



**International Trademark Association**  
*Representing Trademark Owners Since 1878*

Brussels, 2 February 2009

Mr. Thomas Egermaier  
Attaché – Intellectual Property - trademarks  
Permanent Representation of Austria to the EU  
Brussels

*By email*

Object: Commission proposals regarding OHIM fees

Dear Mr. Egermaier,

In advance of an OHIM Trade Mark Fees Committee meeting scheduled on 6 February 2009, I would like to take the opportunity to share INTA's views on the Commission's proposal to reduce the OHIM fees for the Community Trade Mark (CTM) which will be considered at that meeting.

As you know, INTA is a strong supporter of OHIM and the CTM system and has called for the necessary investments in the CTM system to ensure that the Office continues providing the best possible service to the users of the system.

INTA favours the immediate reduction of CTM application and registration fees and their simplification as proposed by the European Commission as a means to help balance the OHIM budget and simplify the fee structure. We therefore strongly support a positive vote on the draft Commission Regulation amending Regulation No 2869/95 and Regulation No 2868/95.

Reducing the application/registration fees is in line with the Council Conclusions of 21/22 May 2007 requesting an immediate reduction of fees although it is only the first step in implementing the Conclusions reached last September of the Extraordinary Joint Meeting of OHIM's Administrative Board and Budget Committee on balancing the Office's Budget.

As the process continues throughout 2009 and 2010, INTA firmly believes that the CTM renewal fees should also be reduced commensurate to the reduction in the application/registration fees. Not only would a reduction in the renewal fees help to stem the growth in OHIM reserves, but users – particularly small to medium sized enterprises – would greatly benefit from the savings obtained in maintaining their CTMs in particular through these difficult economic times.

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Another component of the September Conclusions is the distribution of 50% of the CTM renewal fees to national offices. While INTA has long opposed the distribution of OHIM user fees for any purpose not related to the Office and continues to oppose the principle of re-distribution (ie. "diversion"), we can accept the need for this particular distribution given the complex negotiations between all involved parties in establishing the terms for a fee reduction. However, we believe that OHIM funds made available to Member States' national trademark offices should be used exclusively for projects that would benefit the European trade mark system and not for any general national budgetary needs.

Finally, we very much hope that the Commission and OHIM will consult trade mark users on the review of the CTM system and we look forward to the proposed creation of the informal group of experts.

We remain committed to working with you in the coming months so that the interests and needs of CTM users are met and I remain at your disposal should you wish to further discuss these issues.

Sincerely,



Christina Sleszynska  
Europe Representative

#### **About INTA**

Created in 1878, INTA is a membership association of more than 5,900 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](http://www.inta.org).