



Ingo Kober
President,
European Patent Office

EDITORIAL

It is with great pleasure that I accepted the invitation to write this editorial for OAMI news.

The pleasure is both professional and personal.

The protection of intellectual property is a cornerstone for the promotion of innovation, and freedom of movement of goods and services in Europe. Without the scope of European protection, small and medium companies would be restricted to multiple national IPR applications with the concomitant overwhelming expense and inconvenience, and the risk that protection could lapse through simple administrative oversights.

Furthermore, within the Single Market the need for a unitary system for the protection of IP is seen as a sine qua non prerequisite amongst the user community, and of course such a system is in line with the European concept even if at present unitary concepts have not yet been generally introduced.

In fact, in the case of patent protection, the founding fathers of the European Patent System were able to see that the multiplication of search and examination for a single particular invention by the overloaded patent offices was attracting criticism and protest from industry. This situation created the impetus to move towards a consolidated European Procedure for the granting of patents. Eventually the European Patent System was established in which national sovereignty in the granting of patents was partly transferred to a common European Patent Office operating under a common European Patent Law.

Other socially and administratively unifying aspects of this new arrangement were that people of different nationalities began to share common goals and responsibilities, and multiplication of search and examination within Europe was avoided by the creation of a single European procedure for the grant of patents. The system thus established is in force in currently 19 Member States (the 15 of the European Union and Cyprus, Liechtenstein, Monaco and Switzerland).

Notwithstanding the growth in the number of Contracting States, the European Patent System has seen continuous development in a number of other major areas, for example: extension agreements with some of the Baltic and Eastern European States, a

revision of the EPC to allow for supplementary certificates for patent protection on certain pharmaceutical products, and within the last two years: major fee-reductions for applicants, revision of the European patent information pricing and distribution policy, and a pioneering project to publish patent information, freely on the Internet.

These changes have been adopted in response to the needs of European industry. The success of the European patent system is shown by a glance at some indicative statistics. In 1997 the EPO received 100,000 applications. 1997 was also the 20th anniversary of the Office and the year in which the millionth application was received. To some extent, the EPO has been a victim of its own success over the years, applications often having exceeded expectations, with the result that firm measures (such as the current recruitment and productivity drives) have had to be implemented in order to prevent backlogs from growing.

Nevertheless our Organisation's title is eponymous and emphasises that we are only responsible for European Patents and not Patents AND Trade marks as at a National level. Furthermore the European Patent System is elective, that is an applicant can designate in which Member States he wishes protection. It can be some, or all of the Member States. But this is contrary to the philosophy of the Single Market, in which a single application would give rise to uniform protection throughout the Member States. This is, in fact, the principle of the Community Patent which has been proposed by the European Institutions for a number of years now, and which is actually under review within the framework of the Green Paper exercise.

Conversely, the Office for Harmonisation in the Internal Market (Trade Marks and Designs) was clearly created to operate at a European level for the Single Market. Successful applicants under the Community Trade Mark Regulation have uniform protection throughout the Member States without exception or exemption. OHIM and the EPO are thus somewhat complementary being responsible, separately for the two main aspects of IP protection at the European level.

A common problem faced by both organisations is the enlargement of the European Union. A number of countries have already applied for accession ▶

WE ARE HAPPY TO INFORM THAT MR. HISAMITU ARAI, THE AUTHOR OF THE EDITORIAL ARTICLE OF OAMI NEWS N°3/98, HAS IN THE MEANTIME BEEN NOMINATED VICE-MINISTER FOR INTERNATIONAL AFFAIRS OF THE MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY.

THE NEW COMMISSIONER OF THE JAPANESE PATENT OFFICE IS MR. TAKESHI ISAYAMA.

WE CONGRATULATE BOTH FOR THEIR NOMINATION AND WISH THEM ALL THE SUCCESS IN THEIR NEW POSITION.

