

EUROPEAN UNION TRADEMARK REFORM PACKAGE: QUALITATIVE AND QUANTITATIVE ANALYSIS

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Abstract

The paper aims to examine the effects of the process of modernization of the European Union trademark system as a result of introducing the EU trademark reform package. It analyses the key changes of the European Union's trademark system, with particular emphasis on the most important components of the two legislative reform packages, whose implementation is ongoing from 2016. The effects of the trademark reform package are presented in a quantitative analysis of applications, complaints and appeals reviewed by the EU Intellectual Property Office (EUIPO) in the period 2015-2019.

Keywords: *EUTM, reform package, trademark system, quantitative analysis, EUIPO*

I. INTRODUCTION

Intellectual property rights have been a subject of strengthening and harmonization by the institutions of the European Union since the mid-1990s. The growing amount of counterfeit and pirated goods on the EU markets together with the globalization and increased international trade and investment have created numerous challenges for the economies. There was a strong consensus amongst the EU countries that the knowledge capital should be better protected. There have been different policy responses to this issue in order to modernize the legislation and provide better response to the challenges of the fast development of information technology, the current pace of growth of inventions, innovations and rapid globalization.

The paper focuses on the analysis of the structure of the reform package introduced by the new regulations for the protection of trademarks within the European Union. A trademark¹ is recognizable sign used to differentiate products or services provided by a particular undertaking

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¹ TRIPS Agreement Art. 15 “Any sign, or any combination of signs, capable of distinguishing the goods or services of one undertaking from those of other undertakings, shall be capable of constituting a trademark. Such signs, in particular words including personal names, letters, numerals, figurative elements and combinations of colours as well as any combination of such signs, shall be eligible for registration as trademarks. Where signs are not inherently capable of distinguishing the relevant goods or services, Members may make registrability depend on distinctiveness acquired through use. Members may require, as a condition of registration, that signs be visually perceptible.” Available at: https://www.wto.org/english/docs_e/legal_e/27-trips.pdf

from those of others. Trademark is one of the rights to industrial property and is part of the distinctive signs.² Trademarks can become one of the most important assets of the company as they contribute in empowering brands, develop image and perception of the product or service and transform the marketing strategies in successful investments.

There are four different levels of trademark protection in the European Union, such as: national level, regional level, level of protection within the European Union as a European Union Trademark (EUTM) and international level of protection under the Madrid system for the international registration of marks³. The EUTM gives protection in all member states of the Union by filing single application.

The reform of the European trademark system was undertaken due to the need for harmonization of legislation on trade mark registration in the EU as a result of the significant change in the business environment, and inconsistency of some legal instruments.

The reform of the European trademark system includes two packages of legislative reforms whose implementation has been going on since 2016.

The new European Union Trademark Regulation and the new Trademark Directive were published in the Official Journal of the European Union on 23 and 24 December 2015, respectively, and the Regulation (EU) 2015/2424⁴ was adopted to enter into force on 23 March 2016. This changed the previous Community Trade Mark Regulation⁵, which was replaced by the European Union Trademark Regulation (EUTMR).

Directive 2015/2436⁶ aims to reform the national trademark system of each member state of the Union, by repealing the previously applicable Directive 2008/95⁷ which ceased to apply on 15 January 2019. The deadline for implementation of the provisions of the Directive in the member states of the European Union was January 14, 2019, and it regulates its entry into force 20 days after its publication in each Member State.

The first package of European Union legislative reforms consists of these two basic legislative instruments.

The provisions of Regulation 2015/2424 have been implemented since October 1, 2017 together with the Implementing Regulation⁸ and the Delegated Regulation⁹.

² Goce NAUMOVSKI - M.Polenak AKIMOVSKA, "Individual Collective and Certification Trademark", p.

³ Trade marks in the European Union, Available at: <https://euipo.europa.eu/ohimportal/en/trade-marks-in-the-european-union>.

⁴ Regulation (EU) 2015/2424 of the European Parliament and of the Council of 16 December 2015 amending Council Regulation (EC) No 207/2009 on the Community trade mark and Commission Regulation (EC) No 2868/95 implementing Council Regulation (EC) No 40/94 on the Community trade mark, and repealing Commission Regulation (EC) No 2869/95 on the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs) (Text with EEA relevance)
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R2424>

⁵ Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (codified version) (Text with EEA relevance). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32009R0207>

⁶ Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks (Text with EEA relevance).
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015L2436>

⁷ DIRECTIVE 2008/95/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 October 2008 to approximate the laws of the Member States relating to trade marks (Codified version) (Text with EEA relevance).
<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:299:0025:0033:en:PDF>.

⁸ COMMISSION IMPLEMENTING REGULATION (EU) 2017/1431 of 18 May 2017 laying down detailed rules for implementing certain provisions of Council Regulation (EC) No 207/2009 on the European Union trade mark.
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R1431&from=EN>

These two additional regulations make up the second part of the reform of the European trademark system.

