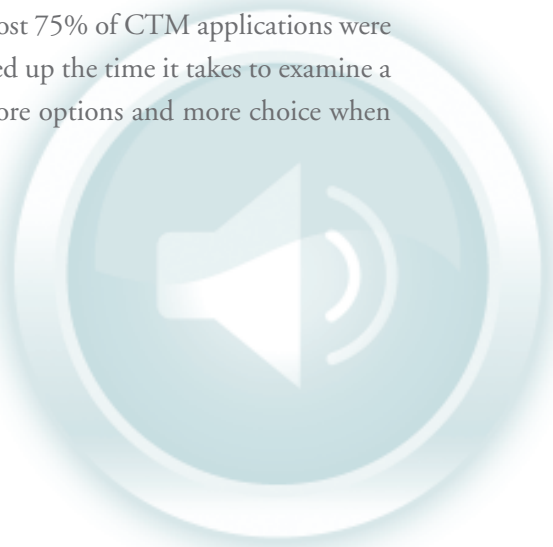
Monthly training lectures also commenced this year, with a programme of seminars dealing with concrete areas of the trade mark examiners' work, established and undertaken by the OHIM's Department of IP Policy. These lectures, which are compulsory for examiners issuing decisions, allow those dealing directly with trade mark decisions to receive updated information in all areas of their work.

In addition, an examination manual is being drafted, including continuously updated guidelines and practice notes, to assist examiners in the examination process, making decisions more consistent and predictable.

## IT INNOVATIONS

As with many other areas of the OHIM's work, the CTM examination process has benefited from the Office's efforts to introduce new IT developments which help to speed up examination and make life easier for users. Since 2006, applicants filing their CTMs online have had the option of automatically classifying their goods and services online using EUROACE, thus ensuring that their specification will be accepted by the OHIM without substantive examination, therefore reducing the time their file would spend being examined. As of the summer, the option of filing oppositions online was introduced and November saw the introduction of online access to files.

Combined with the increasingly popular e-filing tool – almost 75% of CTM applications were filed electronically in 2006 – these IT solutions help to speed up the time it takes to examine a file and, more importantly, offer the user more control, more options and more choice when dealing with the OHIM.



# Case-Law on the Community Trade Mark



From 1 January to 25 October 2006, 142 appeals were filed before the Court of First Instance (CFI) against decisions of the OHIM's Boards of Appeals (BoA) and 18 appeals were filed before the Court of Justice (ECJ) against CFI Judgments.

Within the same period, the CFI gave 62 Judgments and the ECJ gave 13 Judgments.

In addition, the ECJ gave 4 Judgments in preliminary ruling cases relating to the interpretation of the Trade Mark Directive (TMD) or of the Community Trade Mark Regulation (CTMR).

By the end of 2006 there were 97 cases pending before the CFI and 20 cases pending before the ECJ.





## I. ABSOLUTE GROUNDS FOR REFUSAL

### A. PROCEDURAL QUESTIONS

Judgments of 4 October 2006, Cases T-188/04 and T-190/04, *Freixenet SA / OHIM*, (Form of a frosted black matt bottle), not yet published

### B. THE DIFFERENT ABSOLUTE GROUNDS FOR REFUSAL

#### 1. Article 7(1)(b) CTMR: Distinctive marks

Judgment of 12 January 2006, Case C-173/04P, *Deutsche SiSi-Werke GmbH & Co. Betriebs KG, / OHIM*, (STANDBEUTEL), ECR I-551

Judgment of 31 May 2006, Case T-15/05, *Wim De Waele / OHIM*, (Shape of a Sausage)

#### 2. Article 7(1)(c): Descriptive marks

Judgment of 9 March 2006, Case C-421/04, (MATRATZEN II)

Judgment of 3 May 2006, Case T-439/04, *Eurohypo AG / OHIM*, (EUROHYPO)

#### 3. Article 7(1)(d): Generic marks

Judgment of 16 March 2006, Case T-322/03, *Telefon & Buch Verlagsgesellschaft mbH / OHIM*, (WEISSE SEITEN)

#### 4. Article 7(1)(g): Deceptive marks

Judgment of 30 March 2006, Case C-259/04, *Elizabeth Florence Emanuel*, (ELIZABETH EMANUEL)

#### 5. Article 7(3): Acquisition of distinctiveness

Judgment of 22 June 2006, Case C-24/05P, *August Storck KG / OHIM*, (KARAMELBONBON)

Judgment of 22 June 2006, Case C-25/05P, *August Storck KG / OHIM*, (BONBONVERPACKUNG)

Judgment of 7 September 2006, Case C-108/05, *Bovemij Verzekeringen NV*, (EUROPOLIS)

## II. RELATIVE GROUNDS FOR REFUSAL

### A. PROCEDURAL QUESTIONS

Judgment of 10 July 2006, Case T-323/03 *La Baronia de Turis, Cooperativa Valenciana / OHIM*, (LA BARONNIE/BARONIA)

Judgment of 13 September 2006, Case T-191/04 *MIP METRO Group Intellectual Property GmbH & Co. KG / OHIM*, (METRO/METRO)

### B. THE DIFFERENT RELATIVE GROUNDS FOR REFUSAL

#### 1. Article 8(1)(b): Likelihood of confusion

Judgment of 12 January 2006, Case T-147/03, *Devinlec Développement innovation Leclerc SA / OHIM*, (Q QUANTUM/QUANTIEME)

Judgment of 12 January 2006, Case C-361/04P, *Claude Ruiz-Picasso and others / OHIM*, (PICARO/PICASSO), ECR I-643

Judgment of 23 February 2006, Case T-194/03, *Il Ponte Finanziaria S.p.A. / OHIM*, (Bainbridge/The Bridge)

Judgment of 23 March 2006, Case C-206/04P, *Muelhens GmbH & Co. KG, / OHIM*, (ZIRH/SIR)

Judgment of 11 July 2006, Case T-247/03, *Miguel Torres, S.A. / OHIM*, (Torre Muga/TORRES)

Judgment of 12 July 2006, Case T-277/04, *Vitakraft-Werke Wührmann & Sohn GmbH & Co. KG / OHIM*, (VITACOAT/VITAKRAFT)

