



EXCO/IT04/RES/2

Trade Mark Opposition Proceedings in the European Union

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession of more than 80 countries and especially of all European Community Member States, assembled at its Executive Committee from October 4 to October 6, 2004, passed the following Resolution:

Recognising the importance of high quality and consistent processing of trade mark applications by trade mark offices;

Believing it is in the best interests of users of the trade mark system and of the public to achieve quality processing of trade mark applications on a timely basis;

Believing that it is necessary to achieve quality of registration to provide a presumption of validity and avoid cluttering of registers to the disadvantage of third parties;

Recognising that the opposition component of trade mark processing is very important, particularly when no substantive examination of conflicts occurs during initial examination of an application; and

Observing that current targets set by OHIM for the determination of oppositions are now set substantially below the number of oppositions being commenced thereby creating a backlog

FICPI resolves that:

- (1) Trade mark offices should be encouraged to offer high quality processing and careful consideration of trade mark applications;
- (2) Processes, including opposition, aimed at considering competing interests thereby adding value to resulting registrations should be offered;
- (3) Offices should be encouraged to process applications and where appropriate offer opposition proceedings on a timely basis avoiding the creation of substantial backlogs; and
- (4) Offices should be encouraged to offer the foregoing services by competent personnel for reasonable fees to achieve the necessary quality, consistency and timeliness.