



OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)

OHIM working with Offices and Users for a better IP world

Ernesto Rubio, OHIM
FICPI Congress, Melbourne, April 2012



Community Trade Mark (CTM) Registered Community Design (RCD)

Unitary rights in the EU (27 countries)

Over 1 million CTM filings by 2011

Over 600,000 RCD filings by 2011

350,000 right holders from 170 countries

Coexisting with national / regional systems





OHIM Strategy 2011-2015

Vision

OHIM STRATEGY

VISION 2015

European Trademark and Design Network

Goals

Goals

3

Promote Convergence of Practices

3

2

Increase Quality and Optimise Timeliness of Operations

2

1

Build a Strong, Vibrant and Creative Organisation

1

Pillar I

Organisational Excellence

Pillar I

Lines of Action

6

Development of the European Network
(Enabling International Co-operation)

5

Improvement & Broadening of Quality
(Holistic Quality)

4

Establishment of the IP Academy and
Knowledge Repository (Thought Leadership)

3

Expansion & Optimisation of the Working
Environment (Building the Future)

2

Simplification & Modernisation of
Information Systems (OHIM 3.0)

1

HR Reform and Cultural Renewal
(Excellence through People)

Pillar II

International Cooperation

Pillar II

Pillars

Lines of Action

32 key initiatives
organized into 6
lines of action



European Trade Mark and Design Network

Three strategic initiatives

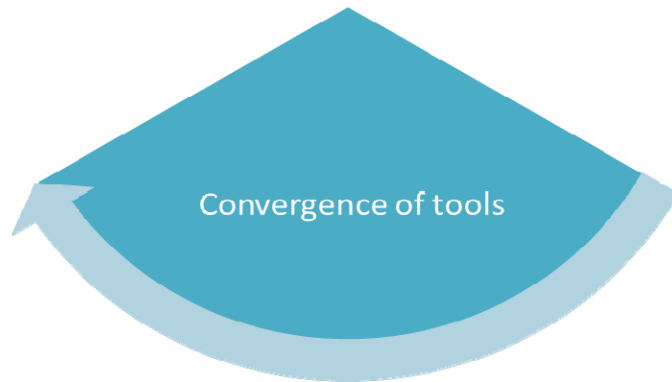




1st initiative:

Common Tools

Harmonized search tools, databases, software packages, information tools; providing users with similar high quality services



- Cooperation Fund - €50 M
- 18 projects
- 10 Working Groups
- All 26 EU offices involved
- 9 User Associations participating



