



Regional IP registration systems facilitating regional trade. The EUIPO example

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EU-CARIFORUM Regional project, funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)

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❑ THE EUROPEAN TRADE MARK AND DESIGN SYSTEM

❑ THE ASEAN REGIONAL INTEGRATION

THE EUROPEAN TRADE MARK AND DESIGN SYSTEMS

HOW IT ALL STARTED

- 1950. Schuman Declaration – the birth of the European Union
- 1964. First Draft Convention on European Trademark Law
- 1988. First council directive to approximate EU trade mark law
- 1993. Council Regulation no. 40/94 of the Community trade mark
- 1994. OHIM – now called EUIPO, opened its doors



THE EU TRADE MARK & DESIGN SYSTEMS

- 2 main ways to register a Trade Marks and Designs in the EU:
 - *national trade marks / designs, OR*
 - *EU Trade Marks (EUTM) / Registered Community Designs (RCD)*
- National and EU rights and IP Offices **coexist and are complementary** to each other (the same TM/DS can be registered at EU and/or national level)
- The EUTM/RCD system consists of 1 single registration procedure that grants the owner an exclusive right in all (27) EU countries
 - *Without these systems, TM/DS would have to be registered in every country separately, paying 27 different fees, dealing with 23 different languages, filing dates and practices*

HOW IS THE SYSTEM IMPLEMENTED - LAW AND PRACTICE

HARMONISATION OF LAWS

- Commission Regulations
 - binding legislative act issued by the commission – direct application in all EU countries
- Directives
 - a legislative act that sets out a goal that all EU countries must achieve

HARMONISATION OF PRACTICE

- Through closer cooperation between the EU Member states IP Offices and the EUIPO → Convergence Programme

EUIPO and its EU partners (Member States IP Offices) have developed the European Union Intellectual Property Network (formerly known as European Trade Mark and Design Network)

The EUIPO provides users with databases and free tools such as:

TMview | TMclass | DesignView | EDB | Similarity

eSearch plus | eSearch Case Law | Orphan Works Database

- Managing EU trade marks and Registered Community Designs
- Around 160 000 EU trade marks and 100 000 community designs registrations annually
- Observatory on infringement of IPR
- International cooperation

23 languages 24/7



The TM and Design Systems are assessed regularly in relation to **efficiency, effectiveness, relevance, coherence and EU added value**:

- [Study on the overall functioning of the European Trade Mark System, 2011](#)

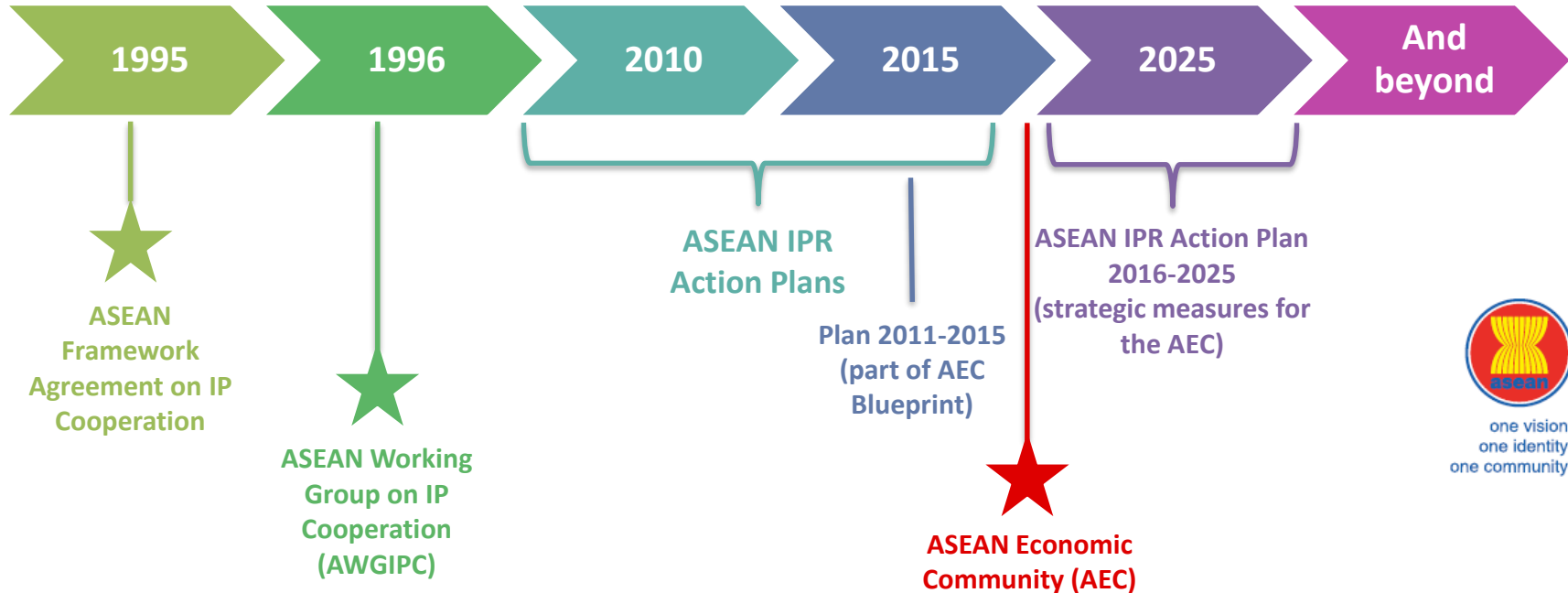
“To support the main goal of fostering and creating a well functioning single market, there is no alternative to the harmonization of laws, even if the harmonization is a long-term process ...” “(..) However, the harmonization of national trade mark laws does not overcome the territorial limitation of the rights conferred on proprietors of national trade marks...”

- [Economic Review of Industrial Design in Europe, 2016](#)
- Studies on Contribution of IPRs to the EU economy and to individual firms (OBS)



THE ASEAN REGIONAL INTEGRATION INITIATIVE

ASEAN's cooperation in the field of IPR - Milestones



ASEAN Trade Mark System Registration Feasibility Study

- An ASEAN Trademark system would build upon earlier works related to **harmonization in the region and support the AEC goal of *deeper economic integration*.**
- ASEAN SMEs account for 50% of ASEAN combined GDP and 30% of ASEAN national exports (of these exports up to 60% of them are involved in IP intensive industries)
- A single trademark application that could reach all of ASEAN would help to **reduce barriers to entry for SMEs and would reduce the time (and costs)** involved for them protect and maintain their trademarks

ASEAN Trade Mark System Registration Feasibility Study

- *ARISE+IPR project just launched a feasibility study on the establishment of ASEAN Trade Mark registration system*
- Model suited towards each ASEAN Member State
- Expected benefits and cost savings to the end user as well as the ASEAN IP Offices

SOME LINKS FOR FURTHER READING

www.euipo.europa.eu

<https://euipo.europa.eu/ohimportal/en/web/observatory/intellectual-property-studies>

<https://ec.europa.eu/info/law/better-regulation/have-your-sa>

<https://op.europa.eu/en/publication-detail/-/publication/5f878564-9b8d-4624-ba68-72531215967ey/initiatives/1846-Evaluation-of-EU-legislation-on-design-protection>



THANK YOU



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