The objectives of the reforms were to *foster innovation and economic growth* by making trade mark registration systems all over the EU more accessible and efficient for businesses in terms of lower costs and complexity, increased speed, greater predictability and legal security; and to *ensure coexistence and complementarity* between the trade mark systems, including greater cooperation between the EU trade mark Agency and national offices, with the purpose of converging office practices and developing common or connected databases and portals for consultation and search purposes¹⁰.

The key changes stemming from the reform package introduced by the new EU trademark protection regulation are in line with the needs of a society where technological development creates permanent changes in economic and social conditions. In addition, the changes coming with the new reform package stimulate society to provide protection of more trademarks, and thus increase the number of applications submitted for trademark protection, as well larger number of complaints filed at EUIPO. The paper will present an overview of reform package for the protection of trademarks of the European Union and their effects in practice presented through quantitative analysis.

II. ANALYSIS OF THE NEW REFORM PACKAGE TO MODERNISE THE EUROPEAN TRADE MARK SYSTEM

1. New terminology

On March 23, 2016, with the entry into force of Regulation (EU) 2015/2424¹¹ of the European Parliament and of the Council amending the Community Trademark Regulation, the terminology has changed, among other things. Namely, the Office for Harmonization in the Internal Market (OHIM) was renamed as European Union Intellectual Property Office (EUIPO)¹², the Community Trademark was renamed as European Union Trademark (EUTM) and all referrals to the Community shall be replaced by the European Union.

2. Strengthening the conditions, procedure and rules for application for trademark protection

The main changes and codifications are:

- (1) particulars of EUTM applications;
- (2) elimination of the requirement for a graphical representation;
- (3) specific requirements for an expanded indicative list of types of marks;

⁹ COMMISSION DELEGATED REGULATION (EU) 2017/1430 of 18 May 2017 supplementing Council Regulation (EC) No 207/2009 on the European Union trade mark and repealing Commission Regulations (EC) No 2868/95 and (EC) No 216/96.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R1430&from=EN>

¹⁰ Package to modernise the European Trade Mark System – Frequently Asked Questions, 21 April 2015. Available at: https://ec.europa.eu/commission/presscorner/detail/en/MEMO_15_4824

¹¹ Regulation (EU) 2015/2424 of the European Parliament and of the Council of 16 December 2015 amending Council Regulation (EC) No 207/2009 on the Community trade mark and Commission Regulation (EC) No 2868/95 implementing Council Regulation (EC) No 40/94 on the Community trade mark, and repealing Commission Regulation (EC) No 2869/95 on the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs) (Text with EEA relevance) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R2424>

¹² European Union Intellectual Property Office – EUIPO <https://euiipo.europa.eu/ohimportal/en>

- (4) priority and seniority claims;
- (5) formal requirements for applications;
- (6) acquired distinctiveness as a subsidiary claim; and
- (7) changes to particulars for EU collective marks.

i. Particulars of EUTM applications (Article 2 EUTMIR)

Changes regarding the particulars of EUTM applications include:

- an indication of the applicant's nationality is no longer compulsory. Even where nationality remains as a field for technical reasons (e.g. E-filing) it does not appear on the Register. Furthermore, absence of nationality would not be a basis for a deficiency;
- the applicant may now indicate a company identification number;
- the applicant can no longer refer to a previous EUTM to indicate the list of goods and services, but the selection of acceptable terms from a database of acceptable terms made available by the Office (e.g. the Harmonised Database) is now specifically referred to as an option.

ii. Representation of EUTMs

a. Elimination of the requirement for a graphical representation (Article 4 EUTMR and Article 3 EUTMIR)

Pursuant to Article 4 EUTMR¹³, an EUTM is no longer required to be represented graphically as long as it is represented in a manner that enables the competent authorities to determine the subject matter of protection with clarity and precision.

Article 3 EUTMIR¹⁴ takes account of this change by providing that EUTMs may be represented in any appropriate form using generally available technology. On the one hand, it affirms that the precise subject matter of the exclusive right conferred by the registration is defined by the representation of the mark and, on the other, that the representation may be complemented by an indication of the type of mark concerned or, where appropriate, by a description that accords with the representation but that may not extend the scope of that representation.

The result is a 'what you see is what you get' (WYSIWYG) system, which aspires to make the trade mark entries on the EUTM Register clearer, more accessible and easier to search for. As EUTM registration criteria no longer include a requirement for "graphical representation", it allows intellectual property owners to register invisible signs, such as scents, sounds, etc. as long as they can be presented in a way that is clear, precise and objective.

b. Publication and registration: links to electronic files for non-graphic representations (Article 7(c) and Article 9 EUTMIR)

The abolition of the requirement of a graphic representation means that certain types of trade marks that can be represented in electronic format only (e.g. multimedia marks) are now acceptable. It also means that EUTMs that are non-visual or comprise moving images become easier to file by making use of electronic means of reproduction. Publication using conventional

¹³ REGULATION (EU) 2017/1001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 June 2017 on the European Union trade mark (codification).
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R1001&from=EN>

¹⁴ COMMISSION IMPLEMENTING REGULATION (EU) 2017/1431 of 18 May 2017 laying down detailed rules for implementing certain provisions of Council Regulation (EC) No 207/2009 on the European Union trade mark.
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R1431&from=EN>

means is, however, no longer viable for marks filed in this manner. In order to address this and to guarantee the availability of all the information concerning an application, a link to the publicly available electronic file on the Office's Register is now recognised as a valid form of representation for the purposes of publication and for issuing registration certificates.