Ufficio per l'Armonizzazione nel Mercato Interno (Marchi, Disegni e Modelli)

OAMI

Office de l'harmonisation dans le marché intérieur (marques, dessins et modèles)

OHMI

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

OHIM

Harmonisierungsamt für den Binnenmarkt (Marken, Muster und Modelle)

HABM

Oficina de Armonización del Mercado Interior (Marcas, Dibujos y Modelos)

OAMI

to the European Patent Convention and to the European Union. The way to face certain problems related to the enlargement is to prepare in advance: training and awareness programmes, administrative and legal structures. EPO and OAMI obviously have complementary responsibilities for these activities. The most important challenge being to enlarge the current membership with its proliferation of languages, without the proliferation of costs.

From a personal point of view I was happy to write this article, not least because I have recently returned from the EPO's successful PATLIB98 conference which was held in Alicante from 27th - 29th May at the Institución Ferial Alicantina. The conference was a collaboration between the EPO, The Spanish Patent and Trade mark Office (OEPM) and IMPIVA, yet advice and encouragement during the preparation of this conference was freely available, and happily accepted, from our colleagues in OAMI. Indeed, for the first

time at a PATLIB Conference (a conference for specialists in PATENT information), input from the TRADE MARK community (OAMI) was included in the conference; in the plenary sessions, in the public seminars, and in the exhibition where OAMI had a most impressive and well attended display.

Thus the "artefactual" distinction between patents and trade marks became (deliberately) clouded for the duration of the conference. In the commercial world patent and trade mark protection go hand-in-hand, so this particular obfuscation was perhaps somehow welcome and may even be the sign of things to come as far as intellectual property information conferences are concerned.

Alicante was a particularly appropriate choice as a conference venue because Intellectual Property is strongly represented in the Province of Valencia. OAMI of course is located in Alicante, patent information centres are active in the cities of Valencia, Alicante and in nearby Murcia, and the University of

Alicante has a strong postgraduate Intellectual Property department. Alicante also has much to recommend it, not least because of its geographic and climatic characteristics.

High level interest in the conference was demonstrable with participation of certain VIP guests; Carlos Gonzales Bueno, Director General Spanish Patent and Trade Mark Office; Diego Such Perez, Conseller for industry of the Region of Valencia; Vicente Parajon Collada, Deputy Director General DGXIII European Commission; and the two Vice-Presidents of OAMI: Alexander von Mühlendahl and Alberto Casado.

This conference was just one example of the proven and potential synergy between the two organisations responsible for industrial property at European level. There will certainly to be many others.

Despite the differences between the EPO and OAMI our activities are complementary, we face common challenges, and we have much to learn from each other. ■

LA OAMI EN PATLIB '98, ALICANTE, 27-29 DE MAYO DE 1998

Por primera vez, la Oficina de Armonización del Mercado Interior ha participado en PATLIB, el acontecimiento más importante en materia de información de patentes que se celebra en Europa.

PATLIB es un evento anual, organizado por la Oficina Europea de Patentes y, en esta ocasión, conjuntamente con la Oficina Española de Patentes y Marcas y la Generalitat Valenciana. Esencialmente, consiste en una exposición en torno a la cual se articula toda una serie de actividades (conferencias, seminarios, demostraciones, etc.) basadas en o relacionadas con la información de patentes.

A pesar de que la OAMI es una agencia comunitaria dedicada exclusivamente a las marcas, nuestra Oficina aceptó gustosamente la invitación de los organizadores para "presentarse" en PATLIB, por medio de un stand en la exposición y una ponencia en los seminarios públicos.

En dicho stand y por primera vez fuera de la Oficina se mostró nuestro sistema informático para la tramitación de solicitudes de marca: EUROMARC. En otras palabras, desde el PC situado en el stand de la OAMI se podía acceder a todas las bases de datos y sistemas informáticos que utilizan nuestros

examinadores en el curso del procedimiento de registro.

Asimismo, durante PATLIB '98, se abrió transitoriamente, en modo de prueba, el nuevo servidor web de la OAMI (oami.eu.int), cuya apertura al público tendrá lugar próximamente. El acceso a este servidor se hacía posible mediante un segundo PC también en el stand de la OAMI.

