



## EUROPEAN TRADEMARK SYSTEM

### KEY MESSAGES

- 1** The Community Trademark (CTM) and the Office for Harmonisation in the Internal Market (OHIM) have provided successful and effective trademark protection for companies in Europe.
- 2** Nonetheless, after 15 years in place there is room for review and improvement of the current framework.
- 3** European companies need optimal trademark protection at both national and Community level.

### BACKGROUND

The Community Trademark as managed by OHIM has been a success as accentuated by the large surplus accumulated at OHIM. This is why a reduction of basic fees was agreed in 2009 resulting to a 40% cost reduction for obtaining a Community trade mark and with cost savings of € 60 million for companies.

In addition, an overall study on the functioning of the trademark systems in Europe was launched in October 2009. The final results of this study are expected in October 2010.

The study should examine the link between the Community and the national trade mark systems (OHIM vs. national offices), taking into consideration services rendered by national offices, including the possibility for them to improve services they offer to users, in particular SMEs. The second aim of the study should be to evaluate the functioning of the Community trademark system and look for areas for improvement (e-business development, requirement of use, potential review of CTM regulation/trademark directive).

### WHAT DOES BUSINESSEUROPE AIM FOR?

- Harmonised trademark legislation is needed throughout the EU (at both Community and national level). A new (or amended) European Trademark Directive might form the basis for this. By this also predictability of decisions would be ensured to the benefit of users as well as consumers.
- Furthermore, harmonisation of procedures and practices throughout the respective Offices dealing with trademarks both at Community as well as national level is essential. Requirements relating to filing trademarks, examination, renewal, changes, opposition etc., are still quite different with respect to the Community Trademark (CTM) and national trademarks. The same applies to rules and procedures.
- Besides this harmonisation at the legislative level, dissemination and exchange of information between national offices themselves and also between national offices and OHIM is a crucial requirement to further strengthen the cooperation and reliability for the benefit of users.
- Similarly, exchange of information and cooperation has to be fostered between the administrative authorities and the respective courts involved in trademark matters.

# BUSINESSEUROPE



MEMBERS ARE 40 LEADING  
NATIONAL BUSINESS FEDERATIONS  
IN 34 EUROPEAN COUNTRIES

 Austria	 Belgium	 Bulgaria	 Croatia	 Cyprus	 Czech Republic
 Denmark	 Denmark	 Estonia	 Finland	 France	 Germany
 Germany	 Greece	 Hungary	 Iceland	 Iceland	 Ireland
 Italy	 Latvia	 Lithuania	 Luxembourg	 Malta	 Montenegro
 Norway	 Poland	 Portugal	 Portugal	 Rep. of San Marino	 Romania
 Slovak Republic	 Slovenia	 Spain	 Sweden	 Switzerland	 Switzerland
 The Netherlands	 Turkey	 Turkey	 United Kingdom		