The following table¹⁵ contains a list of the most popular types of trademarks, their representation, need for description and format accepted by the Office (EUIPO) when submitting an application for a trademark before or after October 1, 2017.¹⁶

Type of trade mark	Description required?	Format required
Word	No	N/A
Figurative	No	JPEG
Shape	No	JPEG OBJ STL X3D
Position	Optional (previously mandatory)	JPEG
Pattern	Optional	JPEG
Colour (<i>single</i>)	No	JPEG
Colour (<i>combination</i>)	Optional (<i>previously mandatory</i>)	JPEG
Sound	No	JPEG MP3 (<i>max 2 Mb</i>)
Motion	Optional (<i>previously mandatory</i>)	JPEG MP4 (<i>max 20 Mb</i>)
Multimedia	No	MP4 (<i>max 20 Mb</i>)
Hologram	No	JPEG MP4 (<i>max 20 Mb</i>)

¹⁵ Graphical representation: Types of Mark, EUIPO.

<https://euipo.europa.eu/ohimportal/en/elimination-of-graphical-representation-requirement>

¹⁶ Давитковски, Борче. Рунчева Тасев, Христина. "Реформи на европскиот систем на трговски марки: предизвици на модернизацијата" Зборник на трудови од научната конференција "Изазови права интелектуалне својине у 21. веку" Правен факултет, Универзитет во Крагујевац, Крагујевац, Србија, 2019, р.7.

c. Formal requirements for an EUTM application (Article 31(3) EUTMR and Article 41(1)(a) EUTMR)

Article 31(1) EUTMR lists the particular conditions that must be met for a filing date to be granted. Article 31(1)(d) EUTMR adds that the representation of the EUTM must be one ‘which satisfies the requirements set out in Article 4(b) EUTMR’. This does not, however, represent a material change to Office practice.

Where an EUTM application is deficient in some aspect, the EUTMR explicitly sets two months from the receipt of the notification from the Office as the deadline for the applicant to remedy this.

d. Acquired distinctiveness as a subsidiary claim (Article 7(3) EUTMR, Article 2(2) EUTMR and Article 27(3)(a) EUTMDR)

The new provisions do not modify the assessment of the evidence of use under Article 7(3) EUTMR but:

- Article 27(3)(a) EUTMDR precludes an Article 7(3) EUTMR claim from being made for the first time before the Boards of Appeal. Instead, an Article 7(3) EUTMR claim of acquired distinctiveness can be made validly either together with the application, or, at the latest, in reply to a first objection;
- Article 7(3) EUTMR allows the claim to be filed as either a principal or a subsidiary claim.

Where the claim is a principal claim, the examiner will take one (single) decision on both the application’s inherent distinctiveness and, if such inherent distinctiveness is lacking, on the claim of distinctiveness acquired through use.

The second (new) option creates the possibility of making the claim as a subsidiary claim. Here the claim only crystallizes if there is a negative final decision on inherent distinctiveness. Only at this point there will be a decision on the claim of acquired distinctiveness through use. This allows the applicant, in effect, to use its right of appeal under Article 66 EUTMR on ‘inherent distinctiveness’ before it is required to prove acquired distinctiveness.

Applicants that indicate ‘principal claim’ in the application may request the change to ‘subsidiary claim’ (or vice versa) no later than in the reply to the first objection letter.

3. Absolute and relative reasons for rejection and invalidity of EUTM

i. Absolute reasons for rejection or invalidity of EUTM

Pursuant to Article 7, paragraph 1 (e) of the EUTMR, signs consisting exclusively of form or other characteristics arising from the nature of the goods are either necessary to achieve a technical result or which give significant value to the goods cannot be registered.

This absolute ground, which cannot be overcome with evidence of acquired specificity (distinctness), has been expanded to include "other features" that go beyond the existing "form".

Additional grounds that serve as absolute reasons for refusal are: designation of origin, geographical indication, traditional names of wines, guaranteed traditional specialties and plant varieties.

ii. Relative reasons for rejection or invalidity of EUTM

The relative grounds for rejecting the European Union trademark are contained in Article 8 of the EUTMR. Reforms in this segment address two key aspects. First, in terms of designation of origin or geographical indication, where the owner of the mark of origin or geographical indication may

invoke these rights, in order to prevent the registration and use of a trademark arising from them. (Article 8, paragraph 6 of the EUTMR).

