

Mrs Margot Froehlinger  
Director  
European Commission  
DG MARKT -Directorate D - Knowledge based  
economy  
SPA2 5/204  
200 rue de la Loi  
1049 Bruxelles

20 November 2008

Dear Mrs Froehlinger,

BUSINESSEUROPE has taken note of the compromise reached by EU Member States during the special meeting of OHIM's Administrative Board and Budget and Finance Committee on balancing OHIM's budget and dealing with the accumulated OHIM surplus at the end of September.

BUSINESSEUROPE welcomes the proposals to reduce application and registration fees and is looking forward to seeing these proposals being implemented promptly. In the current economic environment, it is necessary that innovative activity for companies is facilitated with the reduction of administrative and budgetary constraints. BUSINESSEUROPE would also have liked to see a reduction of renewal fees, in line with the Competitiveness Council decision of 2007 and hopes that this can be reconsidered in the near future as well.

The fee review mechanism agreed is also a positive development consistent with standard business practices and we are looking forward to concrete proposals.

We support the setting of a Reserve Fund to ensure the financial stability of OHIM. We would like to participate in the operation of the Cooperation Fund that will also be set up to finance activities of Member States' National Offices related to the Community Trade Mark. It is essential for users in Europe to build up a common trademark database in the EU, facilitate access to foreign language IP documents for users (e.g. Chinese, Russian etc.), set up a common or at least compatible IT landscape between the users and the offices (including National Offices).

We also consider it positive that the remaining of the surplus would be allocated in the interest of users. Users should be directly involved in determining how this would be allocated.

BUSINESSEUROPE is keen to actively participate in the Commission's study on the functioning of trade mark systems in Europe that will be launched next year and should include all aspects of the interrelationship between OHIM and National Offices.



BUSINESSEUROPE continues to oppose any diversion of fees to Member States' National Offices, for unrelated purposes.

We look forward to continue working with you and OHIM on the implementation of this compromise in such a way as to ensure an optimal trade mark system for companies in Europe.

Yours sincerely,

A handwritten signature in blue ink that reads "J. Chauvin". The signature is written in a cursive style and is underlined with a single horizontal line.

Jérôme P. Chauvin  
Director  
Legal Affairs Department  
Internal Market Department