Judgment of 7 September 2006, Case T-168/04, *L & D, SA / OHIM*, (AIRE LIMPIO)

**2. Article 15(2)(a): Use in a form that does not alter the distinctive character of the mark in the form in which it was registered**

Judgment of 23 February 2006, Case T-194/03, *Il Ponte Finanziaria S.p.A. / OHIM*, (Bainbridge/The Bridge)

**3. Article 43(2) & (3): Genuine use**

Judgment of 23 February 2006, Case T-194/03, *Il Ponte Finanziaria S.p.A. / OHIM*, (Bainbridge/The Bridge)

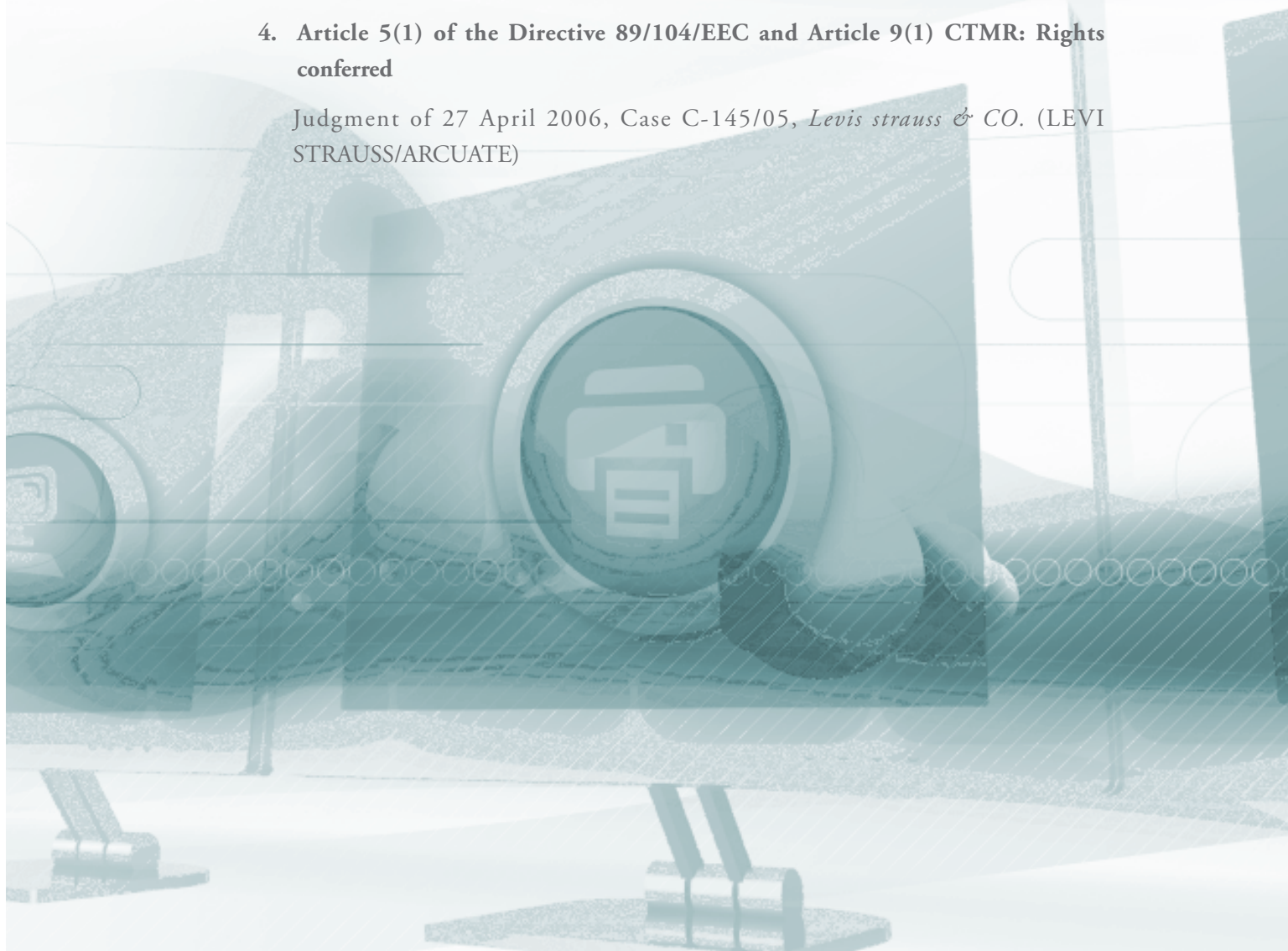
Judgment of 11 May 2006, Case C-416/04P, *The Sunrider Corp. / OHIM*, (VITAFRUIT/VITAFRUT)

Judgment of 4 October 2006, Case T-96/05, *Monte di Massima SAS di Pruneddu Leonardo & C / OHIM*, (VALLE DELLA LUNA/VALLE DE LA LUNA)

Judgment of 17 October 2006, Case T-483/04, *Armour Pharmaceutical Co. / OHIM*, (GALZIN/CALSYN)

**4. Article 5(1) of the Directive 89/104/EEC and Article 9(1) CTMR: Rights conferred**

Judgment of 27 April 2006, Case C-145/05, *Levi Strauss & CO. (LEVI STRAUSS/ARCUATE)*





# The Registered Community Design



## TRENDS

The number of RCD applications received in 2006 levelled out somewhat in comparison with the increase in applications for the preceding two years. Nevertheless, there was still an increase of around 7% on 2005.

Total applications to register Community designs in 2006 topped the 17,000 mark and, with an average of nearly four designs in each application, the total number of designs handled by the OHIM in 2006 was close on 70,000. The influx of designs this year has taken the overall number since 2003 to around 228,000.

98% of all RCDs filed in 2006 were eventually registered, with less than 1% challenged for invalidity. A total of 240 invalidity decisions were taken, declaring invalid around 66% of all designs challenged.

In 2006, a total of 35 appeals were lodged in RCD-related cases, 11 of them *ex parte* cases and 24 of them *inter partes*.