The second novelty concerns the expansion of the protection of reputable trademarks (Article 8, paragraph 5 of the EUTMR). Namely, the complaint for registration of a trademark may be based on a request for a reputation of a trademark in the EU, regardless of whether the goods and services covered by the opposing applications are similar or different from the goods or services required to recognize a reputation, and where the use will cause an unfair advantage or be decisive for the distinctive character or reputation of the first mark.¹⁷

The mark cannot be registered in the Register of Trademarks, if the mentioned absolute grounds are applied in the whole European Union or only in a part of the European Union. This means that the mark cannot be registered in the trademark register, also if it is applied only in one of the EU member states.

A mark devoid of any characteristic character (symbol) may be registered if, at the time the decision for registration is made, such a mark through use has acquired a characteristic character for the goods or services for which a registration application has been submitted. In such a case, in the registration application, it should be indicated that the mark has become characteristic.

Applicants may refer to "acquired distinctiveness" as subsidiarity or an alternative claim in the application or during the registration process, so that the claim for "acquired distinctiveness" will only play a role once the negative decision on inherent distinctiveness has been finalized. Applicants may use the right to appeal for inherent distinctiveness before seeking to prove the acquired distinctiveness in order to avoid the possibility of collecting and presenting evidence for use.

4. Certificate marks and collective marks

A novelty in the reform package is the introduction of the EU certificate mark from October 1, 2017¹⁸, as a new type of trademark in the Union. These marks, which are present in some of the national systems of the member states of the European Union, are intended to indicate that the goods or services are in accordance with the certification requirements of the institution or organization authorized to certify them. Certification marks have much in common with collective marks, but the collective mark indicates that the goods or services come from a collective or grouping, while the certification marks are a sign of controlled quality. The basic fee for a trademark certificate is 1800 euros - (electronically, 1500 euros).

This has allowed applicants to register marks that guarantee specific features of certain products and services, such as food content. Previously, it was possible to register such signs in various EU member states, including the United Kingdom, with trade associations, government departments and technical institutes that often seek protection, but not at the European Union level.

Applicants must submit, within two months of the application, details of the characteristics of the goods or services to be registered, the conditions governing the use of the certificate mark and the testing and supervision measures applied by the applicant.

The criteria for EU certification marks are set out in Articles 83-93 of the EUTMR. They must be accompanied by regulations governing their use, which must be submitted within two months of the submission date. The basic content of these regulations is set out in Article 2 (3) and Article 17 of

¹⁷ Ibid.

¹⁸ Emmanuel Larère and Tougane Loumeau, 'Chapter VIII: Specific Provisions on European Union Collective', in Verena von Bomhard and Alexander von Mühlendahl (eds), *Concise European Trademark Law, Concise Commentary of European IP Law*, Volume 6 (© Kluwer Law International; Kluwer Law International 2018) pp. 376 - 399

EUTMIR. The criteria largely reflect the rules that apply to collective marks, with the following significant aspects.

- The owner of an EU certificate mark can be a public body or a private entity, because the EU trademarks include public and private certification models.
- Business owners involved in the supply of goods or services that are in the process of being certified cannot own an EU certificate mark, nor can applicants apply for a certification mark that would be used to distinguish goods or services in relation to a particular geographical origin. (Article 83 (2) EUTMR in conjunction with Article 17 (b) EUTMIR).¹⁹

5. Lower Tax Structure

The EUIPO tax system has been replaced by the OHIM tax system. The system changed from the basic fee, which included up to three classes of goods and services in the "pay per class" system.

In the area of fees, the Regulation introduces the following changes:

- new "one-class fee" system for application and renewal system;
- overall reduction of fees paid to the Office;
- inclusion of the provisions of the CTM tax regulation in the basic regulation.

6. Pay for what you need

The Community's trademark included protection for three classes, costing € 900 for an electronic application and € 1,050 for a paper application. With the change in the regulations, the Office implemented the one-class payment system. This means that in practice applicants pay a lower fee if they apply for only one class, the same fee if they apply for two, and a higher fee if they apply for three or more. Renewal fees have been significantly reduced in all cases and are set at the same level as application fees, and there is also a reduction in opposition, cancellation and appeal fees.

Application fees (e-filing)

CTM (old system)	Tax	EUTM (new system)	Tax
First class		First class	€850
Second class	€900 covers up to three classes	Second class	€50
Third class		Third class	€150
Fourth and all subsequent	€150	Fourth and all subsequent	€150

Renewal Fees (e-filing)

CTM (old system)	Tax	EUTM (new system)	Tax
First class		First class	€850

¹⁹ Давитковски, Борче. Рунчева Тасев, Христина. "Реформи на европскиот систем на трговски марки: предизвици на модернизацијата" Зборник на трудови од научната конференција "Изаови права интелектуалне својине у 21. веку" Правен факултет, Универзитет во Крагујевац, Крагујевац, Србија, 2019, p.7.

