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Position	Representative name	Representative country of origin	Number of filings
1	GLP Srl	Italy	3,307
2	Jacobacci & Partners SpA	Italy	2,987
3	Busse & Busse Patentanwälte	Germany	1,779
4	Studio Bonini Srl	Italy	1,593
5	Dott Prof Franco Cicogna	Italy	1,563
6	Marks & Clerk	United Kingdom	1,507
7	RGC Jenkins & Co	United Kingdom	1,471
8	Boult Wade Tennant	United Kingdom	1,464
9	Boehmert & Boehmert	Germany	1,441
10	Bureau Gevers	Belgium	1,423
11	Modiano	Italy	1,320
12	Herrero & Asociados	Spain	1,312
13	Hoffmann Eitle	Germany	1,277
14	J Isern Patentes y Marcas	Spain	1,258
15	Kilburn & Strode	United Kingdom	1,256
16	AA Thornton & Co	United Kingdom	1,242
17	Grünecker Kinkeldey Stockmair & Schwanhäusser	Germany	1,236
18	Hoeger Stellrecht & Partner Patentanwälte	Germany	1,222
19	Lovells	United Kingdom	1,216
20	Gluthe	Germany	1,202
21	Cabinet Germain & Maureau	France	1,196
22	Studio Torta Srl	Italy	1,156
23	Società Italiana Brevetti SpA	Italy	1,137
24	Ungria Patentes y Marcas SA	Spain	1,130
25	Bourdel	France	1,076
26	Tomkins & Co	Ireland	1,067
27	Bosch Graf V Stosch Jehle	Germany	1,064
28	Mills & Reeve	United Kingdom	1,060
29	Elzaburu	Spain	1,058
30	Clarke Modet y Cia SL	Spain	1,043

The top 30 filers of Community designs
(January 1 2003 to May 31 2007)

OHIM data lists separately the filings from each office of the same firm. To obtain a clearer reflection of the market, WTR compiled the table using data provided by OHIM and adding the filings of all the offices of a single firm for the whole of the European Union. (However, the list of representatives provided by OHIM took account only of offices that filed more than 500 Community design applications for the relevant period.) While every care has been taken to guarantee that all relevant figures were considered, WTR will accept no responsibility for any mistake in the tables.

Source: OHIM

were made easier by the fact that there is no substantive examination and no language issue." All of which means that there are fewer occasions for clashes with OHIM.

However, the system is not exempt from faults. Frequent complaints concern the accessibility of OHIM staff and flaws in the fax application process. "Things go astray sometimes and then it's hard to pinpoint what happened," Merrifield says. Comparisons to national offices are rarely in OHIM's favour: "The OHIM online database is far more limited than the one available on the German Patent and Trademark Office's website," remarks Bertram. "The possibilities to search for specific criteria are currently very limited." Others point to deficiencies in certificates of registration and certified copies of documents: "OHIM could certainly learn from the essentially error-free national offices we deal with," Musker comments.

OHIM is working on addressing the problems. The design department was the first at the office to employ a person fully dedicated to quality control – and that from the start of the department's operation. As a result, 7% of all RCDs are checked for things such as classification, filing dates, misspelling of names, making sure that the 16 examiners meet their target of less than 2% of errors in the files they handle.

Rodinger's team is also working on speeding up the registration process. While practitioners and their clients seem to have no problem with the current timeframe (in fact, speed is considered one of the main advantages of filing an RCD), Rodinger would like to quicken the pace even further. "Many IP owners use RCDs as their

first line of defence against infringers, in particular counterfeiters: we want to be able to deliver registration within a few days as that's how long it takes to copy a design." Pendency times have already been reduced from 90 days to eight weeks for 85% of RCD applications over the past year. More than half of all applications are registered in less than six weeks, but there is no official commitment towards that target yet. The next step is to make registration possible within a few days of filing. The publication policy will change, probably this September, to publish newly registered design daily, rather than weekly as is currently the case.

As Musker puts it, any flaws in the system are essentially "minor irritants". The real weakness is unconnected to OHIM itself: it is the absence of substantive examination, which leads to much uncertainty.

Calls for consolidation

Jurisprudence to date shows that both UCDs and RCDs can be effectively enforced against other IP rights, as long as they meet the criteria of being new and having individual character. The decisions of OHIM's Third Board of Appeal – the only one dealing with designs – have so far been consistent and national courts, in particular in the United Kingdom and Germany, have issued interesting decisions on design issues (see "Case law" on page 34).

But what is needed now is a consolidation of the system. No one will have full confidence in CDs until the European Court of Justice (ECJ) has issued decisions. "The decisions so far tend to show that RCDs stand up to defence, but we need more stories of people