The Third Board of Appeal, the board which specialises in handling all appeals relating to registered Community design matters, took seven decisions in RCD proceedings over the course of the year, two of which were *ex parte* cases and five of which were *inter partes* cases. Of these seven decisions, three joined cases were confirmed, and four were overturned.



## PERFORMANCE STANDARDS

The increase in the number of design applications had no negative effect on the time taken to carry out the examination and publication tasks. This was due to a number of different reasons, among which were the implementation of a 'one file, one examiner' system for design examination and the use of fortnightly productivity reports which provide an incentive system. These allow examiners to follow their own progress and that of others on a regular basis. The impact of the training and IT investments carried out in 2005 also had a beneficial effect on working procedures and quality in 2006.

The highlights in the field of registered Community designs in 2006 were undoubtedly the considerable reduction in pendency times concerning publication of designs and the initiatives implemented in the field of quality control.

In previous years, the time-frame for taking a design application from its arrival at the OHIM through to publication was set at 90 days. For 2006, however, the goal was to ensure the publication of 80% of all design applications received within eight weeks. This target was reached, and indeed improved upon in many instances, and it is hoped that an increase in the use of e-filing and e-payment options for RCD applications will allow the OHIM to set even more ambitious time standards for RCD publication in 2007.

## QUALITY

Despite some significant changes in staff which took place in the relatively small Designs Department, not least of which were the appointment of a new director and quality control officer, the stability among the 16 examiners dealing with RCD applications has helped greatly in achieving not only a reduction in pendency times, but also improvements in the area of quality control.

Regular quality control checks were implemented throughout the year, as one of the main aims of the OHIM in this area is to reduce to a minimum the minor errors that are sometimes detected in published applications. Checks were carried out regularly on published RCD applications, based on 15 separate criteria, and the rate of such errors was found to be around 5% in 2006. The aim is to lower this to 2% in 2007 and to extend the quality control measures to eliminate mistakes in receipts and in deficiency letters. Mechanisms are also being put in place to minimise any erroneous early disclosure of designs for which deferment of publication has been requested.

## IT INNOVATIONS

Over the course of the coming year, the OHIM will put in place new IT systems for handling RCD applications, including the latest automatic image recognition software to reduce the amount of time spent by each examiner handling any one case. As with the CTM procedures, the OHIM is moving steadily towards maximum automation, which offers the two-fold advantage of giving users greater choice, control and ease of use at the filing stage and of reducing the amount of possible errors through a reduction in human intervention.

## THE HAGUE AGREEMENT

December 2006 marked the adoption by the Council of the European Union of the Decision approving the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs and of the Regulation to give effect to this accession.

During 2007 it is foreseen that the European Union will be part of this international system for the registration of designs, managed by the World Intellectual Property Organization (WIPO).



The Registered  
Community Design

## SECTION 2

- WEB SERVICES
- LISTENING TO USERS
- TRAINING, ASSISTANCE & COOPERATION





# Web Services



The OHIM's website plays a central role both in the dissemination of CTM and RCD related information and as a portal through which a wide range of electronic tools and interfaces can be accessed to make dealing with the OHIM faster, more efficient and easier. Tools available range from e-filing and e-payment tools to searchable databases of CTM and design information.

The percentage of CTMs filed electronically rose dramatically in 2006 to around 75%. This is in contrast to the fairly steady 25% - 30% of recent years, and can no doubt be attributed to a large extent to the fee reduction in place for e-filed applications.

However, the performance and reliability of this tool generated some dissatisfaction among some users in 2006, with questions raised about the reliability of the system on a number of occasions. Steps have been taken throughout the year to ensure that a more efficient, updated version can be made available in 2007. These measures include the setting up of a specific e-business consultation hotline number, the use of shadow users to test the systems on a daily basis and a number of technical improvements.

E-filing of RCDs is still lower than the OHIM would have expected, though it is steadily increasing and levelled out at around 20% this year. Problems have been encountered when design applicants attach graphic representations for a large number of designs, and, with an average of four designs per application, this may have deterred a number of applicants from using the electronic filing system.

The Community trade mark database CTM-ONLINE is the most used web-based tool offered by the OHIM, with more than 150,000 monthly visits. This database enables users to retrieve information on over half a million CTM applications using a variety of different search criteria.