Second class	€1 350 covers up to three classes	Second class	€50
Third class		Third class	€150
Fourth and all subsequent	€400	Fourth and all subsequent	€150

III. QUANTITATIVE ANALYSIS OF THE EFFECTS FROM THE REGULATION FOR THE PROTECTION OF TRADE MARKS

1. Applications, complaints, appeals

Indicator: Total number of applications in the world

How the change in market conditions and the change in regulation affected the number of

Year	Trade marks (No. of classes)	Relative change from prev. year (%)
2004	4.580.900	
2005	4.905.900	7,09%
2006	5.295.900	7,95%
2007	5.562.200	5,03%
2008	5.511.200	-0,92%
2009	5.213.600	-5,40%
2010	5.812.500	11,49%
2011	6.314.300	8,63%
2012	6.652.700	5,36%
2013	7.084.600	6,49%
2014	7.652.500	8,02%
2015	8.650.300	13,04%
2016	9.792.400	13,20%
2017	12.395.700	26,58%
2018	14.321.800	15,54%

newly registered trademarks worldwide can be seen from the table below, based on official data from WIPO²⁰, for the period 2004-2019.

Two phenomena immediately stand out, caused by various reasons.

The first one is that in 2008-2009, the previously upward trend was reversed and there was a sharp decline in newly registered trademarks. It is obvious that the reason for that is the deteriorating market conditions caused by the great world economic crisis (the period of recession). It is clear that in times of recession, many companies have given priority to the struggle with the effects of the crisis before innovation, and perhaps the budgets for research, innovation, marketing, etc. have been reduced. Immediately after the economic crisis effects have been eased (2010), there is an increase of 11.49% in the number of newly registered trademarks.

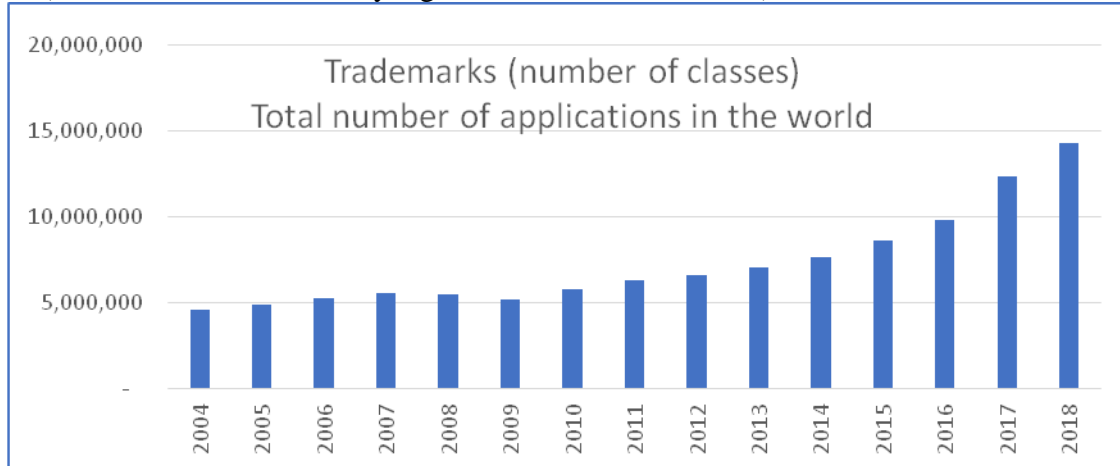
Another issue that is clearly noticeable is the fact that after the recovery of the market, there is apparent quantum leap of the newly registered trademarks in 2017, compared to 2016 (12,395,700 vs. 9,792,400 - as much as 26.58%, which is more than a quarter). As there are no drastic changes in the economic conditions in the world in the period 2016-2017, it can be

concluded that some of the reasons for such an increase in the registration of new trademarks arise from the change in regulations that facilitate the registration process. Moreover, this growth trend is

²⁰ WIPO Available at:

<https://www3.wipo.int/ipstats/keysearch.htm?keyId=201&fbclid=IwAR2ygMRA2jviov119IQs5UQi1ehzqe1oLvDxolubP74CGE2C2Bvk1MENxUg>

slightly reduced for 2018, where the number of newly registered trademarks increases by another 2 million (a total of 14,321,800 newly registered trademarks in 2018).



The following table presents an overview of all the trademark applications reviewed by the EU Intellectual Property Office (EUIPO) in the period 2015-2019. The table includes indicators for the total number of applications, but it also presents a separate overview for direct and international registrations of trademarks. The analysis also contains data about how many of the applications were filed for one, two or more classes, and in the case of direct applications there is an overview of the application method.