Un tercer PC presentaba de manera continua una demostración sobre las ventajas del sistema de marca comunitaria. Igualmente, una amplia provisión de textos reglamentarios y

publicaciones promocionales, en los 11 idiomas oficiales de la Unión Europea, completaban la dotación de nuestro stand.

A la vista del elevado número de personas que nos visitaron, las numerosas consultas que respondimos y la importante cantidad de publicaciones que distribuimos, debemos decir que estamos extraordinariamente satisfechos. La participación de una oficina de marcas, la OAMI, en un evento de información de patentes, PATLIB '98, ha sido una experiencia plenamente exitosa. ■



FIRST MEETING OF THE OAMI TRADE MARK GROUP (3 JULY 1998)

The participants were greeted by President Combaldieu who welcomed them to Alicante and introduced the team of the Office (see list of participants). He underlined the importance of this type of meeting for the Office which needs to be in continuous contact with its users in order to have the best possible feedback on its action and the CTM system in general. Only maximum transparency and intensive exchanges of views with users enable the Office to constantly improve its services in order to be as efficient, cost effective and user-friendly as possible.

The President also reiterated that the OAMI Trade Mark Group would not call into question the existing bilateral contacts which the Office has with a number of participating associations. It is designed to be a more formal body regrouping all user groups (the European Commission thus having a complementary role). It will notably allow an exchange of views among organizations (everyone in the group hears what the others have to say) and it gives the occasion to more "horizontal" associations which would not otherwise feel the need to have a bilateral meeting with the Office to make their specific points.

Mr. Zourek, Deputy Director General, DG XV, European Commission, thanked the Office for the initiative of setting up the OAMI Trade Mark Group. He referred to a meeting with international non-governmental organizations, held by the Commission in Brussels some time ago, and appreciated that the Office now had created a forum for all organizations. He stated that the Office could not rewrite the Community Trade Mark Regulation and that any legislative problems should be addressed to the Commission and/or the Council. He appealed to the participants not to "criticize" the Office for problems that are rooted in the text of the Regulations.

In general the participants thanked the Office for the initiative and underlined the importance of such meetings which they felt should be organized regularly and at least once a year. They also agreed on the fact that the Office was victim of its own success and that the difficult task which resulted from the avalanche of CTM applications had been well mastered by the management and the team in general.

The criticisms that were made were constructive ones designed to improve things even further.

Work of the Office in general

The Office distributed a series of statistics on CTM applications and oppositions. The President commented on these and recalled the main figures of the Business plan (see OAMI NEWS No. 2/98) which will be respected except for registrations (some 28,000 registrations in 1998).

The Office will receive some 30,000 CTM applications in 1998 and 51,000 will be published. The cruising speed should be reached at the end of this year or the beginning of 1999. The Office, even if obliged to recover the backlog, cannot recruit staff faster. It has already achieved self-financing status, and should structural surpluses be generated in the future, these would have to be returned to the users by reducing the fees. The Office wishes to furnish the best possible service at the lowest cost.

EU Accession to the Madrid Protocol

Mr. Zourek gave an overview of the two Commission proposals aiming at the accession of the Community to the Madrid Protocol (proposal for a Council decision approving the accession of the EC to the Madrid Protocol and proposal for a Council regulation modifying the CTMR). According to him three issues had stood in the way of an agreement during the British Presidency: language rules for international applications filed at the Office and for international registrations becoming effective in the EC; "opting-back" clause (possibility of converting a failed designation of the Community into designations of the Member States under the Madrid system); and the exercise of the voting right conferred on the Community.

The participants agreed that the rapid accession of the EC to the Madrid Protocol was highly desirable. However, opinions were split as to the importance of the "opting-back" clause.

Examination issues

The procedure of "merger" of receipt and filing date attribution, which is applied since late June was presented

by Vice-President von Mühlendahl. The combined receipt-filing date letter will be issued within five working days in principle. The final attribution of a filing date would be subject to the payment of the basic application fee. There would be no change for debiting the basic fee for current account holders. Examination on absolute grounds was subject to an extensive exchange of views. It was first recalled that between 8 to 10 % of applications were subject to objections on "absolute grounds". This rate has been quite constant since the beginning and the standard of examination has not changed except for two letter/digit marks as a consequence of a decision of the second Board of Appeal (see OAMI NEWS No. 2/98). Several organizations intervened and it was felt that the examination work of the Office was generally satisfactory. The Office agreed that it would be appropriate to issue a "comfort letter" where the examiner was satisfied by the applicant's reply to an objection, even if such letter would not be detailed.

