

Speech by António Campinos, President of OHIM.

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Distinguished members of Markenverband,
Ladies and Gentlemen,

I am very pleased to be with you today on this illustrious occasion, standing before representatives for some of the most iconic brands in Germany, Europe and indeed the world. In my first speaking engagement as President of OHIM I am honoured to be able to share some of some of my early thoughts on the way forward with such distinguished company.

For those who don't know me, let me introduce myself. I am Portuguese, and prior to being appointed by the European Council as President of OHIM, I was head for some years of my country's National Institute of Industrial Property. I am a lawyer by background, and a public sector IP administrator by training and experience. I've worked in partnership with the World Industrial Property Organization and the European Patent Office, and, fortunately, I am not completely new to OHIM. I served on the Administrative Board first as head of the Portuguese delegation and then as Chairman, from 2008 until earlier this year.

In the role of Chairman, I am proud to say that I played a part in forging some of the key decisions that have shaped OHIM, such as the lowering of Community trade mark fees, and the invitation of user group representatives to join the Administrative Board and Budget Committee as observers.

As you know, the agreement which came out of the extraordinary meeting of the Administrative Board two years ago was a compromise, balancing the interests of all stakeholders including national offices and users. As well as cutting CTM fees and agreeing to review them again every two years, it was decided to share 50% of CTM renewal fees with national offices, and to set up the OHIM Cooperation Fund. We also agreed that an overall evaluation of the European trade mark system should be carried out. I am happy to have been able to help broker this agreement. Breaking the deadlock

was very important for the future well-being of the Community trade mark and designs and we must continue to move forward in a spirit of cooperation.

Now, I am directly responsible for OHIM's operations. It is an enormous privilege to head an office, which I think it is fair to say, has a truly global reputation and reach. It is also a huge challenge.

Hence, I would like to share with you some of my thoughts on how to build upon the current strong foundations at OHIM. We need to take it forward as a high-quality, reactive, customer-centred organisation, capable of tackling the challenges thrown up by the 21st Century.

When I put my name forward for the OHIM Presidency, I wrote in my motivation letter that organisations are like living organisms: they must constantly adapt themselves to the surrounding environment.

While in recent years, the Office has been able to improve its performance considerably, as with any other success story, there is always room for further improvement and adjustments. There has been progress this year on the speed of publication and registration of Community trade marks, and also, in the opposition process. The Boards of Appeal are experiencing a major increase in the number of appeals filed and are expecting to both close more cases and make more decisions. On e-Business, electronic filing continues to gain ground – it's consistently over 90% for CTM applications now and is fairly steady at 60% or so for RCDs. Meanwhile, at the Register, transfers of ownership and Inspection of File requests are moving closer to the target period of 14 days. On the other hand, we are not always meeting our quality standards and perhaps we could also be looking more closely at the whole question of how we measure quality.

These are all important issues for you and the companies you represent. It is fair to acknowledge the positive, but we must and can do better, particularly in the current demanding economic and social context.

The first challenge that OHIM faces is related to our central mission, which is to manage the Community trade mark and design Registration Systems. Here the fundamental goal must be to continue and accelerate our efforts to absorb our backlogs and prevent the creation of new ones. We must continue to reduce the time between the granting or refusal of a trade mark or design while the number of applications grow. Last but not least, we must take the quality of our services to a whole new level.

The second major challenge is related to the on-going study of the European Commission, which will next year put forward to the council legislative proposals that will have a profound impact for decades to come on the management of the Community trade mark and design systems. Within our own competencies, and in close cooperation with the Commission, we must seize this opportunity to modernize the management of these systems in terms of processes and governance. We must also take care to ensure that our registrations are not linked with national markets - for that would undermine the reality of a common market.

This second challenge is also linked, at least partly, to the results of the extraordinary Administrative Board meeting when the foundations were laid for the last CTM fee cut, and for a wider and most fruitful cooperation with the national IP offices in the EU.

We need to work harder at including all our stakeholders – member states, Commission and users. Improving our relationship will depend on our capacity to enhance and accelerate cooperation at an EU level. As already mentioned, out of the September 2008 meeting arose the fifty million euro OHIM Cooperation Fund, which is an unprecedented opportunity to modernise and bring closer together, in a single step, the European Union's intellectual property offices.

Let me briefly update you on the Cooperation Fund: we have carried out extensive consultations with stakeholders including users, and many national offices are getting involved – putting forward suggestions or devoting staff resources. Ongoing database projects such as TMview and EuroClass will continue to receive support and are expected to make important advances over the next twelve months. Around half of the fifty million euro fund is being devoted to the development of new software packages. Many of the other projects will make an important contribution to better communication,

or assisting national authorities and enforcement agencies, for example, by providing leading edge search facilities to help. We have already launched a number of projects including a common software architecture to make sure that all the new tools being developed are able to “talk to each other”, and are now starting work on the development of a seniority database and tools for examiners.