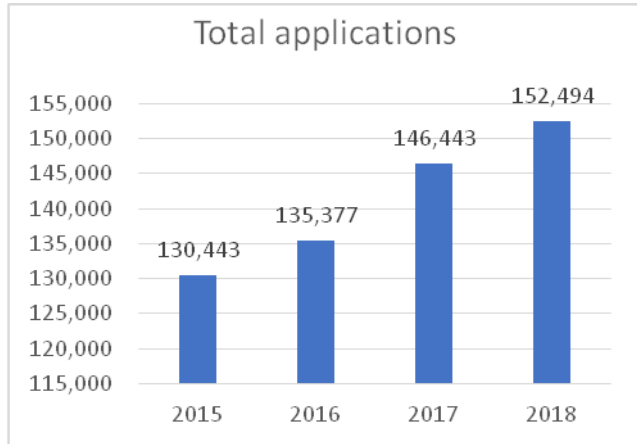
The table presents data on how many applications have been processed, more precisely how many of them have been checked, published and registered in the Register. The numbers of renewed registrations are also shown. The table contains important data about filed complaints and appeals, number of cancellations, as well as final entries.

EUTMs	2013	2014	2015	2016	Change 2016/15	2017	Change 2017/16	2018	Change 2018/17	2019	Change 2019/18
FILINGS (DIRECT + IR)											
All filings	114.313	117.344	130.443	135.377	3,78%	146.443	8,17%	152.494	4,13%	160.377	5,17%
Total classes filed	322.853	329.360	367.661	359.343	-2,26%	376.376	4,74%	390.856	3,85%	411.026	5,16%
DIRECT FILINGS											
Direct filings	96.118	100.166	108.564	116.593	7,40%	121.564	4,26%	127.323	4,74%	131.815	3,53%
% via e-filing	95,49	96,51	97,72	98,98	1,26	99,35	0,37	99,75	0,40	99,83	0,08
% filed as Fast Track		15,73	26,74	30,78	4,04	34,98	4,20	38,32	3,34	40,69	2,37
% published as Fast Track		8,08	18,19	21,60	3,41	25,37	3,77	29,65	4,28	30,86	1,21
No of EUTMs filed with 1 class	26.415	27.083	28.295	38.271	35,26%	46.025	20,26%	47.953	4,19%	50.215	4,72%
No of EUTMs filed with 2 classes	14.958	15.872	17.201	25.260	46,85%	28.302	12,04%	30.234	6,83%	31.403	3,87%
No of EUTMs filed with 3 classes or more	54.743	57.207	63.064	53.062	-15,86%	47.237	-10,98%	49.136	4,02%	50.197	2,16%
Average No of classes per EUTM filing	2,89	2,87	2,90	2,70	-6,90%	2,59	-4,07%	2,59	0,00%	2,58	-0,39%
Total No of classes filed	278.133	287.075	314.346	314.815	0,15%	314.809	0,00%	329.529	4,68%	339.893	3,15%
IR FILINGS											
IR filings	18.195	17.178	21.879	18.784	-14,15%	24.879	32,45%	25.171	1,17%	28.562	13,47%
No of IRs filed with 1 class	8.077	7.726	9.932	8.728	-12,12%	10.949	25,45%	11.237	2,63%	12.602	12,15%
No of IRs filed with 2 classes	3.209	3.063	3.873	3.474	-10,30%	4.867	40,10%	4.980	2,32%	5.675	13,96%
No of IRs filed with 3 classes or more	6.909	6.389	8.074	6.582	-18,48%	9.063	37,69%	8.954	-1,20%	10.285	14,86%
Average No of classes per IR filing	2,46	2,46	2,44	2,37	-2,87%	2,47	4,22%	2,44	-1,21%	2,49	2,05%
Total No of classes filed	44.720	42.285	53.315	44.528	-16,48%	61.567	38,27%	61.327	-0,39%	71.133	15,99%
PROCESSED (DIRECT + IR)											
Examined*	109.641	114.032	125.457	130.423	3,96%	141.513	8,50%	142.862	0,95%	159.607	11,72%
Published*	106.517	109.529	120.835	126.492	4,68%	136.538	7,94%	139.092	1,87%	153.526	10,38%

