

WEEKLY NEWS - JUNE 04, 2010 Users make their case on EU trade mark reform

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Fifteen trade mark users' groups will have an opportunity to explain their priorities for European trade mark reform next Tuesday

The 15 groups will each have 10 minutes to present their suggestions to the Max Planck Institute in Munich, which is conducting a [study](#) into the overall functioning of the trade mark system in Europe.

The Institute was contracted by the European Commission, which will also be present at the meeting next week, as will representatives of OHIM.

After the 15 groups have made their presentations, there will be a discussion based on an agenda drawn up by the Institute. This will cover topics including harmonisation, limitations on rights (including the genuine use requirement), fee structures and issues raised by OHIM.

The following day, the five groups that are observers on OHIM's Admin Board (AIM, BusinessEurope, ECTA, INTA and MARQUES) will have further open discussions, with no fixed agenda.

"I am looking forward to it," said Tove Graulund, who will represent MARQUES. "I hope we will have the opportunity to have a good discussion."

She told *Managing IP* that MARQUES is still preparing its 10-minute presentation, but said that it would probably include a defence of the CTM system as it works at the moment. The presentation will also clarify that genuine use needs to be made in the internal market rather than in a territorially defined area.

"I think the CTM system works well. The important thing is to have good opposition and cancellation procedures," she added.

Liesbeth Marijnissen of Klos Morel Vos & Schaap in Alicante will be one of the people representing INTA in Munich. The Association has 46 working groups, comprising more than 200 people, studying different aspects of Europe's trade mark system, and will also make a detailed submission to the Institute later this year.

Marijnissen, who chairs INTA's OHIM Subcommittee, said in an [interview](#) last month: "This is a once-in-a-lifetime opportunity to give our opinion and explain to the European Commission what the issues are."

As part of its study, which is due to be presented to the Commission before the end of this year, the Institute has also visited a number of national trade mark offices in Europe and has received input from other offices, as well as OHIM.

One issue that is rising up the agenda is the EU Counterfeiting and Piracy [Observatory](#), as member states have suggested that OHIM be given responsibility for operating this. It remains to be seen whether users' groups would support such a role.