XML and Architecture

TMview

DesignView

Search Image

EuroClass

Seniority

Similarity

Common Gateway

Software Package

Harmonized Quality Management



Forecasting Methodology

Quality Standards

Call Centre

CESTO

E-learning

User Satisfaction

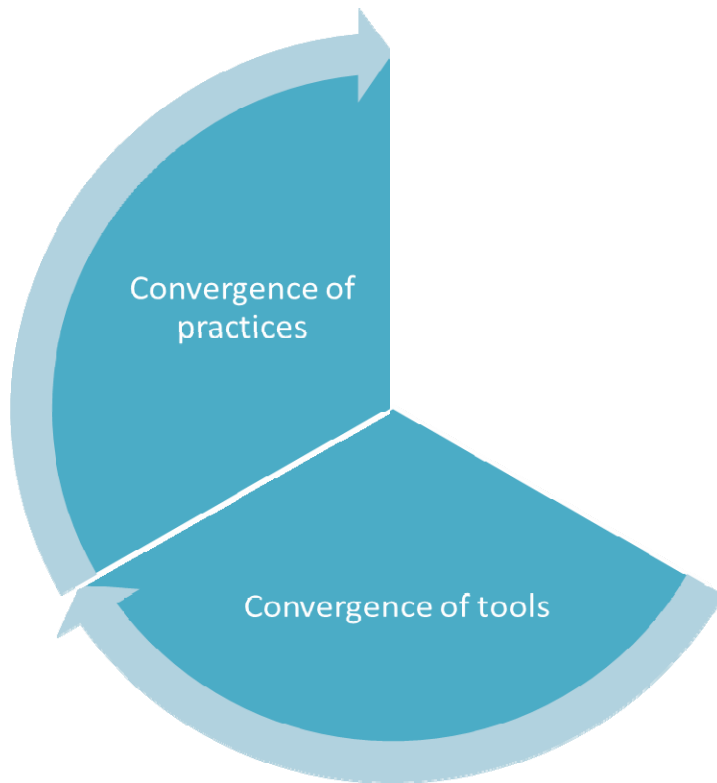
Enforcement Database

Counterfeiting Intelligence Tool



2nd initiative:

Convergence of Practices



Eliminating unnecessary differences;
improving legal certainty,
predictability and transparency

5 Working Groups:

- Harmonised Classification
- Class Headings
- Absolute Grounds (Figurative Marks)
- Black and White Marks
- Likelihood of confusion



3rd initiative:

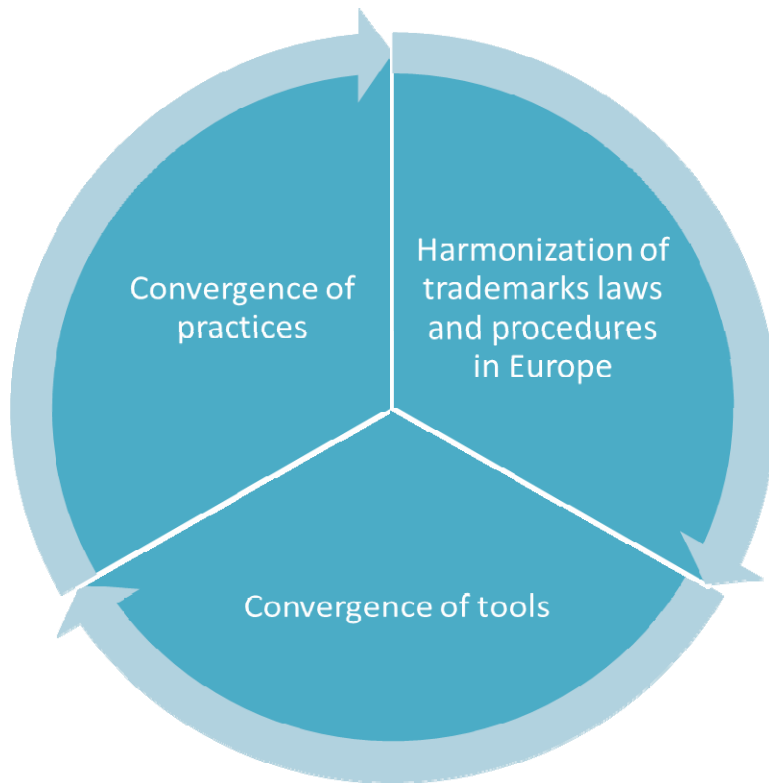
Legal Framework on TM

Study on the Overall Functioning of the European TM System

- National Laws
- Trade Mark Directive
- CTM Regulation

European Commission review of the legal framework

- Further harmonization
- Legal basis for cooperation





Globalization: Increasingly, companies need to protect their marks and designs globally. They would greatly benefit from harmonized standards as well as common interfaces and platforms.





