



DANISH PATENT AND TRADEMARK OFFICE

TURNING IDEAS INTO ASSETS®

2008

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In Denmark's interests

Over the past few years enterprises have adjusted their perspective when it comes to the protection of intellectual capital.

Before, many regarded IPR as a “necessary evil” – a passive protection, and mainly the concern of lawyers. Today, the management of intangible assets has become an integral part of the business strategy for an increasing number of enterprises; a natural consequence of recognizing that these types of assets are now often the main driving force behind corporate growth.

Earlier, we were frequently asked by enterprise management if it was really necessary to apply for patents and protect business identifiers. Today the most common question is “how can we best protect and successfully exploit our intellectual property rights”? The changes are a very direct result of globalization. Nowhere is its force and dynamism as clear as in the IP system. The exponential increase in the number of patent applications clearly shows that markets for industrially produced and marketed products are becoming increasingly global. The dramatic increase in the registration of trademarks and designs illustrates that corporate symbolic ties with the customer have become a critical factor in global competition.

Export-oriented knowledge economies are mainly interested in the existence of an effective and reliable way to regulate the global exchange of ideas and knowledge. In short, a well-functioning IP system. The alternative is legal uncertainty, which can only be a disadvantage to knowledge-intensive Danish enterprises.

Unfortunately, at this point there is cause for considerable concern. The IP system is already facing great difficulty in handling the demand for exclusive rights arising in the wake of globalization. Should this development continue, the system could be threatened with a serious collapse in just a few years. This will create a situation where talented and innovative enterprises will be without reliable IP protection. The situation will also weaken their opportunities for turning ideas into assets and growth. Which enterprise would invest heavily in new products if there was no guaranteed period in which to reap the financial rewards? Who would dare to embark on the large-scale marketing of a new brand - and risk having to end the campaign in court because someone suddenly comes along and says their business identifiers are being infringed?

Efforts to ensure a more well-functioning IP system are therefore today the main strategic line for anyone concerned about the development and future competitive power of Danish industry. Unfortunately, the international political process lacks the clear answers needed for a broad consensus.

For the Danish Patent and Trademark Office there is no doubt that the best answers come under the headings "reutilization" and "cooperation".

The worries about importing the patent practice of other countries have long been an internationally well-worn excuse for not recognizing the value of the work performed by other authorities. This safeguarding of own interests at the expense of a common IP system is something we must put behind us.

As a small country in a global economy, we know that the road to results is usually paved with openness and international cooperation - regardless you are a business or an authority.

Therefore the Danish Patent and Trademark Office argues the case, in all relevant contexts and forums, that a higher degree of harmonization and more flexible international cooperation on IPR is the shortest way out of the IP system's global crisis threat. Furthermore, our arguments are gaining strength as more and more countries and enterprises express their support.

Despite the long-term international focus, we never forget our primary task in the short term: to facilitate the use of intellectual capital among Danish enterprises. For example by offering IP services that are globally competitive, both in quality and time of delivery.

In this publication, based on the situation in 2008, we will consider the trends that will shape the IP debate in years to come. We will look at the IP challenges from a Danish perspective and offer our perspectives on how we, as a Danish player, can best ensure fair competition in the global market for ideas.

This is clearly in Denmark's interests.

Jesper Kongstad
Director General, CEO



Looming global patent crisis must be prevented

The international patent system cannot handle the exponential increase in demand. Without closer cooperation between national and international players we are heading towards a crisis in which enterprises will not be able to protect their ideas quickly and effectively.

For more than 100 years the international patent system has examined new technical inventions and ideas, and bestowed upon the owner a period of exclusive rights protection. The system has continuously managed to adapt to industrial development and to closer economic ties across borders.

However, several factors seem to indicate that the patent system as we know it has now reached the limit of its adaptability.

On one hand, the Southeast Asian countries are becoming active users of the IP system. At present Japan, China and Korea account for more first filings between them than the rest of the world in total. Thus, Southeast Asia is now experiencing the exponential increase in patent applications; a situation already experienced by Western economies.

The Asian countries' growth concerns not only national patent applications, but also international filings. At present, countries such as Korea and Japan still only file approximately 5 and 15 percent respectively of their national patents at international level – a far cry from the reasonable steady Western level of 35-40 percent. Yet the global growth in the influx of patent applications is now driven by the current development in Southeast Asia.