Registered*	98.087	103.774	109.314	125.972	15,24%	128.340	1,88%	133.344	3,90%	140.762	5,56%
RENEWALS(DIRECT+IR)*											
All renewals	28.389	28.174	30.426	52.287	71,85%	48.082	-8,04%	49.949	3,88%	51.927	3,96%
1st renewals	28.389	28.174	30.418	33.681	10,73%	39.076	16,02%	40.071	2,55%	40.114	0,11%
% of 1st renewals	60,46	57,33	55,57	51,34	-4,23	51,74	0,4	52,66	0,92	50,98	-1,68
2nd renewals			8	18.606	===	9.006	-51,60%	9.878	9,68%	11.813	19,59%
% of 2nd renewals			13,33	73,45	60,12	66,21	-7,24	64,74	-1,47	65,44	0,7
% via e-renewals	94,12	95,45	97,21	98,24	1,03	99,23	0,99	99,75	0,52	99,85	0,1
OPPOSITIONS(DIRECT+IR)	2013	2014	2015	2016		2017		2018		2019	
All filings	17.017	15.665	17.217	19.127	11,09%	18.597	-2,77%	18.352	-1,32%	18.684	1,81%
% oppositions via e-filing	45,64	58,07	75,78	91,27	15,49	94,49	3,22	95,97	1,48	98,00	2,03
No of decisions*	6.278	6.400	5.474	5.004	-8,59%	6.670	33,29%	6.721	0,76%	6.966	3,65%
CANCELLATIONS (DIRECT+IR)											
All filings	1.399	1.407	2.050	1.958	-4,49%	1.822	-6,95%	2.113	15,97%	2.095	-0,85%
No of decisions*	879	845	859	1.139	32,60%	727	-36,17%	1.180	62,31%	1.459	23,64%
RECORDALS (DIRECT+IR)											
All recordals	51.934	55.699	58.921	89.551	51,98%	64.148	-28,37%	68.200	6,32%	74.995	9,96%
INTERNATIONAL APPLICATIONS											
All filings	7.541	7.481	8.057	8.663	7,52%	8.736	0,84%	9.407	7,68%	9.791	4,08%
APPEALS	2013	2014	2015	2016		2017		2018			
All filings	2.602	3.283	2.613	2.446	-6,39%	2.761	12,88%	2.588	-6,27%	2.987	15,42%
No of decisions*	2.565	2.783	2.907	2.881	-0,89%	2.694	-6,49%	2.603	-3,38%	2.506	-3,73%
Cases lodged before GC	291	290	296	331	11,82%	296	-10,57%	294	-0,68%	269	-8,50%
Cases lodged before CJEU	38	34	65	48	-26,15%	54	12,50%	69	27,78%	56	-18,84%

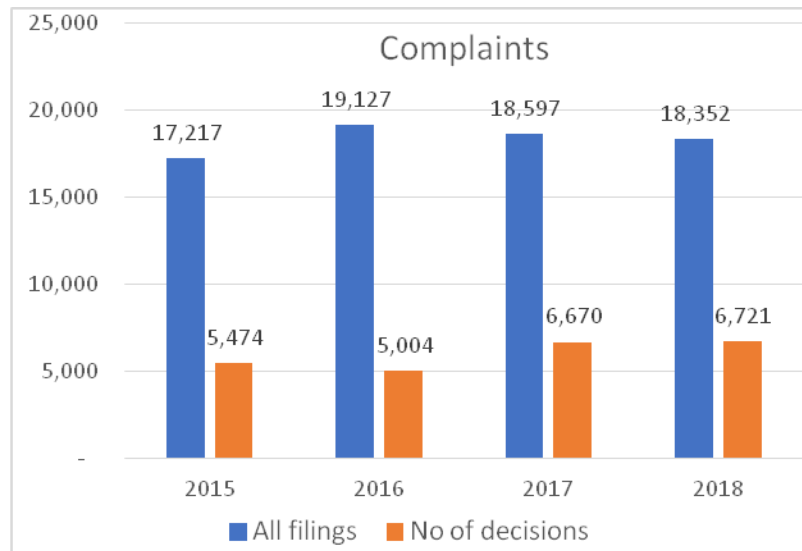
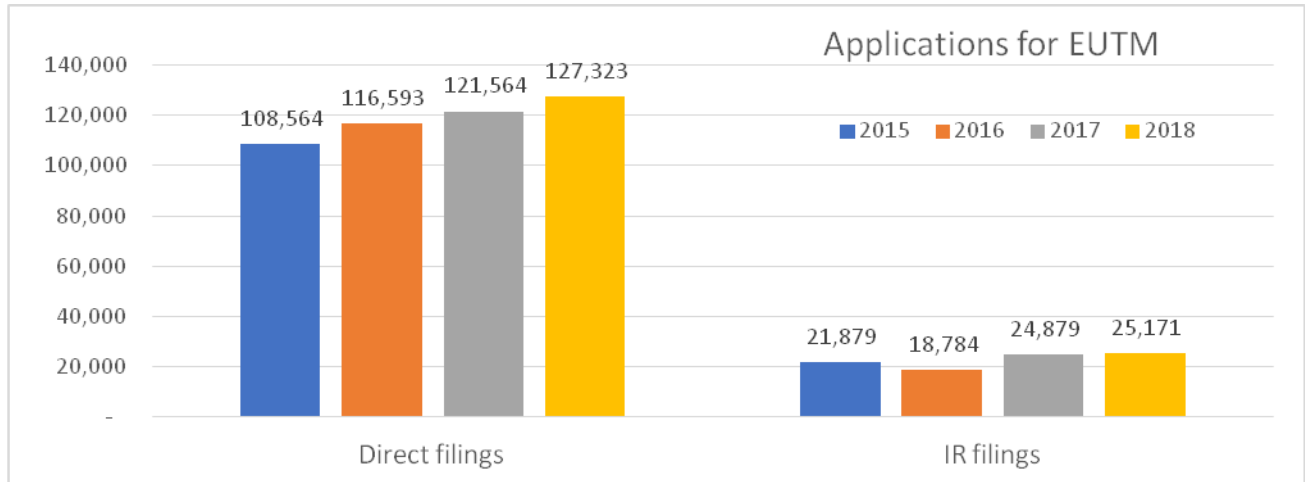
Text and figures in **bold font indicate the Office's outputs*