With Other Offices

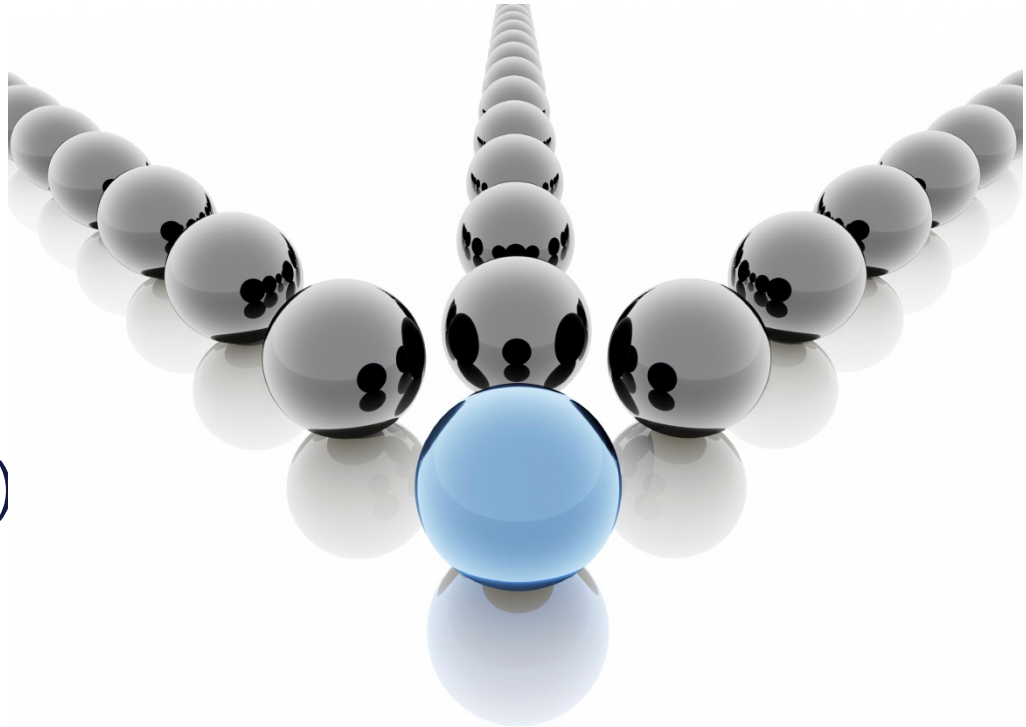
European Union

Candidate Countries

IP5 (Trilateral + CN + KR)

Other Countries

Organizations: WIPO, EPO





With Users

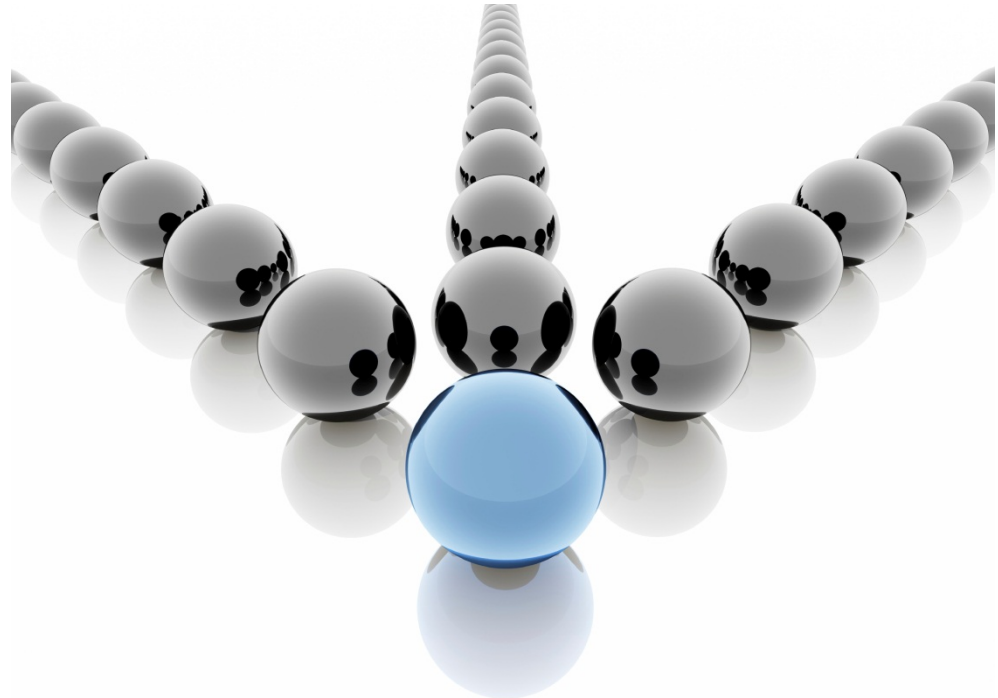
AIM, BUSINESSEUROPE,
ECTA, INTA, MARQUES