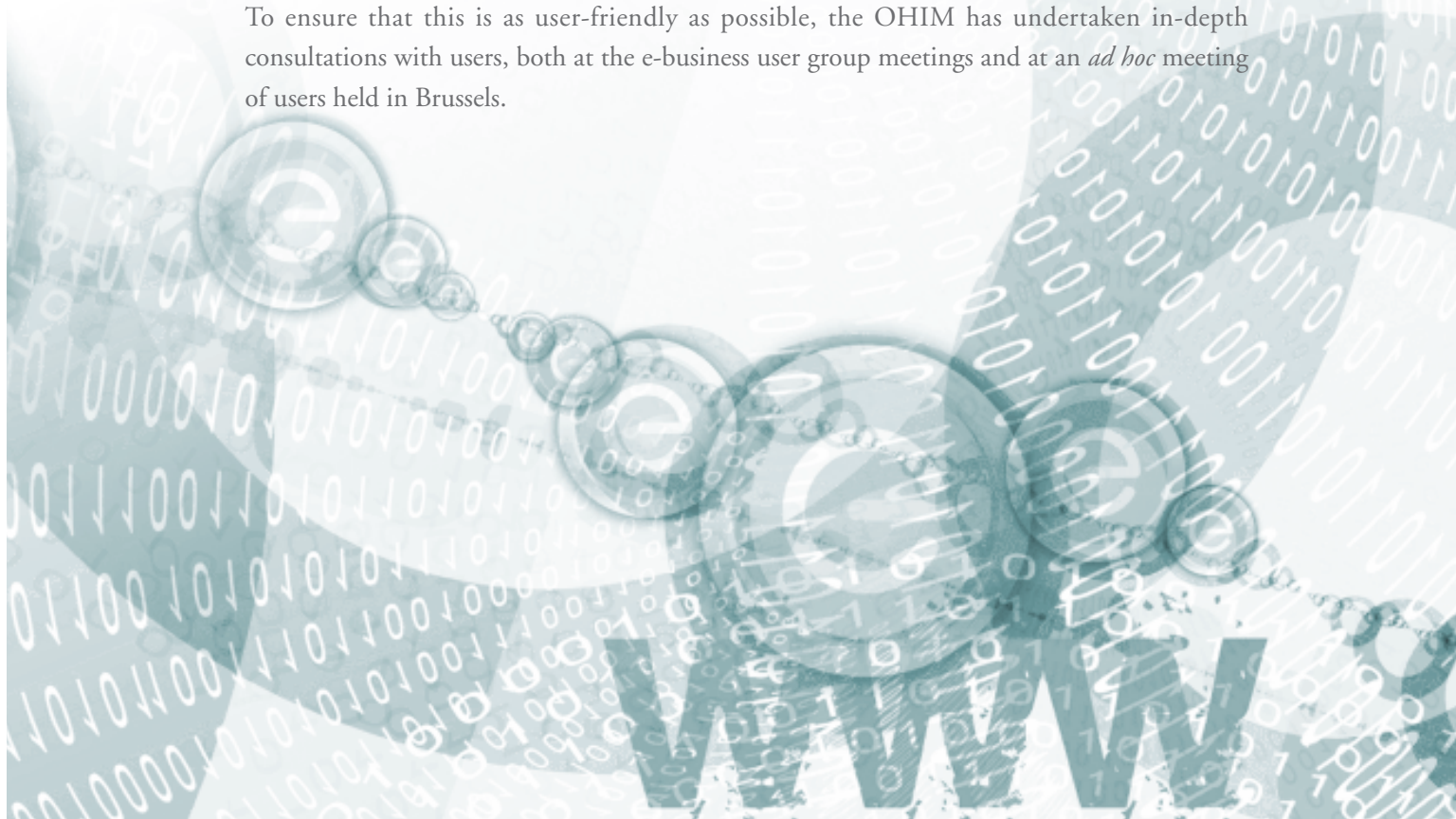
The number of users subscribing to MYPAGE rose by 990, and the total number of MYPAGE account holders in 2006 was 1,856. Of this total, 78% opted for the e-communication system, allowing them to exchange all official communications with the OHIM electronically, as opposed to the standard practice of faxing correspondence.

The CTM opposition procedures were significantly simplified in 2006 with the introduction of the e-opposition system. Any party wishing to oppose a published CTM application can now do so online, using the e-opposition form available via the OHIM website. It is hoped that this tool will speed up the opposition process and that it can be extended in the near future to include not only the electronic remittal of the application itself, but also the exchange of all the relevant pleadings made by the parties.

Another welcome improvement made in 2006 was the possibility of making payment for CTM applications electronically, and it is expected that this e-payment facility will be extended to other fees in the near future.

For holders of registered CTMs filed ten years ago, two options were available for making renewal applications online: bulk renewal applications were catered for via the CTM Renewal Manager, offering a tool which allowed owners to manage their CTM portfolio using sortable lists with automatic notification of the expiry date in a private, password protected area of the OHIM website; the CTM online renewal form was the other option, enabling owners to make single or multiple renewal applications at the touch of a button. Both tools have been popular, with over 95% of all 2006 CTM renewal applications filed electronically.

In September 2006, the decision was taken to implement a complete overhaul of the OHIM website, in relation not only to the layout and structure, but also to the actual content itself and the way information is updated. To this end, a working group spent much of 2006 preparing the way for a completely new website, which is expected to go live in the last quarter of 2007. To ensure that this is as user-friendly as possible, the OHIM has undertaken in-depth consultations with users, both at the e-business user group meetings and at an *ad hoc* meeting of users held in Brussels.



# Listening to Users



All of the measures taken by the OHIM to bring about improvements in the way CTMs and RCDs are handled during the registration process are aimed at raising the quality of the service the OHIM provides for its users. The fundamental aspects of such improvements are more simplicity, faster processing times, more accountability and greater predictability in the decisions taken. These parameters marked the OHIM's philosophy in 2006, and a number of different initiatives were undertaken to reach these goals.

Such goals, however, can only be achieved if the users to whom these services are provided form an active part in constructive dialogue with the OHIM, and it is with this in mind that the OHIM stepped up its commitment to listening to users in 2006.

Though the User Satisfaction Survey was very much the flag-bearer of the OHIM's drive to take into account the opinions of its users, it was only one of a number of channels used by the OHIM to gather feedback from its users over the year. User group meetings, e-business users' meetings, annual meetings, IP summits, national office cooperation, the Information Centre and the Customer Complaints Unit all played a crucial role in the OHIM's efforts to take on board the opinions of its users when establishing procedures and policy.

The OHIM Users' Group, made up of a number of international user group representatives from both the trade mark and design communities, met in Alicante in July. This meeting allowed the OHIM to inform these organisations of current progress and to gather invaluable feedback on how the OHIM is perceived by those working with it on a day-to-day basis. In 2006, APRAM joined this group, and admission for GRUR was approved for 2007.

General topics for discussion covered the current status of activities at the OHIM, an update on the progress of the User Satisfaction Survey and the latest developments in the field of e-business. Specific agenda points relating to the CTM at this year's meeting included exchanges on the genuine use of trade marks under Article 15 CTMR, issues relating to non-use, a variety of Madrid Protocol related matters and the time standards and performance indicators. Among the RCD issues raised were the *ex officio* substitution of Locarno terms, and matters relating to the OHIM's designs database.

In relation to the OHIM's web services, two meetings were held in April and October with the E-Business Users' Group, made up of representatives from major filers of CTM and RCD applications as well as smaller volume applicants from across the European Union. These brainstorming meetings served to exchange information and ideas on the progress of ongoing IT projects relating to e-business solutions and gave the OHIM an insight into the needs of users in this area.

These ongoing projects included the development of business-to-business e-filing for CTM applications, an RCD e-renewal system, the online handling of opposition proceedings via MYPAGE and an e-caveat programme to notify users of any change in the status of their applications.

The OHIM also participated throughout the year in various annual meetings of trade mark and design associations and in IP summits, meeting national representatives and IP organisations interested in the CTM and RCD systems.

