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European Union - OHIM governance overhaul could prompt political punch-up

By Adam Smith

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The European Union is [a rich political ecosystem for associations of trademark owners](#) and users. At the centre: Alicante, where an elite group of supranational associations enjoy observer status on OHIM's Administrative Board (AB) and Budget Committee. With this status now under review, a shake-up could be imminent.

The five associations - INTA, ECTA, MARQUES, AIM and BUSINESSEUROPE - were granted observer status two years ago. Their role may be officially passive, but they have nevertheless contributed enormously to OHIM's development. Christina Sleszynska, INTA's European representative, says: "Being an observer is useful to get an insight into OHIM and the views of the member states in order for us to help to advance OHIM in a way that is beneficial to all parties involved - especially the users."

Under the current review, the original criteria which promoted the five groups into this position could be rewritten. Transparency was always one of the driving forces behind the invitation to user groups, so they must welcome this procedural review as part of the process. But it could mean that they are ejected from the positions they coveted for so long. UK group ITMA is interested in taking one of the seats. "I'm sure ITMA and other groups would want more influence at OHIM," says Chris McLeod, ITMA's second vice president and a partner at Hammonds. "I think that greater representation from national bodies would be a good idea."

It looks like French trademark practitioner association APRAM agrees. The body has been building a supranational base for some time now, hosting events during INTA annual meetings and targeting non-French attorneys for membership. A more diverse membership could position APRAM as a leader in a contest for a place on OHIM's board. And APRAM is not holding back: during an AB meeting, it was announced that APRAM had expressed an interest in gaining access to the board. The EU member states said nothing. "Member states do not care to say anything about this," reports one source.

The most famous member state representative, who is about to become president of the office, is at least supportive of the observer status. "The absence of observers at a higher level did not favour transparency, cooperation or communication with users," Antonio Campinos has [said](#) in the past. "After all, they are our major stakeholders... it really is important to have the users on board."

But now Campinos is in a tricky position. As the new president, he will want to secure a warm environment in Alicante for all the user groups: balancing their often competing political desires will be a tough act. Insiders say the review could result in a number of scenarios. These include:

- the current composition;

- extending the number of groups permitted as observers (not likely due to logistics such as scheduling, translating and space);
- redefining the criteria for selecting which bodies are classed as observers, thus sifting the 20 associations in OHIM's broader-based [Users' Group](#) in a new way; or
- instituting a rotational system, perhaps with two or three permanent observers and two or three spots occupied periodically by other groups.

Those groups already enjoying observer status are not likely to support the latter situation, not least because it could force them from a seemingly permanent place. If more than five groups want to play, it may be the fairest way. But it might not be in the best interest of all trademark users. "It takes years to build relationships," says Tove Graulund, MARQUES' AB representative. "In order to make real changes and have serious discussions, you have to trust the people you work with. So OHIM should continue with the same people and the same organisations."

Campinos was not available for comment.

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