



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 May 2008

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NOTE

from:	Council Secretariat
to:	Delegations
Subject:	Fees charged by the Office for the Harmonization in the Internal Market (OHIM)

Delegations will find attached a Note received from the Portuguese delegation on the abovementioned subject, to be raised under "Any other business" in the forthcoming meeting of the Competitiveness Council on 29 - 30 May 2008.

Reduction of the fees for Community trade marks

Community trade marks are those granted by the Office for Harmonisation in the Internal Market (OHIM), based in Alicante, Spain, which may be used in all the Member States of the European Union.

As a result of the high fees charged for Community trade marks, the Community Office currently has a surplus of more than EUR 300 million which is increasing at the rate of EUR 1 million per week.

Faced with such wastage, OHIM took the view that fees for Community trade marks should be reduced for the benefit of Community undertakings and citizens.

A similar position was adopted by the Competitiveness Council in Brussels in May 2007 in its conclusions on the Financial Perspectives of OHIM and the further development of the Community trade mark system¹. In those conclusions the European Commission was called upon to immediately propose a reduction of the fees for Community trade marks.

Portugal's official position is that the fees for Community trade marks must be unconditionally and unrestrictedly reduced.

To date, however, the fees remain unchanged.

¹ Council conclusions on the Financial Perspectives of the Office for Harmonisation in the Internal Market (OHIM) and the further development of the Community trade mark system - 2801st COMPETITIVENESS (Internal Market, Industry and Research) Council meeting Brussels, 21 and 22 May 2007.

This matter has been included in "Other business" for the next Competitiveness Council so that the Commission can be asked again to take the action called for by the same Council last year, i.e. immediately propose a reduction of the fees for the application for, registration and renewal of Community trade marks.

This a matter of the utmost importance for Portuguese and European SMEs, which could benefit significantly from such a reduction in fees.
