AIM®
Association des Industries de Marque
European Brands Association
Europäischer Markenverband

BUSINESSEUROPE

ECTA
European Communities Trade Mark Association

INTA® International Trademark Association

MARQUES

Brussels, 10 July 2009

Subject: OHIM Written Consultation N°1/09
Initiation Note for the Cooperation Fund

AIM, BUSINESSEUROPE, ECTA, INTA and MARQUES welcome the opportunity to be engaged in this ongoing process and are pleased to offer our initial feedback on the Initiation Note as requested in the OHIM letter to the Administrative Board and Budget Committee (ABBC) Members and Observers dated June 23, 2009.

We appreciate that the Note recognises users' associations as key stakeholders in the Cooperation Fund's governance process (along with the ABBC, national offices, and OHIM) and acknowledges that the allocations of the Cooperation Fund should be driven by optimal contributions to the users' priorities.

Our organisations had addressed various points in our individual responses to the September 2008 Joint ABBC Meeting Conclusions. However, we all share a concern regarding the risk that Community Trademark (CTM)-generated funds would be diverted to Member States' general budgets for purposes unrelated to trademarks. Consequently we advocated management and governance mechanisms that would mitigate this risk while still making funds available to improve the trademark operations in the national offices. We are therefore encouraged to see the Initiation Note's clear articulation that the "ultimate aim behind the establishment of the Cooperation Fund should be to contribute significantly to the optimisation of the functioning of trade mark systems across the EU, modernising further trademark registration procedures and technology and eliminating unnecessary differences in practice which affect users". In this context, we recognise that improvements in the functioning of the office systems may also have indirect benefits for designs but trust that the focus of the Cooperation Fund will be on trademarks, not designs.

To achieve this goal, the process of co-financing projects will require rigorous financial controls as recognised in the Note. Sound financial management and transparency are principles that are absolutely necessary, and it is imperative that the key stakeholders – including users' organisations – should be able to view the aims, legal and financial framework, the uses made of the Cooperation Fund and to measure the results, as set forth in the Note.

We support OHIM's proposed concept of a Management Board including participants from the business community. We agree that these professionals should not represent any particular users' body or association, but we offer to support OHIM in identifying suitable candidates for these roles, should OHIM so wish.

In conclusion, we thank OHIM for providing this Initiation Note and its clear explanation of how the Cooperation Fund would be managed. We support the overall mission and principles as laid forth in this paper, and look forward to our continued involvement in this complex process.

Who we are

European Brands Association (AIM)
AIM is the European Brands Association. It represents the branded goods industries in Europe on key issues which affect the ability of brand manufacturers to design, distribute and market their brands. AIM's membership groups 1800 companies of all sizes through corporate members and national associations in 22 countries. These companies are mostly active in every day consumer goods. They employ some two million workers and account for over 350 billion Euro in annual sales in Europe alone. AIM's mission is to create for brands an environment of fair and vigorous competition, fostering innovation and guaranteeing maximum value to consumers now and for generations to come. See www.aim.be for further information.

BUSINESSEUROPE
BUSINESSEUROPE, the Confederation of European Business, represents more than 20 million small, medium and large companies. BUSINESSEUROPE's members are 40 central industrial and employers' federations from 34 countries, working together to achieve growth and competitiveness in Europe. BUSINESSEUROPE missions:
• Actively promote the role of enterprises in Europe
• Advocate a competitive business environment
• Be a recognised social partner in the European social dialogue
• Be the voice of business for building the future of Europe
Please consult www.businesseurope.eu for further information.

European Communities Trade Mark Association (ECTA)
ECTA, which stands for European Communities Trade Mark Association, was formed in 1980. ECTA numbers approximately 1.500 members, basically coming from the Member States of the European Union with associate members from all over the world. It brings together all those persons practising professionally in the Member States of the European Community in the field of trade marks, designs and related IP matters. These professionals are lawyers, trade mark advisors, trade mark attorneys, in-house counsel and others who can be considered specialist practitioners in these areas. With this membership, ECTA takes care of the needs of large, middle and small sized companies. ECTA's secretariat is in Brussels. Please consult www.ecta.eu for more information

International Trademark Association (INTA)
Created in 1878, INTA is a membership association of more than 5,500 trademark owners and professionals, from more than 190 countries including all 27 EU Member States. INTA is dedicated to the support and advancement of trademarks and related intellectual property as elements of fair and effective national and international commerce. The Association is headquartered in New York and has representative offices in Brussels and Shanghai. You can find more information about our activities at www.inta.org.

MARQUES
MARQUES, the European Association of Trade Mark Owners, represents over 750 trade mark owners and trade mark and design law professionals. **MARQUES**, which was founded in 1987, represents trade mark owners' interests before the relevant European Union and other international bodies in all relevant areas. It also organises networking and educational events and promotes communication between brand owners in Europe. The goal of the Association is to assist brand owners in the management, protection and exploitation of their trade marks, designs and other IP rights, and to provide an effective platform for the representation of their interests.