As regards refused marks, they will be available in the form of lists on the OHIM Internet site.

On classification those organizations which intervened approved of the work of the Office and welcomed its high standard of quality. Given the important work which classification involves, the Office asked the organizations to undertake sensibilization work with their members in order to improve the quality of applications. The Office explained that it has good expectations with regard to EURONICE (a data base containing the goods and services in eleven languages) which will also be made available to the interested circles when ready.

Search reports pursuant to Article 39 CTMR have been the subject of criticism for some time from users. The line taken during the meeting was however not that national search reports should be abolished. A number of organizations stressed the need to improve the reports (e.g. notably by indicating more clearly the Office which issued each report, by improving the format in general, etc.). Another proposal made was to have an optional search before filing, thus giving the applicant a better idea as to whether it is worth filing or not. The Commission added that it would start consultations ►

on this question and others with national Offices, OHIM and interested circles before the end of 1999. It was felt that consideration should be given to improving the search system rather than to abandon it.

Seniority claims were treated under two aspects. Firstly, some organizations felt that the "triple-identity-rule" should be applied in a more lenient manner. Mr. Nooteboom of DG XV replied recalling that the Commission had organized a meeting with Member States on this subject and that they showed great reluctance to lessen the criterion of identity of the owner. However he said that the debate is not over and offered to organize another meeting on this issue with the Member States which are primarily concerned since seniority becomes operative under national law. Secondly, seniority examination was dealt with. A number of associations had criticized the suspension of the examination of seniority claims. Mr. von Mühlendahl recalled that the measure had been taken reluctantly but was necessary to achieve other objectives. The Office will return to normal operations soon (hopefully by the end of this year). As yet unpublished seniority claims for unopposed marks published until June will be examined before mid October and published with the registrations.

Opposition

A number of associations pleaded for a joinder or at least parallel treatment of multiple oppositions. Several suggestions were made to improve the

current practice. However, each case was different and it appeared that a full synchrony of proceedings was not achievable because the interest of all parties must be taken into account. Mr. von Mühlendahl explained that the Office always informs the applicant on co-pending oppositions when notifying the first opposition and would attempt to develop an appropriate case management to deal with multiple applications. It was furthermore agreed to return to this item at the next meeting of the OAMI Trade Mark Group. The Office was asked to reconsider its position on oral hearings in particular in opposition cases and to take the requests by parties into account. The position of the Office was clarified in that it was stated that it never "vetoed" all hearings but that given the restraints linked to availability, capacity, language questions, etc. the Office was naturally inclined to limit oral hearings as much as possible.

The substantive part of the opposition guidelines is a much awaited document. It was announced that the Office is actively working on them and that a first draft would become available as soon as possible.

Information policy of the Office

Vice-President Casado gave a general overview on the future trade mark information policy of the Office as it was presented to the Administrative Board of the Office at its meeting in Lisbon on 25 and 26 June. Firstly, the informational CD-ROM will be replaced

as of September 1998 by an on-line data base containing information on the progress made in the processing of CTM applications (status). The service will be available to the IP Offices of the Member States and to commercial service providers. Secondly, also from September 1998, the OHIM Internet site will allow access to information and permit links with IP Offices and professional organizations. As regards information made available on the site of the Office, he notably specified that lists of refused trade marks will be included. In time it will also be possible to disseminate electronic application forms, and the site will allow the filing of applications, appeals, oppositions, etc.

Enlargement of EU

The President of the Office made a brief presentation of this subject of major importance. Reflections on the effects of future accessions on the CTM systems have only just started and the subject will have to be reverted to in future meetings. From the Office's perspective the need to automatically extend existing CTM registrations and applications to the new Member States, the necessary safeguard of the unitary character of CTMs and of the language regime of the Office are of particular importance.

