



Advancing Industry's View On Intellectual Property Since 1920

Mr Erik Nooteboom
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DG Internal Market
Industrial Property Markt E/2
European Commission
Rue de la Roi 200
B - 1049
Brussels

14 March 2005

ref: tm9/05

Dear Mr Nooteboom,

re: draft proposal to amend Commission Regulation 2869/95: OHIM fees

TMPDF has considered the Commission's proposals in the matter of the fees payable to OHIM by its users and would like to make the following comments:

1. We would like to draw the attention of the Commission to the OHIM Users' Satisfaction Survey, which pointed to problems with delays in the service at OHIM and also with the availability of staff. Further, it noted that the rendering of opposition decisions was still taking too long - 500-600 days - although OHIM offered no hope of amelioration in 2005. This survey appears to be in contradiction to the Commission's comment that OHIM had no problems and that it had sufficient resources to manage its services.
2. At this relatively early stage of OHIM's existence, we believe that any surplus should initially be employed in increasing the quality of service and in the achievement of higher standards. Our members noted that OHIM performance measures were not currently as high as those of our national office.
3. Specifically, OHIM should use its surplus to increase both the quality and quantity of its staff, with the aim of reducing by at least 50% the backlog in oppositions. Funds may also be directed towards improving the quality of the search reports generated by the national offices, e.g. by increasing the fee paid from €25 to €50 and by working with the offices towards the standardisation of the format and the establishment of a minimum feature set.
4. On the substantive issue of the level of fees TMPDF members felt, subject to 3, that:
 - a) Fee reductions for application and registration fees were acceptable in so far as they encouraged industry and other innovators to register and thus protect their marks;
 - b) Reducing the renewal fee was similarly defensible;
 - c) The opposition, cancellation and appeal fees should be maintained at current levels;

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- d) If the electronic filing fee were not reduced pro rata then there would be a disincentive to file electronically; a 20% discount for e-filing should therefore be maintained.

I hope that you will find this comments helpful and constructive.

For reference I attach a current membership list of TMPDF members.

Yours sincerely,

Sheila Draper
Secretary

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cc: UNICE, OHIM and UK Trade Marks Registry