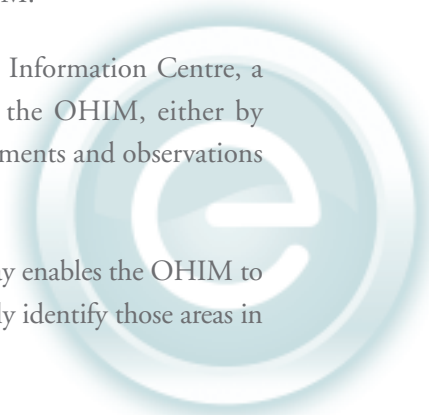
This year, Asian businesses were able to attend OHIM seminars in China, Japan and South Korea, as part of the OHIM's cooperation with organisations such as the Chinese Trademark Association, the Japanese Patent Attorneys Association, the Japanese Intellectual Property Association, the Korean Patent Attorneys Association and AIPPI. Fruitful meetings were held between these organisations and OHIM management, and programmes for future cooperation have been initiated.

In 2006, the OHIM also played host to delegations of trade mark and design professionals in the framework of the ongoing National Days, where representatives from the national office in one of the EU countries come to the OHIM with a delegation of selected trade mark and design professionals from their country. In these meetings, information exchanges take place on the most relevant topics of interest in the area of the RCD and the CTM.

Another vital area of contact between the OHIM and its users is the Information Centre, a centralised contact point for users who wish to make enquiries to the OHIM, either by telephone or by e-mail and, as such, it represents the frontline for comments and observations from CTM and RCD filers.

The information gleaned from e-mails and phone calls every working day enables the OHIM to create a picture of the matters which most concern its users and to clearly identify those areas in which action should be taken to further improve its services.

In the past, the Information Centre has had some difficulties in absorbing the high volume of incoming calls and e-mails, and as a result has not been able to provide as complete a service as





the OHIM would have liked in terms of attending to consultations from users. In 2006, steps were taken to improve this area with the introduction of a new telephone exchange and the recruitment of new, experienced and qualified staff to complement the existing information officers.

In 2006, a total of 29,312 telephone calls and 10,180 written enquiries were received by the Information Centre, up 17% on the previous year. The average time taken to respond to queries was under four days.

In case of complaints relating to a particular trade mark or design application, users have had the opportunity of contacting the Customer Care Unit, which has a strict 15-day time limit in which to resolve the complaint and inform the user of the outcome. This mechanism allows the OHIM to identify the specific source of problems relating to individual files and to solve them in a timely manner, as well as helping to identify areas in which complaints may be recurring, and so allow the problem to be addressed and remedied.

Almost 400 complaints were handled by the Customer Care Unit in 2006, 18% of which related to problems encountered in opposition proceedings, followed by 10% both for delays experienced in receiving RCD certificates and for delays encountered in the examination of the formalities in CTM applications. Around 7.5% of the total number of complaints related to delays in the issuing of CTM certificates, with 6% concerning the length of time taken to examine the absolute grounds for refusal of users' CTM applications. Web service complaints were focused almost exclusively on the slow performance, and at times unavailability or malfunction, of e-filing, accounting for 6% of all complaints received.

All complaints received over the year were regularly reported to the OHIM Management Committee and actions have been taken as a result to improve procedural problems.

All of the above communication channels allow the OHIM to understand better the needs of those who are directly involved in the day-to-day filing of both CTM and RCD applications, and provide invaluable, regular feedback in a structured and comprehensive manner.

## Listening to Users

# Training, Assistance & Cooperation



In the year 2005, a comprehensive programme of technical cooperation between the OHIM and the national industrial property offices of the European Union Member States (national offices) was drawn up, focusing on four main areas: training, IT projects, promotion and information services, and other projects. The year 2006 saw the consolidation of this programme and many of the proposed activities took place over the course of the year. The OHIM set aside some €2,300,000 in 2006 to cover its financial contribution to these technical cooperation activities.

## 1. TRAINING

A total of 19 seconded national experts worked at the OHIM during 2006. Two national office trainees also benefited from this facet of cooperation. In this way, experts from other EU countries can gain first-hand experience in the workings of the CTM and RCD systems, while offering the OHIM the benefit of their experience in the national systems of their respective countries.

The OHIM Summer Academy offered one-off training courses for members of the IP offices with which the OHIM has special relations, including EFTA countries, ASEAN countries and China. In 2006, 11 members of staff from national offices attended these courses. On a more specific, legal level, the OHIM also organised 3 seminars for judges from the EU, providing up-to-date information on recent changes in practice and case-law.

Preliminary work was undertaken in the area of training sessions for trainers, and IT development for this started in September 2006.

The structure of the annual Liaison Meetings was changed to introduce a specific meeting on technical cooperation, with two separate meetings on trade marks and designs respectively. Workshops were also resumed in 2006, at the request of the national offices, and one was held in September dealing with issues relating to Info Centres.

## 2. IT PROJECTS

The working group on TM-XML continued its development and maintenance work over the year in the hope that this standard can be fully utilised in the future for all IT projects. The OHIM developed DS-XML version 2.0 and asked for comments and suggestions on the published draft.

The idea of bringing together a variety of services under a single EU Portal was also developed further, as a step towards providing a unique access point for EUROCLASS, EUROREGISTER, EUROFILING, among others.

The EUROCLASS tool, a centralised platform designed to assist with classification matters, was implemented in September of this year with the participation of the United Kingdom and Swedish national offices.

The first information-gathering phase for the EUROREGISTER project concluded this year, the aim being to create a common trade mark search engine which will allow users to consult the national office and OHIM registers via a single interface.

## 3. PROMOTION AND INFORMATION SERVICES

In 2006, 16 national offices submitted proposals on technical cooperation to the OHIM as agreed in the Technical Cooperation meeting of July 2005. Another five offices confirmed that they would not be making proposals and two were unable to make proposals due to their budgetary or legal restraints.

These proposals were the subject of ongoing discussions of the Evaluation Committee, which met five times in 2006 and recommended those cooperation actions it considered eligible under the terms of the Cooperation Agreement. The subject matter of the proposals covered areas ranging from information and advice, publications, through to seminars, road shows and online training courses.

