

21 November 2007

Mr Robert Ullrich
Chairman of OHIM's Budget and
Finance Committee
OHIM
Avenida de Europa, 4
E-03008 Alicante

Dear Mr Ullrich

On behalf of BUSINESSEUROPE, the Confederation of European Business, AIM, the European Brands Association, and MARQUES, the Association of European Trade Mark Owners, please allow us to register our concern over the recent decision of OAMI's Budget Committee regarding increased payments by OAMI to the National Offices for trade mark searches.

European rightholders fully supported the Commission's proposal to bring to an end the mandatory search system under Article 39 CTMR and are also strong supporters of the ideas put forward by the Commission, and agreed by the Council, regarding OAMI's budget. We are therefore surprised to learn that, contrary to the basic principle that a successful and independent Community Office should not subsidise National Offices, the Budget Committee has agreed that OAMI should pay €16 to each of the 17 National Offices participating in the optional search system. As the applicant who requests such a search must pay €12 as provided for in the Fee Regulation, this means that OAMI will have to pay €4 per Office per search. This would entail a diversion of funds raised from applicants who have not requested such searches, to the benefit of those who have, and the National Offices.

We fully appreciate that some applicants may choose to opt for the national searches. However, we have always understood that if they did so, they would, quite naturally, pay for that service. It is therefore rather a shock to us to discover that their commercial decisions are to be subsidised by other applicants.

We also strongly believe that there should never be cross-subsidisation from OAMI's funds to National Offices and that this appears to set a dangerous and inequitable precedent.

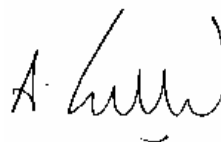
We have already communicated this message to the Commission and hope that this worrying decision will be reconsidered.

We remain at your disposal for any further information or discussion about this matter.

Yours sincerely,



Philippe de Buck
Secretary General



Alain Galaski
Director General



Jane Collins
Chair of the Council