APRAM, CNIPA, EFPIA,
FICPI, GRUR, ICC, UNION

In OHIM AB/BC meetings

In OHIM Liaison meetings

In Working Groups under the CF and CP





TMVIEW

Online tool allowing free search in TM registers of participating offices

Operational (version 2) – 7 million TM data (10 million by end 2012)

Participating Offices (17): OHIM, BG, BX, CZ, DK, EE, ES, FR, GB, IT, LT, PT, RO, SE, SI, SK, WIPO

DESIGNVIEW

Online tool allowing free search in design registers of participating offices

Prototype

WG members: OHIM, CZ, DE, DK, ES, GR, UK, ECTA

SEARCH IMAGE

A tool enabling enhanced image search in TM and D databases

Prototype

WG members: OHIM, BX, IT, PT, RO, UK, FICPI, MARQUES, EPO, WIPO



TMview

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English (en)

[Log in](#) | [Register](#)

Find term

cola

Search

Advanced search

[Search status](#) [Preferences](#) [Create alerts](#)

[Close](#) 17 of 17 Offices finished

+ Austria-OPA	+ Bulgaria-BPO (36)	+ Benelux-BOIP (90)	+ Cyprus-MCIT
+ Czech Republic-IPOCZ (100 out of 134)	+ Germany-DPMA	+ Denmark-DKPTO (95)	+ Estonia-EPA (28)
+ Spain-OEPM (100 out of 219)	+ Finland-PRH	+ France-INPI (100 out of 397)	+ United Kingdom-UKIPO (100)
+ Greece-GGE	+ Hungary-HIPO	+ Ireland-IEIPO	+ Italy-UIBM (100)
+ Lithuania-VPB (42)	+ Latvia-LRPV	+ Malta-IPRDMT	+ Poland-PPO
+ Portugal-INPIPT (100 out of 120)	+ Romania-OSIM (100 out of 156)	+ Sweden-PRV (100 out of 142)	+ Slovakia-SKIPO (94)
+ Slovenia-SIPO (32)	+ OHIM-OHIM (100 out of 201)	+ WIPO-WIPO (86)	

List of results

Page 7 of 94 | 10 20 30 50 75 100 | Displaying results 91 - 105 of 1403

Trade mark name	Trade mark office	Trade mark refer	Trade mark status	Vienna code	Nice class	Applicant name	Application date	Trade mark type	Graphic represent
PEPSI COLA PEPSI	BX	12444	R	19.08.05, 19.08.07, 24	32	PepsiCo, Inc.	1971-09-24	Combined	
PEPSI-COLA	BX	12441	R		32	PepsiCo, Inc.	1971-09-24	Word	No Thumbnail Availa
COCA-COLA	RO	006113	R		32	THE COCA-COLA COMPANY	1971-10-08	Combined	
DOUBLE, COLA, DOUBLE, C	GB	987405	R		32		1972-02-15	Word	No Thumbnail Availa
PEPSI-COLA	GB	996300	R	25.01.00, 29.01.13	32		1972-04-14	Figurative	
PEPSI-COLA	DK	VA 1972 03175	R	26.01.12	32	PepsiCo, Inc., a corporation of the Sta	1972-08-29	Figurative	



SENIORITY

Harmonized standards for providing CTM seniority information in publicly accessible databases