Next meeting

It was agreed to hold the next OAMI Trade Mark Group meeting during the spring of 1999. ■

LIST OF THE PARTICIPANTS OF THE OAMI TRADE MARK GROUP

Organisation	Name	Position
AIM	Mr. Philip Sheppard	Manager Branding and Marketing Affairs
AIM	Mr. Jean Bangerter	Chairman of the AIM Trade Mark Committee
AIPPI	Mr. Luis-Alfonso Durán	AIPPI Permanent Representative vis-à-vis OHIM
CEFIC	Mrs. Nicole Maréchal	Legal Counsellor
CNIPA	Mr. Eugen Popp	Secretary General
CNIPA	Mr. Robert Weston	CIPA Representative to CNIPA
ECTA	Mr. Luis-Alfonso Durán	President of ECTA
ECTA	Mr. João Pereira da Cruz	Immediate past President
EFPIA	Mr. Helmut Pastor	Head of Trade Marks Bayer AG

Organisation	Name	Position
FICPI	Mr. Helmut Sonn	Patent and Trade Mark Attorney Sonn, Pawlow & Weinzinger
FICPI	Mr. Terry L. Johnson	President of Community Affairs Secretariat
ICC	Mr. Luis M ^o . G. de Quijano	Intellectual Property Counsel
INTA	Mr. Keith Howick	Vice-Chair of the Trade Mark Office Practices Committee
INTA	Ms. Ruth Annand	Chair of the Community Trade Mark Office Sub-Committee
MARQUES	Ms. Ingrid Desrois	Director, Trade Marks Europe Procter & Gamble
MARQUES	Ms. Jette Sandel	Attorney for Sandel Trade Marks A/S
UNICE	Mr. Jérôme Chauvin	Adviser - Company Affairs Department
UNICE	Mr. José Monteiro	Head of Marks Department L'Oréal
UNICE	Mr. David Tatham	Trade Mark Consultant
UNION	Mr. Hans-Joachim Lippert	Président de la Commission Marques
UNION	Mr. Miguel A. Baz	Miembro de la Comisión de Marcas
COMMISSION	Mr. Heinz Zourek	Deputy Director General DG XV
COMMISSION	Mr. Erik Nootboom	Principal Administrator DG XV
OAMI	Mr. Alexander von Mühlendahl	Vice-President for Legal Affairs
OAMI	Mr. Alberto Casado Cerviño	Vice-President for Technical and Administrative Affairs
OAMI	Mr. Oreste Montalto	Director of the Legal Department
OAMI	Mr. William Copine	Director of the Administrative and Technical Services Department
OAMI	Mr. Paul Maier	Assistant President's Office
OAMI	Mr. Vincent O'Reilly	Head Examination Division
OAMI	Mr. Panayotis Geroulakos	Head Opposition Division
OAMI	Mr. Herbert Meister	Head Cancellation Division
OAMI	Mr. Detlef Schennen	Head Legislation and International Legal Affairs Service
OAMI	Mrs. Virginia Melgar	Head Professional Representation Service
OAMI	Mr. Walter Peeters	Registry Boards of Appeal
OAMI	Mr. Javier Rujas Mora-Rey	Head Technical Cooperation Division
OAMI	Mrs. Jessica Lewis	Head Trade Marks Logistics Service
OAMI	Mr. Miguel Avila Albez	Head Coordination Service of the Vice-Presidency for Legal Affairs
OAMI	Mr. Jean Rousseaux	Technical Service of the Vice-Presidency for Legal Affairs

IL SERVIZIO DEL REGISTRO: UNA PRESENTAZIONE

Il Servizio dell'amministrazione del registro dei marchi comunitari (in breve: il Servizio del Registro) è parte integrante della Divisione legale e di amministrazione dei marchi (Dipartimento giuridico) dell'Uami. Le sue competenze spaziano dall'attività di certificazione, all'iscrizione dei passaggi di proprietà, alla stessa registrazione dei marchi. In una parola, il Servizio del Registro è competente per tutto ciò che attiene al Registro dei marchi comunitari.