Graphical display and data analysis:

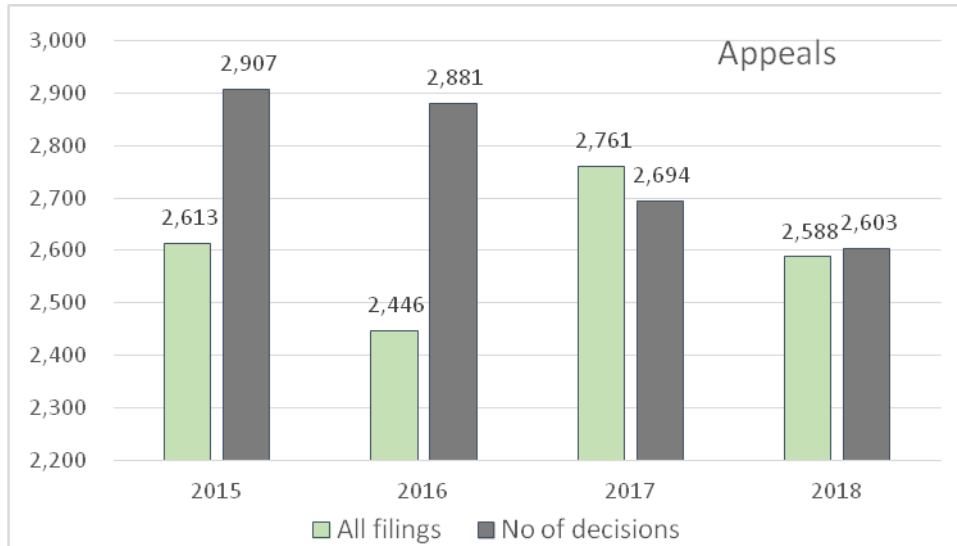


What can be noticed at first glance is that there is a quantum leap in the total number of applications for trademark registration between 2016 and 2017, and that the leap is relatively higher in applications for international registrations. This is due to the ease of procedures as a result of the change of regulation that came into force in 2016.

Similarly, the data for processed applications, show that in 2017 compared to 2016, there are about 8% more verified and published cases.



In terms of complaints, after 2016, the number of complaints is stabilizing (previously it was on the rise), but the number of complaints for which a decision has been made is significant, i.e. the number of decisions has increased by over 33%.



In the appeals section, the data shows that in 2015 and 2016, decisions were taken upon appeals from previous years, because the number of decisions is higher than the number of appeals filed. In the next two years, these numbers are almost equalizing. This is a favorable situation because in fact the goal is to have fewer complaints and to resolve them within a reasonable time.

IV. CONCLUSION

We see that the key changes stemming from the reform package introduced by the new EU trademark regulation are consistent and meet the needs of a society in which technological development is creating permanent changes in economic and social conditions.

The agreed package meets two main complementary goals:

- encourages innovation and increases economic growth by making trademark registration systems across the EU more accessible and efficient for businesses in terms of lower costs and complexity, increased speed, greater predictability and legal certainty; and
- Provides improved complementarity between trademark systems, including greater cooperation between the EU Trademark Office and national offices, in order to bring office practices closer and develop common and related databases and consulting and search portals.

The main features of the reform include modernized provisions, such as facilitating the registration of new types of trademarks (sound, movement or hologram marks) in the new digital age and thus supporting corporate branding strategies, streamlined and harmonized registration procedures, including national level, which, among other things, makes trademark applications across the EU subject to the same submission date and formality requirements, and allows businesses to easily counter trademark applications and seek revocation or invalidity of existing registrations directly in front of the affected national offices of industrial property, without the need to go to court (i.e. faster and cheaper). A more effective means of combating counterfeit goods is being provided, especially when they are in transit through the territory of the Union to prevent the misuse of this territory and its transit routes as a central route for the global distribution of counterfeit products. Provides enhanced legal certainty by removing ambiguities, clarifying trademark rights in terms of their scope and limitations, including the introduction of a Union-level certificate mark. Furthermore, the improved legal and financial framework strengthens the co-operation between the offices of the Member States and the EU Office in order to bring the practice of examining trademarks across the EU closer together and to develop common search tools and

common databases. The more flexible structure of the European Union's trademark fees better meets the needs of consumers, which means significant savings. Efficiency, transparency and accountability in the management of the EU Office in Alicante have improved as well as strengthening the coexistence and complementarity between the EU and national trademark systems by providing a legal basis to compensate Member States for their contributions to their effectiveness. It further improves the access to trademark protection for all companies, especially for small and medium enterprises, regardless of their size, market and geographical origin.

In conclusion, the reform package contributes to increasing innovation incentives, strengthening legal certainty and predictability, limiting the risk of litigation and improving the field of European business, which will improve competitiveness and attractiveness in the EU internal market.

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