Operational

Participating Offices (6): OHIM, CZ, IE, HU, PT, WIPO

WG: OHIM, BG, HU, PT, RO, UK, FICPI, ECTA, WIPO

EUROCLASS

Online tool allowing free access to and comparison of goods and services databases of participating offices and assisting users in searching and classifying terms accepted by those offices

Operational

Participating Offices (25): OHIM, AT, BG, BX, CY, CZ, DE, DK, EE, ES, FI, FR, GR, IT, LT, MT, PL, PT, SE, SI, SK, UK (23 EU) + CH + US

Classification Assistance - Euroclass - Mozilla Firefox
File Edit View History Bookmarks Tools Help
http://oami.europa.eu/ec2/
tarjeta regimen comunitario alicante
Most Visited Getting Started Latest Headlines Windows Marketplace Create Issue - Sopra ...
Classification Assistance - Euroclass
English (en)
euroclass
Home About News Contact Help Nice Class headings Login
Search term
Verify list of terms
Translate term
Translate list of terms
Search term
English (en) Search
E.g. Milk
Advanced criteria
My List
You have made no selection
View Export to e-filing
Welcome to EuroClass
EuroClass helps you to search for and classify Goods and Services (terms) needed to apply for trademark protection. You can also translate a list of Goods and Services and verify if those terms appear in the classification databases of the Participating Offices highlighted below.
Office information
Intellectual Property Office
Joined EuroClass: 02/10/2006
Harmonized: 20/08/2009
Data update: 20/08/2009
Links to Trademark Offices:
Harmonized offices
OHIM
IE IPO Ireland
IPRD MT Malta
OEPM Spain
PRV Sweden
UKIPO United Kingdom
Other offices
WIPO
OPA Austria
BOIP Benelux
BPO Bulgaria
MCIT Cyprus
IPO CZ Czech Republic
DKPTO Denmark
EPA Estonia
PRH Finland
INPI France
DPMA Germany
AEBI Greece
HIPO Hungary
UIBM Italy
LRPV Latvia
VPB Lithuania
PPO Poland
INPI PT Portugal
OSIM Romania
SKIPO Slovak Republic
SIPO Slovenia
IPI Switzerland
USPTO United States of America
Participating Offices supplying data to EuroClass
News
23/02/2012
Slovenia and the US join EuroClass
19/02/2012
USPTO last data up-date: 11/02/2012
03/02/2012
OEPM in Harmonisation Project milestone
Read all news...
Other links
TMview
HTML Valid | CSS Valid
WCAG 2.0 Compliance
Disclaimer & copyright
Copyright 2007 - 2011 OHIM Europe all rights reserved
Last update on: Dec 31, 2011
SCM Branch: EC2_v.1.2_RC1.1
http://www.ipo.gov.uk/



CESTO

A standardized search tool for examiners to improve quality/consistency of decisions on absolute grounds

Prototype ready

WG members: OHIM, BG, GR, PL, PT, RO, SK, INTA

SIMILARITY

A searchable database of decisions taken by participating offices concerning the similarity of goods and services

Preliminary version already developed

WG members: OHIM, BG, DE, ES, GB, GR, HU, PL, PT, ECTA

CALL CENTER

Common service to better manage workload from enquiries on CTM and RCD

Planning stage

WG members: OHIM, CY, DE, DK, ES, PL, ECTA, EACI



FORECASTING

A harmonized methodology for offices to better forecast trade mark and design filing trends and volumes

Planning stage

WG members: OHIM, DK, ES, GB, GR, HU, PL, PT

QUALITY STANDARDS

A web tool offering access to shared and harmonized quality standards established by participating offices (accessibility, timeliness, quality, etc.)