Il Registro

Nelle intenzioni dell'Uami, il Registro non deve essere quella raccolta di volumi polverosi, ai quali taluni Uffici di stampo "tradizionale" ci hanno abituati, bensì una complessa —seppur versatile— banca dati informatizzata. Al momento, questa banca dati s'identifica essenzialmente con Euromarc, "marchio" che molti utenti del nostro Ufficio hanno imparato a conoscere, e che contraddistingue il cuore (e la mente) della nostra struttura.

L'attività di certificazione

Il Registro è un libro aperto, e chiunque vi ha accesso. Sono previste varie modalità di ispezione: il rilascio —su supporto cartaceo— di copie, autenticate o semplici, dei fascicoli custoditi dall'Ufficio (perlopiù in forma elettronica), la consultazione in sede a mezzo PC, la consultazione a distanza attraverso la rete Internet. Di fatto, però, solo la prima è attualmente offerta al pubblico. Ostacoli tecnici e considerazioni di varia indole (non ultima: la riscossione delle tasse di ispezione) ritardano la concreta attuazione degli strumenti di consultazione informatica. Chi sia oggi interessato a consultare il Registro, pertanto, può rivolgersi all'Ufficio una

richiesta scritta —accompagnata dal versamento regolamentare— ed ottenere copie di domande di marchio, copie di documenti inseriti nel fascicolo, estratti storici o per riassunto del Registro, o semplici notizie sul contenuto di una determinata pratica.

Attività di iscrizione

Tutte le vicende che interessano il marchio vanno iscritte nel Registro: passaggi di proprietà, cambi di nome, sostituzioni di rappresentanti, licenze, diritti reali, rinunce, fallimenti, sequestri, sentenze, ecc. Non si tratta di trascrizione in senso tecnico, bensì di semplice registrazione. Ad esempio, l'Ufficio non trascrive l'atto di cessione, ma si limita a registrare il cambio di titolarità che da esso risulta. Come è noto, le formalità che si richiedono sono ridotte al minimo. Non occorrono costose autentiche notarili, legalizzazioni consolari, apostille, atti firmati in originale, bolli, sigilli, o quant'altro: il nostro Ufficio si accontenta di semplici fotocopie. Addirittura, una cessione può essere perfettamente registrata dall'Ufficio sulla base di una semplice istanza formulata —e firmata— congiuntamente dalle parti (o dai loro rappresentanti abilitati): non occorre esibire il contratto. Molti, purtroppo per loro (e per l'Ufficio), continuano ad ignorare questa rivoluzionaria agevolazione.

Attività di registrazione dei marchi

Il Servizio del Registro prende in consegna la domanda di registrazione di marchio, dopo che si è esaurita —favorevolmente per il richiedente— la procedura d'esame o quella di opposizione. Le operazioni che competono al Servizio sono essenzialmente due: (1) l'invio della lettera per richiedere il versamento

della tassa di registrazione; (2) l'accertamento della regolarità del pagamento e l'"associazione" elettronica di detto pagamento alla pratica di marchio cui inerisce. Le restanti fasi che concludono il procedimento di registrazione, vale a dire la pubblicazione nella parte B del Bollettino dei marchi comunitari, nonché il rilascio e l'invio del Certificato di Registrazione competono invece al Dipartimento dei servizi amministrativi e tecnici.

Ricordiamo che, nel linguaggio convenzionale dell'Uami, il marchio acquista lo status "registrato" nel momento in cui viene soddisfatto l'ultimo requisito richiesto —a tal fine— dal Regolamento: il pagamento della tassa di registrazione. Il giorno in cui detto pagamento viene elettronicamente "associato" alla pratica di marchio diventa la data ufficiale di registrazione del marchio. E' forse opportuno ricordare in questa sede che per coloro che dispongono di un c/c presso l'Ufficio, vige il principio del presunto consenso al prelevamento: qualora —scaduti due mesi dal ricevimento della lettera di cui al punto (1)— non sia giunta all'Ufficio alcuna disposizione in contrario, l'importo della tassa verrà prelevato automaticamente dal c/c. L'interessato ha, peraltro, la facoltà di anticipare il momento della registrazione del marchio, ordinando via fax all'Ufficio di eseguire il prelevamento con effetto immediato (senza aspettare la scadenza dei due mesi). Lo stesso effetto anticipatorio lo realizza colui che, non disponendo del c/c, esegue immediatamente il pagamento mediante assegno bancario o bonifico. Si potrebbe quasi dire, quindi, che —entro certi limiti— è lo stesso titolare del marchio ad autoassegnarsi la data di registrazione. ■