On the other hand, the IP system lacks the proper organization to deal with even heavier case loads. The processing time for patent applications continues to increase steadily and almost all larger patent offices are struggling to find countermeasures against the declining productivity in their organizations.

Serious risk of collapse

The growing waiting time for examining and determining patentability and possible grant of patent are especially severe in light of the fact that products' market life are also decreasing. This narrows down the period in which enterprises can harvest the fruits of an exclusive new product. At worst, the product may already be redundant as a marketing commodity before the patent is granted; a scenario that will inevitably weaken incentives to invest in the development of new technological solutions and products.

The prospect of an international IP system crash could also speed up the relocation of jobs to the future world economic centre of growth: Southeast Asia. Enterprises that have a foothold and IP protection for their products in these markets will win in what is, to all appearances, the next round of the global race. If for example, European enterprises are to avoid being the big losers, many of them will be forced to be physically present and IP active in the region where future customers and purchasing power are located.

Harmonization and Cooperation

From a Danish perspective, a global patent crisis can only realistically be prevented by strengthening the PCT system and putting harmonization and cooperation high on the agenda for the international patent system. This applies in particular to two areas.

The first is a harmonization of the patent rules. Greater uniformity of patent rules across regional boundaries could reduce the unnecessary duplication of work that today consumes much of the global system's resources. Furthermore, the implementation of a genuine European Community Patent (COMPAT) would similarly streamline the work of both enterprises and patent authorities.

Secondly, a new European culture of cooperation. There is currently considerable duplication of work among the national patent offices and the European Patent Office, EPO. Nine out of ten applications have been in the hands of a national examiner before landing on the desk of an EPO examiner. A common system for quality assurance and certain common standards for examination and formality procedures would streamline the interaction between national and European level. However, the politically established differences on the criteria for patentability in the respective countries must be observed.

The emergence of a stronger culture of cooperation could also lead to more standardized patent products and processes. Similarly there is a need to find smooth methods of cooperation with patent offices outside Europe. One example is the promising form of bilateral cooperation now being tested: Patent Prosecution Highway (PPH). See also the article New initiatives for accelerated patent processing.

Alongside these efforts on the international scene, the Danish Patent and Trademark Office is continually working to ensure that enterprises operating in Denmark and Scandinavia receive IP services which are appropriate to their needs: in form and content, quality and processing time. The establishment of the PCT Authority, Nordic Patent Institute (NPI), which opened in 2008, is just one of the means by which this objective is achieved. See also the article New Nordic gateway to the patent system.

New initiatives for accelerated patent processing

A reform of the PCT system to reduce case-processing time and raise quality levels. Meanwhile, Denmark and many other countries are setting up "fast tracks" in the system. New language rules also make it easier to validate European patents.

160,000. This is the number of international applications filed via the PCT system in 2007. It is an increase of 6 percent in just one year and there is not much indication that the growth will discontinue.

The pressure of the workload is reflected in processing time. For example, the International Bureau at WIPO received barely half of the international search reports from the PCT authorities within the required 16 months from the application's priority date.

At the same time some patent offices and users note that the work performed by the international authorities could be of higher quality.

Overall, the PCT system is facing challenges which so far have not been possible to solve through international negotiations. WIPO has therefore initiated a study on how the PCT system can be reformed thereby preventing the looming global patent crisis.

One element of the reform is a quality standard for international authorities; currently in draft. The standard will ensure greater consistency between the international authorities' search and examination processes. This will increase the recognition of their work and thereby reduce the unnecessary duplication of work when applications are filed at national level.

Other initiatives are also under consideration, for example better access to search material and better report templates.

The Danish Patent and Trademark Office supports these initiatives and is an active participant in the negotiations.

Success with bilateral agreements

Meanwhile a number of the world's leading patent authorities have found the situation so acute and serious that they will not wait for a solution in the framework of WIPO. They have therefore launched the pilot project, Patent Prosecution Highway (PPH).