## 4. OTHER PROJECTS

A number of other projects which had been proposed were discussed with the national offices. In this context, it was agreed to organise a programme of awareness-raising seminars which will take place successively in different countries, including Portugal, Italy, France and Spain.

# SECTION 3

- BUDGET & FINANCE
- STATISTICS





# Budget & Finance



The most significant feature of 2006 was a much higher level of income than forecast in the budget, as a result of higher volumes of applications for both CTMs and RCDs, and a very high level of Community trade mark renewal applications in the first year for which renewals fell due.

In the main, expenditure was much closer to budgeted figures, with the exception of procedural expenditure on translations and national search reports, which rose in line with the general workload.

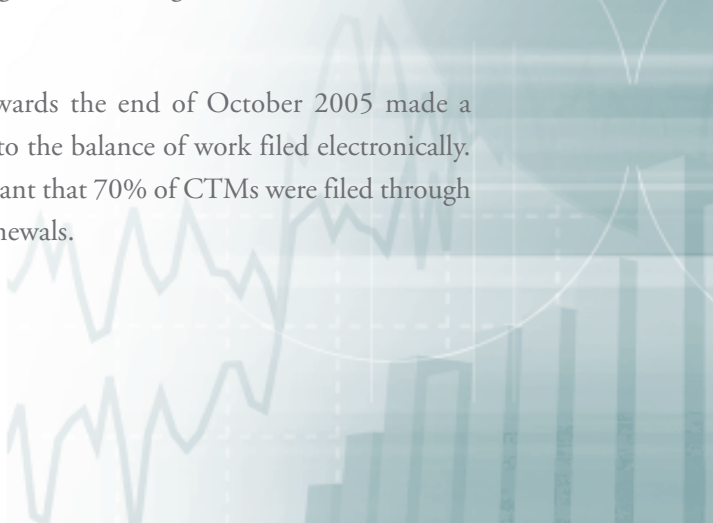
The level of Community trade mark applications was the highest in the history of the OHIM, and reached 77,400, of which 13,000 arrived via the Madrid Protocol. The budget had foreseen a figure of closer to 60,000 Community trade mark applications in total. Applications were received to register 68,500 Community designs against an initial budget forecast of 55,000.

The level of Community trade mark renewals during the year was an average of 75%, although the final figure is likely to be higher, because experience so far suggests that up to 4% of renewals are made late, during the 6-month period after the expiry date when the CTM can still be renewed on payment of an extra fee.

Total income for the year reached €192.28 million, and expenditure was €124.85 million, leading to a budget surplus of €67.41 million.

Compared with the original budget, expenditure on procedural costs (Title 3), was €35.37 million (€28.27 million). Total expenditure on staff (Title 1) was €0.9 million above budget, principally due to problems forecasting the level of interim and agency staff required in a year with substantial recruitment from the new Member States and to the timing of outsourcing contracts, which transfer costs from staff to other expenditure.

The fee reduction implemented towards the end of October 2005 made a significant difference to income and to the balance of work filed electronically. The discounts for electronic filing meant that 70% of CTMs were filed through this route, and over 85% of CTM renewals.



2006 was also the first year of the implementation of the new technical cooperation agreements with a number of national offices. Under these arrangements, the OHIM pays the costs of certain activities intended to promote or provide information about the CTM and RCD systems. Around 43% less than foreseen - €980,000 of the €2,300,000 initially budgeted for - was spent under this programme as the parties have had to work to adapt to the contract arrangements and systems for payment.



# Statistics



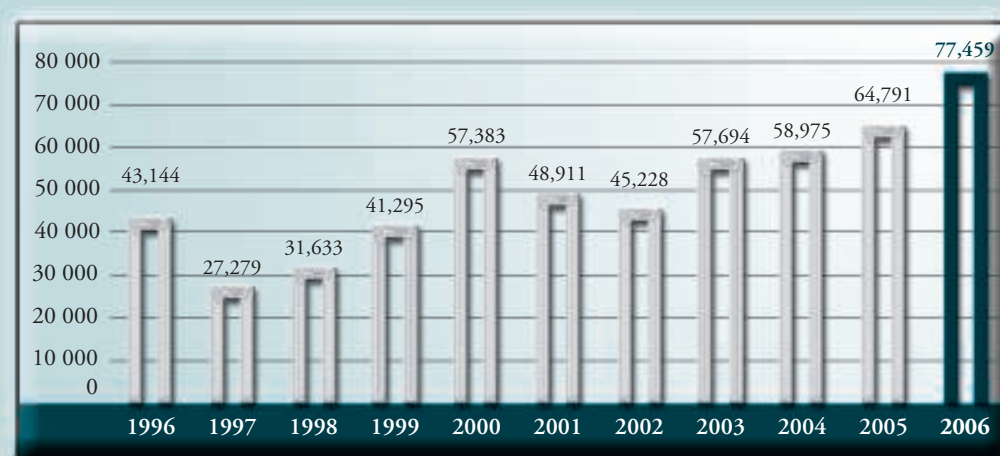
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## OVERVIEW

COMMUNITY TRADE MARKS	PREVIOUS YEARS	2006	CUMULATIVE
Community trade mark applications	476,333	77,459	553,792
Registrations	296,747	61,576	358,323
OPPOSITIONS	PREVIOUS YEARS	2006	CUMULATIVE
Oppositions	94,733	14,105	108,838
Oppositions settled	68,989	14,022	83,011
APPEALS	PREVIOUS YEARS	2006	CUMULATIVE
Appeals before the Boards of Appeal	7,862	1,659	9,521
- Appeals settled	6,315	1,675	7,990
Appeals before the CFI	382	142	524
- Cases concluded before the CFI	191	90	281
Appeals before the ECJ	35	18	53
- Cases concluded before the ECJ	26	15	41

