

Revision of the Community Trade Mark Regulation and the Trade Mark Directive

Hearing with user associations
Brussels, 26 May 2011
9:00-17:30 (official start at 9:30 sharp)

Venue: Committee of Regions, Room VM1

Agenda

- I. Opening by Commission services
- II. Discussion on selected topics*
 1. **Requirement for a CTM to be put to genuine use in the Community** – to what extent do users agree with the relevant findings and proposals of the MPI Study on the Overall Functioning of the European Trade Mark System ('the Study', see pages 135-139)?
 2. **Distribution of 50% of renewal fees by national offices** – what do users think of the position of the Study concerning the objectives (see under point 5, pages 243-244) and the recommended key of distribution (in particular, the suggestion to take the number of national applications filed each year as a measure, see page 241, paragraph 1.23)?
 3. **Simplification of CTM procedures by shortening deadlines** – to what extent do users agree with **a)** the abandonment of the 1 month deadline for payment of the application fee and its substitution by a system according to which at least the order for payment must be made together with the application, **b)** the shortening of the opposition period, **c)** the reduction of the term from which the three month opposition period is calculated for Madrid marks designating the EU, and, **d)** the deletion of the (extra) 2 months period for setting out the grounds of appeal?
 4. **Current regime on searches** (including both mandatory CTM searches and optional national searches) – what should be done with it? Would the provision of equivalent, automated priority search tools by the OHIM, free of charge, constitute an adequate substitute for the current system?
 5. **Filing of CTM applications through national offices** – should this option be kept even though relevant applications have become near extinct (0,5%)? Could it be replaced by the possibility of direct, assisted e-filing of CTMs at national offices?
 6. **Further legislative harmonisation** beyond the current scope of the TMD – **a)** what do users think of the proposals of the Study for further **substantive harmonisation** regarding a body of rules addressing trade marks as objects of property (covering transfers and assignment, licenses, rights in rem, levy of execution and insolvency, see pages 226-227) and, **b)** which **provisions of procedural law** are considered of major priority to be included, such as those concerning the conditions with which the application must comply, date of filing, representation of the sign, classification, (gradual) disappearance of ex-officio examination of relative grounds, observations by

* Every item will be presented with the necessary explanations for better introducing the point.

third parties, administrative opposition procedure, defense of absence of genuine use in opposition proceedings, administrative procedure for cancellation, defense of absence of genuine use in proceedings seeking invalidation, duration and renewal of registration, and division?

7. **Use of class headings** – what do users think of the proposals of the Study to resolve this issue (see under point 2 "definiteness" on page 171-172, paragraphs 4.59 to 4.64)?
8. **Class fees** – how do users see the Study proposal of having a separate class fee from the beginning, and not merely starting from the fourth class (both at EU and national levels)?
9. **Certification mark** – what do users think of creating a Community system for certification marks (see Study, p. 212, paragraph 20)?
10. **E-Business** - to which extent do users encounter legal difficulties with e-certificate? Does this need a clear legal basis in the CTMR?

III. Concluding remarks by Commission services

Coffee will be available both before the start of the morning session and in the course of the afternoon session.