A PPH agreement is arranged between two patent offices. The agreement means that a patent applicant will have his application processed faster by patent authority B, since this authority is given access to the search and examination report on the same invention from patent authority A. PPH agreements thus promote:

- accelerated processing of patent applications
- less duplication of work for patent offices
- higher quality search and examinations because authority B's process begins at a better informed level

Applicants are free to choose whether they will use PPH. But the agreement makes it possible to shorten processing times by about 22-26 months, so that the applicant will receive his first patentability assessment within a mere 3-6 months from filing his application. In February 2009 the patent offices offering PPH processing had received in total approximately 2,400 requests for PPH, and the number is increasing exponentially.

As expected, PPH has proved successful and several patent offices have already implemented PPH as a permanent option. Up to now, the following patent offices have entered into one or more bilateral PPH agreements: the USA, Japan, Korea, Singapore, Canada, Australia, Germany, the UK, the European Patent Office (EPO) and Denmark. And several other patent offices have shown interest in entering into such agreements.

So far the Danish Patent and Trademark Office has established PPH agreements with patent offices in the USA, Japan and Korea, and plans to expand its number of PPH agreements in 2009. For enterprises in smaller countries like Denmark, PPH treatment is a golden opportunity for gaining faster access to overseas markets.

Development of a multilateral PPH

PPH cooperation has so far been built on exclusive agreements between two patent authorities. It would enhance usability for patent applicants if the requirements for using PPH were made the same for all patent authorities participating in the PPH cooperation. Such a multilateral PPH agreement would also greatly facilitate the expansion of PPH to other patent authorities.

In this context, the Danish Patent and Trademark Office, together with the Japanese Patent Office, invited the other participants in PPH cooperation to Denmark in early 2009. The aim was to take stock of the PPH experience and to discuss a kind of "multilateral PPH" with a unified set of requirements for using this method of agreement.

Participants at the meeting agreed that greater cooperation between patent offices and the reutilization of each other's work is the main road forward in avoiding the crisis that threatens the global patent system. Everyone found that the PPH results so far were promising, including the faster processing time for applicants, the reduction in duplication of work and the strengthening of the important mutual trust between the offices.

The parties agreed to work further on a number of points whereby the bilateral agreements could be advantageously harmonized. It was repeatedly stressed during the meeting that well-functioning PPH agreements are not a threat to the PCT system, but rather complement and support it.

Community Patent and European Patent Court under consideration

A future big step towards a simpler patent system could be to establish a European Community Patent (COMPAT), where enterprises, on filing just the one application, obtain protection across Europe - without subsequently having to seek validation in each of the member states.

The possibility of creating such a patent is being discussed in a working group under the Council of the European Union. The same group has long been undergoing intensive discussions on the establishment of a European Patent Court, which, with jurisdiction over the whole of Europe, would adjudicate in disputes over validity and infringement of European patents – including the future Community Patents.

Easier validation of European patents

Since the London Agreement came into effect in May 2008 it has been possible for enterprises to save both time and money when validating their European patents in Denmark. The agreement significantly reduces the requirements for translation of patents and is a major step towards a faster, more flexible and cheaper patent system. The new requirements are especially beneficial to small and medium-sized enterprises.

Before the London Agreement came into effect, European patents had to be translated into the national language of all the designated countries - in some cases up to 24 languages. Now it is only the claims that must be translated into each language. The rest of the patent just has to be in English, French or German; in Denmark English has been chosen. Typically it saves an enterprise DKK 20-30,000 for each European patent application. The new agreement does not create extra work for the national patent offices.

New Nordic gateway to the patent system

Nordic Patent Institute (NPI) now gives Danish and Norwegian enterprises on-the-doorstep access to the PCT system. With its strong focus on harmonization, quality and cooperation, NPI identifies a number of possible ways out of the patent system crisis.

It is important that an enterprise can communicate with the patent office in its own language. That it is easy to meet in person - or grab a mobile phone and speak directly with the right member of staff, and come to know an authority that is flexible and unbureaucratic. Particularly if you are a small enterprise who is unfamiliar with the complicated IP routes.

Subsidiarity is not only the philosophy of the Danish Patent and Trademark Office's work as an authority; it is also the philosophy behind the newly established Nordic Patent Institute. Here, in 2008, Danish, Norwegian and Icelandic enterprises gained direct access to the international PCT system - as an alternative to using the EPO, or the Swedish PCT Office.