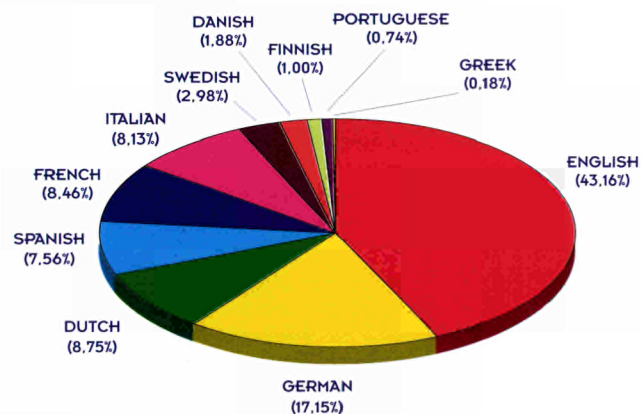
STATISTICS OF COMMUNITY TRADE MARKS. (SITUATION AT THE END OF JULY 1998)

COMMUNITY TRADE MARK APPLICATIONS

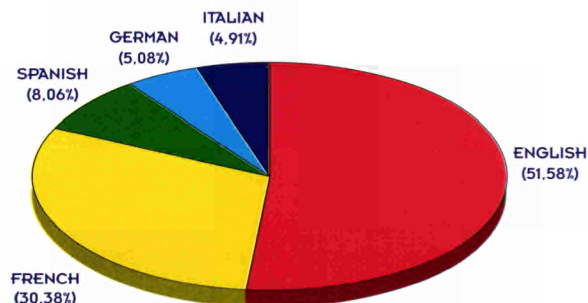
BREAKDOWN BY COUNTRY

	1996+1997	%	1998 (31.07.98)	%	Total	%
TOTAL WORLD	70.248	100	16.918	100	87.166	100
TOTAL EUROPEAN UNION	41.771	59.46	10.725	63.39	52.496	60.23
BELGIQUE/BELGIË [BE]	1.061	1,51	309	1,83	1.370	1,57
DANMARK [DK]	1.179	1,68	285	1,68	1.464	1,68
DEUTSCHLAND [DE]	11.625	16,55	2.384	14,09	14.009	16,07
ELLAS/GREECE [GR]	150	0,21	38	0,22	188	0,22
ESPAÑA [ES]	4.262	6,07	1.103	6,52	5.365	6,15
FRANCE [FR]	3.501	4,98	1.208	7,14	4.709	5,40
IRELAND [IE]	499	0,71	141	0,83	640	0,73
ITALIA [IT]	4.281	6,09	1.385	8,19	5.555	6,50
LUXEMBOURG [LU]	249	0,35	62	0,37	311	0,36
NEDERLAND [NL]	1.977	2,81	498	2,94	2.475	2,84
ÖSTERREICH [AT]	1.071	1,52	297	1,76	1.368	1,57
PORTUGAL [PT]	344	0,49	128	0,76	472	0,54
SUOMI/FINLAND [FI]	640	0,91	170	1,00	810	0,93
SVERIGE [SE]	1.568	2,23	439	2,59	2.007	2,30
UNITED KINGDOM [GB]	9.364	13,33	2.278	13,46	11.642	13,36
TOTAL OUTSIDE EUROPEAN UNION	28.477	40.54	6.193	36.61	34.670	39,77
Amongst which=						
UNITED STATES OF AMERICA [US]	20.508	29,19	4.185	24,74	24.693	28,33
JAPAN [JP]	2.137	3,04	431	2,55	2.568	2,95
SWITZERLAND [CH]	1.419	2,02	288	1,70	1.707	1,96
CANADA [CA]	818	1,16	199	1,18	1.017	1,17
AUSTRALIA [AU]	551	0,78	135	0,80	686	0,79
TAIWAN [TW]	311	0,44	135	0,80	446	0,51