Eight standards agreed upon. Prototype ready

WG members: OHIM, DK, ES, HU, ECTA, INTA, EPO

USER SATISFACTION SURVEY

A harmonized approach to user satisfaction measurement

Planning stage

WG members: OHIM, BG, DE, DK, ES, HU, GRUR, INTA



E-LEARNING

A common model for a multi-lingual e-learning tool on TM and D for SMEs

Planning stage

WG: OHIM, BG, ES, RO, SI, SK, EACI, INTA, MARQUES, EPO, WIPO

ENFORCEMENT DATABASE

A database to support IP enforcement agencies and facilitate the exchange of data among themselves and with IP Offices and right holders

Planning stage

WG: OHIM, ES, GB, HU, RO, AIM, BUSINESSEUROPE, UNION, EC, EPO

COUNTERFEITING INTELLIGENCE TOOL

A methodology for the collection and evaluation of data on piracy and counterfeiting

Planning stage

WG members: OHIM, CZ, DK, FR, GB, IT, PT, ECTA, INTA



XML & ARCHITECTURE

Extended XML standards to enable software interoperability among offices

Project completed

Participating Offices: OHIM, BX, DE, DK, FI, FR, GB, GR, LT, PT, EPO, WIPO

SOFTWARE PACKAGE

A common software package (e-filing, e-payment, e-opposition, e-cancellation TM, e-invalidity D, e-registration, back office) adaptable to specific office requirements and enabling additional and enhanced services to users

E-filing prototype ready; others in planning stage

WG members: OHIM, AT, FI, IE, GB, MT, PL, RO, SK, CNIPA, EPO

COMMON GATEWAY

A common multilingual portal offering access to services of participating offices and user associations

Prototype ready

WG members: OHIM, DK, ES, GR, PL, RO, SE, EFPIA, EPO



HARMONISED CLASSIFICATION

A common multilingual list of terms used to identify goods and services accepted by all participating offices, correctly classified (and grouped according to a taxonomy structure)

Participating Offices (7): OHIM, ES, GB, IE, IT, MT, SE

Expected to join in 2012 (another 12): AT, BG, BX, CZ, CY, DE, DK, EE, GR, PL, PT, SK

CLASS HEADINGS

A convergence of practices concerning the interpretation of the scope of class headings based on a commonly acceptable set of comprehensive terms ideally covering all good or service groups in a given class at a given time (taxonomy structure)

WP1G members: OHIM, BG, CZ, DK, ES, GB, HU, IE, PL, PT

Other WG members: BX, DE, EE, FR, GR, IT, LV, LT, MT, RO, SI, SK + WIPO



ABSOLUTE GROUNDS – FIGURATIVE MARKS

A common practice that addresses the question as to when the figurative element of a mark composed of purely descriptive words/expressions is sufficient to make the mark distinctive

WP1G members: OHIM, DE, DK, EE, ES, FR, GB, HU, PT, RO + HR

Other WG members: AT, BG, BX, CY, CZ, GR, IE, LT, LV, MT, PL, SI, SK + CH, NO, TR

SCOPE OF PROTECTION BLACK & WHITE MARKS

A common practice on the interpretation of the scope of protection of black & white marks and shades of grey marks

WP1G members: OHIM, DE, DK, GB, HU, LT, PT, RO + HR

Other WG members: AT, BG, BX, CY, CZ, EE, ES, GR, IE, LV, MT, PL, PT, RO, SI, SK + CH, NO, TR



LIKELIHOOD OF CONFUSION

A common practice on how to deal with non-distinctive / weak components of trademarks in the context of the examination of relative grounds for refusal

WP1G members: OHIM, DE, DK, ES, FR, GB, GR, HU, IE, PT, SE

Other WG members: AT, BG, BX, CY, CZ, EE, IE, LV, MT, PL, RO, SI, SK + CH, HR, NO, TR

User Associations taking part in Convergence Programme Working Groups:

AIM, ECTA, INTA, MARQUES, APRAM, EFPIA, FICPI, GRUR, ICC



Global challenges call for
global responses

Offices and users working
together



Common tools, platforms, databases ? Convergence of
practices?

A global trade mark and design network?



OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)

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(TRADE MARKS AND DESIGNS)

THANK YOU!