## COMMUNITY TRADE MARK APPLICATIONS



**Total:** 553,792  
**Average:** 50,345



### BREAKDOWN OF CTM APPLICATIONS BY COUNTRY OF ORIGIN

COUNTRY (TOP 10)	AVERAGE PREVIOUS YEARS	%	2006	%	CUMULATIVE
(US) United States of America	10,643	21.54	12,699	16.39	119,130
(DE) Germany	7,761	15.71	13,585	17.54	91,196
(GB) United Kingdom	5,753	11.64	8,407	10.85	65,933
(ES) Spain	3,629	7.35	6,301	8.13	42,590
(IT) Italy	3,603	7.29	6,203	8.01	42,234
(FR) France	3,132	6.34	5,296	6.84	36,616
(NL) Netherlands	1,370	2.77	2,828	3.65	16,531
(JP) Japan	1,307	2.65	1,733	2.24	14,801
(CH) Switzerland	1,089	2.20	2,309	2.98	13,200
(SE) Sweden	948	1.92	1,487	1.92	10,968
TOTAL (TOP 10)	39,235	79.42	60,848	78.56	453,199
TOTAL OTHER	10,169	20.58	16,611	21.44	100,593
TOTAL	49,404	100.00	77,459	100.00	553,792

COUNTRY (TOP 10)	2006	%
(DE) Germany	13,585	17.54
(US) United States of America	12,699	16.39
(GB) United Kingdom	8,407	10.85
(ES) Spain	6,301	8.13
(IT) Italy	6,203	8.01
(FR) France	5,296	6.84
(NL) Netherlands	2,828	3.65
(CH) Switzerland	2,309	2.98
(AT) Austria	1,833	2.37
(JP) Japan	1,733	2.24
TOTAL (TOP 10)	61,194	79.00

MARKET	AVERAGE PREVIOUS YEARS	%	2006	%	CUMULATIVE
EU	30,399	63.82	53,420	68.97	357,405
NON-EU	17,235	36.18	24,039	31.03	196,387
TOTAL	47,633	100.00	77,459	100.00	553,792

EUROPEAN UNION	AVERAGE PREVIOUS YEARS	%	2006	%	CUMULATIVE
(AT) Austria	779	1.58	1,833	2.37	9,620
(BE) Belgium	695	1.41	1,091	1.41	8,043
(BG) Bulgaria	7	0.01	65	0.08	131
(CY) Cyprus	43	0.09	144	0.19	578
(CZ) Czech Republic	75	0.15	338	0.44	1,015
(DE) Germany	7,761	15.71	13,585	17.54	91,196
(DK) Denmark	711	1.44	1,040	1.34	8,148
(EE) Estonia	15	0.03	57	0.07	147
(ES) Spain	3,629	7.35	6,301	8.13	42,590
(FI) Finland	416	0.84	626	0.81	4,784
(FR) France	3,132	6.34	5,296	6.84	36,616
(GB) United Kingdom	5,753	11.64	8,407	10.85	65,933
(GR) Greece	161	0.33	383	0.49	1,996
(HU) Hungary	54	0.11	206	0.27	750
(IE) Ireland	433	0.88	693	0.89	5,022
(IT) Italy	3,603	7.29	6,203	8.01	42,234
(LT) Lithuania	10	0.02	71	0.09	132
(LU) Luxembourg	249	0.50	416	0.54	2,902
(LV) Latvia	11	0.02	31	0.04	75
(MT) Malta	15	0.03	64	0.08	209
(NL) Netherlands	1,370	2.77	2,828	3.65	16,531
(PL) Poland	159	0.32	942	1.22	2,528
(PT) Portugal	360	0.73	1,041	1.34	4,645
(RO) Romania	11	0.02	121	0.16	211
(SE) Sweden	948	1.92	1,487	1.92	10,968
(SI) Slovenia	18	0.04	61	0.08	245
(SK) Slovakia	13	0.03	90	0.12	156

**BREAKDOWN BY CLASS - TOP 5**

CLASS	1996-2005	%	2006	%	CUMULATIVE	%
09	138,926	11.06	20,391	9.58	159,317	10.85
42	100,007	7.96	13,656	6.42	113,663	7.74
35	82,530	6.57	16,538	7.77	99,068	6.74
16	78,141	6.22	10,834	5.09	88,975	6.06
41	62,982	5.01	11,701	5.50	74,683	5.08
TOTAL (TOP 5)	462,586	36.83	73,120	34.36	535,706	36.47
OTHER CLASSES	793,449	63.17	139,696	65.64	933,145	63.53
TOTAL	1,256,035	100.00	212,816	100.00	1,468,851	100.00

**BREAKDOWN BY ORIGIN**

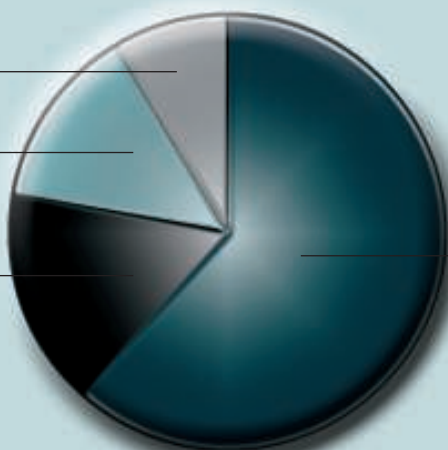
ORIGIN	2006	%
E-Filing	47,865	61.79
Fax	12,389	15.99
International Registrations (IR)	10,535	13.60
Mail	6,670	8.61
TOTAL	77,459	100.00

2006 Mail (8.61%)

2006 IR (13.60%)

2006 Fax (15.99%)

2006 E-Filing (61.79%)



**OPPOSITION**

CTM PUBLICATION	AVERAGE PREVIOUS YEARS	2006
Applications published	44,627	53,466
Applications opposed	8,268	8,662
% of applications published	19%	16%

**PROCESSING OF OPPOSITIONS**

	AVERAGE PREVIOUS YEARS	2006
Oppositions filed	10,526	14,105
Oppositions resolved	7,665	14,022
- by taking a decision	2,024	4,831
- without a decision	5,641	9,191
Oppositions in progress		25,827
- subject to a "cooling-off" period		10,432

**INVALIDITY/REVOCAION**

	2005	2006
Applications made	369	540
Cases closed	274	339
- by taking a decision	262	326
- without a decision	12	13
Applications pending	548	803