All this is good news, but of course cooperation is not an end in itself. Cooperation must ultimately benefit users: And as users have repeatedly said they wish us to concentrate on online individual and common searchable databases, on online filing, opposition, cancellation, and registration and payment systems and on interoperable user-friendly systems. We will do so, and in doing it we will strengthen the European systems of trade marks and designs and at the same time we will cement trust between us.

The 2008 meeting also pointed the way towards new areas of competence, such as enforcement. You have heard what we are doing to help under the Cooperation Fund. I would ask you if you think we should do more.

What point is there having a reactive and efficient Community trade mark and design registration system, if at the enforcement stage, each country does its own thing? Community trade marks and designs are very successful, and we have built up a substantial surplus. We have an obligation, and potentially the resources, to do some things to make the whole system work better, and that’s what we will be looking into.

At the same time, we must also look closely at the added value that we can bring to initiatives such as the Commission’s Observatory on counterfeiting. Over the coming years we have to roll out an ambitious program of cooperation which should, among other things, include the fight against counterfeiting as recommended by the European Commission in the recent Communication on the enforcement of industrial property rights in the Internal Market.

The years ahead will almost certainly see us doing more for users, on a wider range of competencies. Put forward the suggestions: if they can add value for our users, we are ready to listen...

On the global stage, OHIM is playing a leading role in initiatives such as the Trademark Trilateral with the US and Japanese offices, now expanding to include China and South Korea as observers. We are also active in China itself, helping them modernise their systems, and encouraging them to think about protecting their own IP in Europe, and in various other activities in the Balkans for example. Over the broad range of our cooperation activities, we are trying to iron out unnecessary differences in policies and systems. As companies operating in a world market, I know that is important to you and we are committed to working on your behalf.

But whether we are contributing to a more even playing field in the international arena or taking on new competencies we must never lose sight of our primary function. As I mentioned earlier, we need to both build on our existing success and identify areas for improvement.

YES, we should be fast, YES we should be consistent and predictable in our decisions and YES we should provide value for money. YES we should do all these things together.

In doing so we will need to ask ourselves hard questions about whether further investment is needed to deliver a better service in ways that are meaningful to customers. We may think we are doing a good job, but there is a need for more objective, international standards and bench-marking. The challenge of quality emerges as a consequence of OHIM's very nature, as a European public service. To transform OHIM into a true organisation of excellence, complying with modern and recognized standards and renowned as such, by its staff, by national offices, by international organisations and - most of all - by its users, should constitute our first priority.

Quite recently the Office's achieved ISO 9001 certification for RCD processing. As part of this "quality first" policy we are now considering setting out the goal of getting ISO 9001 for the whole office.

To get things moving, I have set up, initially, a series of audits, the results of which will be delivered over the next few months. The audits will cover areas of paramount interest

for the future development of the office such as IT, Infrastructure, financial resources, communication, and human resources.

On human resources, I would just like to mention one point that should be obvious. OHIM's main asset is its staff. They are the interface with our customers and ultimately the deliverers of service. Hence, they are absolutely key to my vision for the future and the drive for higher quality. For this reason I have decided to put HR under my direct responsibility. Most of the other audits are to do with providing the correct environment for a truly modern IP office. We need the right tools. To paraphrase Archimedes: give us a lever and a place to stand and we will move ...perhaps not the world, but certainly our own part of it.

Don't worry, we won't be making changes without consultation. We will be talking to all our stakeholders including the member states and the Commission. Above all, we will be talking to YOU the users.

It is worth noting that German companies have been for some years the biggest users of both the Community trade mark and the registered Community design. Even during the depths of the recession your support did not falter. In the first three quarters of this year, German enterprises applied for more than 13,500 Community trade marks and around the same number of designs. With regard to CTMs, that's 13% more than during the same period of 2009, while designs are at least holding steady. These figures represent close to one-fifth of all our applications for trade marks and around a quarter of our designs. Overall, demand for Community trade marks and designs is expected to rise again this year, which is welcome, but also puts even more pressure on us to keep up and improve standards while coping with higher workloads.

I look around this room and see a galaxy of talent from the global business community. I also see some of OHIM's biggest customers, so you can be sure that I will be listening carefully to what you have to say.

The support given to OHIM by Markenverband and by all of you individually plays a vital role in the success of the Office. We do not take this support for granted.

I would like to end by assuring you we stand ready to change and get better at what we do. I am committed to keeping users at the centre of OHIM's operations and to looking at how we can deliver better value across the whole range of activities we are involved in.

I spoke earlier of the challenges facing OHIM, now I would like to pose a challenge to you: tell us how we can do a better job for you, and we will deliver.

Thank you for listening to me, and have a pleasant day.