



Common Understanding on Synergies between WIPO and OHIM In trade mark classification

Introduction

In the context of the administration of the Madrid System, WIPO is aiming to increase the contents of its Madrid System goods and services database in various languages to a minimum of 30,000 indications and make it available online by October 2010.

OHIM has databases in 22 languages which will contain around 100.000 indications per language.

WIPO is taking an active part in the Euroclass project run by OHIM. Euroclass is an online tool which contains official and approved lists of goods and services. This tool allows users to search for goods or services and their correct classification in the databases of the participating offices.

OHIM and the UK IP Office have established a single common list of goods and services. Other offices, such as those of Sweden and Germany, have joined the project.

Common goals

In an effort to provide global users with easy and standardised access to trade mark procedures, and in view of the daily importance of classification issues in this respect, both organisations wish to consider the possibility of agreeing on a list of indications of goods and services acceptable to both organisations, in as many languages as feasible and required.

Both organisations believe that other offices around the world may take an interest in participating in an effort towards establishing a global database of acceptable indications.

Commitments and Timeframe

Both organizations are willing to undertake the following steps:

Short Term (2010)

1. The International Bureau of WIPO will actively support the efforts undertaken by OHIM to establish and implement a new vision on EU harmonisation of classification of goods and services in the form of a common database shared by OHIM, the UK, Sweden, Germany and other offices that wish to join in.
2. WIPO, in its capacity as administrator of the International "Nice" Classification of Goods and Services, will be available to play the role of arbiter in case of a

disagreement as regards the correct classification of a new term during the implementation of the EU harmonised database project.

3. The International Bureau of WIPO and OHIM will mutually exchange their respective English-version databases of goods and services no later than January 2010. Upon request, they will also facilitate each others efforts to supplement the contents of those databases in other OHIM and Madrid System working languages, when available,
4. Three months later, the International Bureau of WIPO and OHIM will initiate work towards agreeing on a list of classified indications of goods and services that are accepted by both organizations under the Madrid system and the CTM procedures, respectively.
5. In the course of 2010, the International Bureau of WIPO and OHIM will cooperate in order to plan and execute a project that would make available to interested applicants an electronic filing facility for the filing of international applications based on Community Trade Mark applications or registrations.

Long Term (2011 – 2012)

6. OHIM supports WIPO piloting a “global database” initiative among its members to establish a database of classified indications of goods and services that can be accepted by as many offices as possible. This database will have a workflow to handle the integration of goods and services terms not yet included in the database. OHIM would contribute to this initiative through the EU harmonised database. The added value of such an initiative would constitute a major contribution to the establishment of global IP infrastructure.
7. OHIM and WIPO would support the idea that trademark offices exploit such global database as a basis for current and future e-filing systems, in order to minimise formal classification problems during the transfer of trademark application data from the front office to the back office systems of participating IP offices.

Transparency

Both organisations will inform their respective members and partners about this understanding.

For this purpose, both organisations will explain this in their respective fora.

Done in Vienna, on December 3, 2009.

For WIPO:

For OHIM:

Mr. Francis Gurry
Director General

Mr. Wubbo de Boer
President