



## EUROPEAN COMMISSION

*Brussels, 19.9.2013  
C(2013) 5729 final*

*Mr Laurent MOSAR  
President of the  
Chambre des Députés  
19, rue du Marché-aux-Herbes  
L – 1728 LUXEMBOURG*

*Dear President,*

*The Commission would like to thank the Chambre des Députés for its Opinion on the proposals for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark {COM(2013) 161 final}, and a Directive of the European Parliament and of the Council to approximate the laws of the Member States relating to trade marks (Recast) {COM(2013) 162 final}.*

*The Commission is pleased to note that the Chambre des Députés welcomes its proposals to modernise the European trade mark system and generally appreciates the objectives of the reform package.*

*In particular, the Commission's proposal seeks to enhance the complementarity between the Union and national trade mark systems. Such complementarity is fundamental for the efficient functioning of a European trade mark system that must meet the requirements of companies of different sizes, markets and geographical presence.*

*The Commission fully shares the view of the Chambre des Députés about the essential role of national offices. The proposals provide for a balanced package, which will add value to the system as a whole and will help to strengthen the Union and national trade mark systems as well as their complementarity and interoperability.*

*The Commission's proposal responds to the Council's invitation<sup>1</sup> from 2010 to create a legal basis for distributing part of OHIM's<sup>2</sup> renewal fees to the national offices. The proposal for a Regulation provides for a funding mechanism, based on grants, to finance cooperation projects between European IP offices. Overall, the new cooperation framework shall enable*

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<sup>1</sup> Council conclusions of 25 May 2010 on the future revision of the Trade Mark system in the European Union (2010/C 140/07)

<sup>2</sup> The EU Agency "Office for Harmonization in the Internal Market (Trade Marks and Designs)", OHIM

*further convergence of offices' practices and development of common tools and thus improve the functioning of individual IP offices and of the trade mark system as a whole.*

*As to the implementing regulation on fees payable to OHIM, the objective is to proportionally adjust OHIM application and renewal fees following a new scheme. The Commission has proposed to rationalise the fee structures, at both EU and national level, and to introduce the principle of "one-class-per-fee". The new principle will enable companies to obtain trade mark protection according to their actual business needs and at a cost that is limited to those individual needs. It will reduce the potential for cluttering of trade mark registers and reduce the conflict potential between trade marks. As such, it will strengthen the coexistence of the trade mark systems in the Union and ensure a more balanced and harmonious trade mark system overall.*

*The Commission hopes that these clarifications address the concerns raised by the Chambre des Députés and looks forward to continuing our political dialogue in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*

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