**APPEALS**

APPEALS	2005	2006
Before the Boards of Appeal	1,505	1,659
- <i>ex parte</i>	527	591
- <i>inter partes</i>	978	1,068
Cases closed	984	1,675
Before the CFI	98	142
- <i>ex parte</i>	30	47
- <i>inter partes</i>	68	95
Cases closed	76	90
- Judgment/Order	63	62
- Removals	13	28
Before the ECJ	16	18
- <i>ex parte</i>	5	4
- <i>inter partes</i>	11	14
Cases closed	22	15
- Judgment/Order	21	13
- Removals	1	2

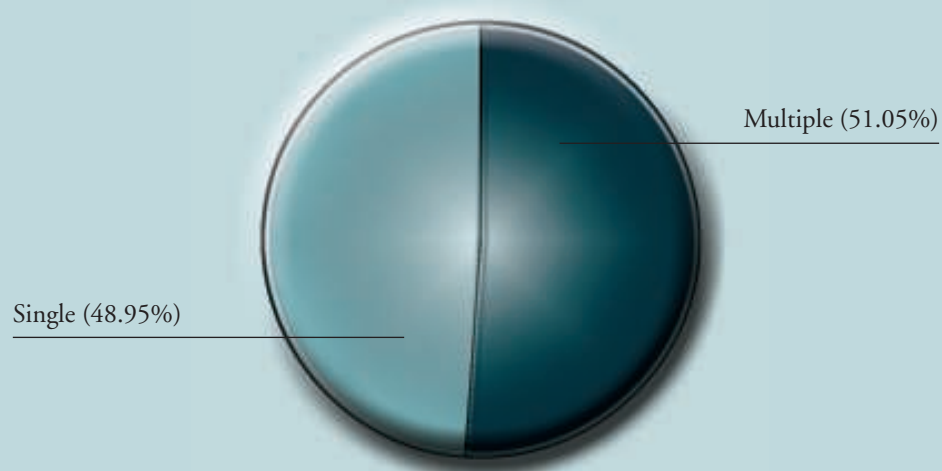
**APPEALS BEFORE THE BOARDS OF APPEAL**

APPEALS	EX PARTE 2005	EX PARTE 2006	INTER PARTES 2005	INTER PARTES 2006
Appeals filed	527	591	978	1,068
Cases resolved (*)	333	679	658	1,008
- without a decision	29	22	8	8
- interlocutory revision	14	13	3	2
- withdrawal/ <i>restitutio in integrum</i>	15	9	5	6
- with a decision	304	657	650	1,000
- inadmissibility	31	69	55	58
- confirmed	205	479	299	482
- reversed in full	53	80	143	206
- reversed in part	15	29	39	60
- settled by parties / costs	0	0	114	194

(\*) The number of cases closed does not necessarily coincide with cases resolved as one same appeal may entail more than one decision and one decision may close more than one appeal.

**APPLICATIONS FOR DESIGNS**

APPLICATIONS	AVERAGE PREVIOUS YEARS	%	2006	%
Number of applications	13,747	100.00	17,623	100.00
Single applications	6,734	48.99	8,627	48.95
Multiple applications	7,012	51.01	8,996	51.05

**NUMBER OF APPLICATIONS (2006)**

### NUMBER OF DESIGNS

DESIGNS	AVERAGE PREVIOUS YEARS	2006
Designs filed	52,642	69,215
Designs withdrawn	351	527
Registered designs	48,481	69,584
Published designs	48,507	69,500
- Non Deferred (Publication A1)	44,776	62,988
- Deferred (Publication A2)	3,731	6,512
Deferred (Publication A2 >> A1)	1,278	3,274

### NUMBER OF DESIGNS (RECEIVED 2006)



## COUNTRY OF ORIGIN OF RCD APPLICATIONS – TOP 20

NATIONALITY OF APPLICANTS	AVERAGE PREVIOUS YEARS	%	2006	%
(DE) Germany	12,597	23.89	16,714	24.15
(IT) Italy	8,126	15.41	10,584	15.29
(US) United States of America	4,687	8.89	6,613	9.55
(FR) France	4,156	7.88	6,216	8.98
(GB) United Kingdom	4,109	7.79	4,535	6.55
(ES) Spain	3,572	6.77	4,571	6.60
(NL) Netherlands	1,940	3.68	2,277	3.29
(JP) Japan	2,010	3.81	2,041	2.95
(CH) Switzerland	1,381	2.62	1,749	2.53
(AT) Austria	1,186	2.25	1,725	2.49
(DK) Denmark	1,283	2.43	1,305	1.89
(SE) Sweden	1,033	1.96	1,311	1.89
(BE) Belgium	1,080	2.05	1,090	1.57
(HK) Hong Kong	709	1.34	768	1.11
(PL) Poland	377	0.72	1,153	1.67
(KR) Republic of Korea	344	0.65	1,037	1.50
(TW) Taiwan	449	0.85	620	0.90
(FI) Finland	453	0.86	515	0.74
(PT) Portugal	312	0.59	604	0.87
(CN) China (The people's Republic of)	206	0.39	441	0.64
TOP 20	50,009	94.83	65,869	95.17
TOTAL OTHER	2,724	5.17	3,346	4.83
TOTAL	52,733	100.00	69,215	100.00

**BREAKDOWN BY CLASS - TOP 5**

CLASS	AVERAGE PREVIOUS YEARS	%	2006	%
06	6,598	12.43	8,179	11.76
02	4,198	7.91	6,417	9.23
09	4,171	7.86	4,945	7.11
23	3,390	6.39	4,263	6.13
07	3,003	5.66	4,284	6.16
TOTAL (TOP 5)	21,360	40.24	28,088	40.40
OTHER CLASSES	31,727	59.76	41,440	59.60
TOTAL	53,087	100.00	69,528	100.00



# SECTION 4

- ORGANISATION CHART
- CONTACTS
- USEFUL NUMBERS



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# Organisation Chart *(September 2006)*



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

ISBN 978-92-9156-117-9

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*Printed in Belgium*

PRINTED ON WHITE CHLORINE-FREE PAPER

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

**Annual Report 2006**

2007 – 52 p. – 21 x 29,7 cm

ISBN 978-92-9156-117-9