BREAKDOWN BY FIRST LANGUAGE OF APPLICATION



BREAKDOWN BY SECOND LANGUAGE OF APPLICATION



OTHER STATISTICS RELATING TO COMMUNITY TRADE MARK APPLICATIONS

	1998 [up to 31.07.98]	1996+1997	Total
Filing dates accorded	19.013	62.617	81.630
Number classifications checked	21.320	50.611	71.931
Applications published	28.325	11.633	39.958
Oppositions	4.655	765	5.484*
Contested applications	3.527	580	4.139*
Appeals	122	21	143

* Euromarc

OTHER OHIM FIGURES

	ON 23.07.98
Number of professional representatives	5.290
Number of current accounts	555
OHIM Personnel	361

"THE COMMUNITY TRADE MARK BULLETIN ON CD-ROM IS AVAILABLE NOW"

As from N° 55/98-56/98, the Community Trade Mark Bulletin is available on CD-ROM. In addition to the information on paper, the CD-ROM also includes an interface in the 5 languages of the OHIM, and other useful data on the Nice and Vienna

classifications. Most of the fields on the CD-ROM are indexed in order to facilitate inquiries. The content of help files and other information will be improved during the next months. ■



LEGAL QUESTION MARK

Has the OHIM requested any enquiry on reciprocity in order to grant access to CTM ownership to the nationals of countries or territories outside the scope of Article 5 (1) (a) (b) and (c) of the CTMR?

YES.

Based on rule 101 of the IR OHIM's President has so far asked the Commission to carry out reciprocity searches concerning Taiwan, Bermuda, the Channel Islands, Andorra, the British Virgin Islands and the Cayman Islands.

In only one case –Taiwan– has the search reached the conclusion stage. The remainder of the searches requested are still pending.

The conclusions reached by the Commission in the case of Taiwan are the following:

- Taiwanese nationals may become proprietors of a community trade mark under Article 5 (1)(a) of the CTMR.
- Applicants for a CTM need not prove the prior registration in Taiwan of the trade mark for which they have filed CTM applications.
- These findings shall take effect (retroactively) on 1 April 1996."

To conclude, at the present time, the persons –national or legal– entitled to be proprietors of CTMs are:

1. Nationals of one of the 15 EU Member States.
2. Nationals of states which are parties to the Paris Convention or of the Agreement establishing the World Trade Organisation.
3. Persons domiciled or who have an establishment within the territory of the EU or of a State party to the Paris Convention.
4. Taiwanese nationals.

USEFUL NUMBERS

- Standard telephone number:
+ 34 965 13 9 100
 - General information telephone number:
+ 34 965 139 243; + 34 965 139 272
 - General information fax number:
+ 34 965 139 173
- Explanations concerning the application form, questions concerning the registration procedure (priority, seniority, fees, etc.), CD-ROM giving details of the CTM applications, request of documents/literature (leaflets, application forms including electronic filings, authorisations, opening of current accounts, reference guide to official texts, places where to buy the Official Journal of the Community, etc.).
- Fax for CTM applications and any correspondence relating to such applications, as well as for all other proceedings relating to CTMs (opposition, appeal, request of certified copies, etc.):
+ 34 965 131 344
 - Telephone information concerning means of payment: + 34 965 139 340
Opening of current accounts, bank transfers, payments by cheques, etc.
 - Telephone information about representation:
+ 34 965 139 117
List of professional representatives, new entries, allocation of ID numbers, authorisations, etc.
 - Telephone information concerning publications:
+ 34 965 139 102
Information on OHIM's Official Journal, the Bulletin of CTM, etc.
 - Telephone number of the Registry of the Board of Appeal :
+ 34 965 139 399
 - WEB Site : Europa Server
<http://europa.eu.int/agencies/ohim/ohim.htm>