Applications received via NPI are examined by specialists at the Danish and Norwegian patent offices, whom between them have the staff capacity and technical breadth of expertise required to become approved as an International Searching Authority in the PCT system.

It creates a win-win situation: Danish enterprises are given a new attractive offer and the Danish Patent and Trademark Office can better maintain and strengthen the breadth of its skills – to the advantage of users.

“We must ensure the best possible conditions for operating in a global market that is becoming more and more patent active. Here it is important to have IP competencies at close availability to the enterprises. And at a time when increasing case loads seriously delay many other PCT authorities, we take pride in always delivering the international search report on time,” says Director of NPI, Niels Ravn.

Harmonization in practice

The Norwegian and Danish patent offices have their own organization and character - and this will remain so. But in the founding of the NPI, the two parties have had to reach agreement on a number of fundamental objectives and standards: How do we interpret concepts such as novelty and patentability precisely? What should a report look like, how should it be worded etc? In addition, the patent offices have harmonized their quality management systems which include a number of more detailed procedures for best examination practice.

During the initial phase, staff from the two offices have thus worked together closely and continuously followed up on mutual critical differences. Among other things, it has been standard practice to use peer view checks where an examiner from the other country takes a critical look at e.g., a search report.

With this investment NPI has gained useful knowledge about the practical aspects of harmonizing procedures and exchanging experience on best practice. Many view this as an important prerequisite to achieving a more efficient IP system at European and global level.

Inspiring example

Although NPI is a small player in a large IP market, Director Niels Ravn hopes that others might be inspired by the Institute's approach to its tasks:

“We must move on from the culture in the international patent world requiring that everything has to be done more than once. Firstly, as a PCT authority we build on the principle that we recognize and reuse each other's work. Secondly, it is the first time that three national offices have come together on such a strong harmonization and coordination of the patenting process,” he says.

There are many other countries in the world that would like to have their own patent office, but lack sufficient intake of work. Here the Nordic example could serve as inspiration, although few parties would be able to enjoy the advantage of a close language and cultural community like the Danish-Norwegian-Icelandic one.

About Nordic Patent Institute

Nordic Patent Institute (NPI) is a Nordic cooperation between national patent offices in Denmark, Norway and Iceland. NPI's overall mission is to promote innovation in the three countries.

NPI opened on 1 January 2008 as a recognized international search and examination authority (PCT authority) for applicants from member countries.

In 2008 NPI received about 100 applications. In the first half year, two-thirds of applicants were from Norway, in the second half Norway and Denmark shared an even number. The number of applications is considered satisfactory in light of the fact that NPI is a new authority, who is only now about to establish itself in the market.

Quick and reliable delivery is one of NPI's quality objectives. All applications are therefore processed within the agreed time limit, and NPI expects to be ISO certified by 2010.

To strengthen its position as a PCT authority, NPI also aims to:

- increase flexibility - including the opportunity for the applicant to discuss the application with the examiner
- provide online access to case files and current status; equal to services available on Epoline at the EPO
- enable use of NPI's search reports, should the applicant wish to take advantage of the national PPH agreements (Patent Prosecution Highway).

NPI also, as a commercial service, supplies novelty searches and other patent-related searches to the international market - outside Denmark and Norway. This activity is expected to increase considerably in the coming years. The plan is that all international commercial services supplied by the Danish and Norwegian Patent Office will eventually be supplied under the NPI brand.

NPI is a separate legal entity with headquarters in Taastrup - under the same roof as the Danish Patent and Trademark Office.

Read more about Nordic Patent Institute at www.npi.int.

Several benefits of closer cooperation in Europe

Speedier and more accurate process for granting of patents at the EPO by reutilizing parts of the work performed by national offices. The next step is harmonized European quality standards. A divided Europe risks being ignored when future IP systems are defined.

If the European Patent Office, EPO, systematically reutilized the search material from the national offices, the cases could be handled more quickly and with greater accuracy. This conclusion is the main outcome of the pilot project UPP, Utilization Pilot Project, implemented under the auspices of the European patent offices' network, EPN.

After examining more than a thousand applications, the project claims two main benefits of the EPO using the existing national material as a starting point for EP applications:

- Time-saving and increased reliability and quality in connection with accurate classification and hence speedier routing to the appropriate examining officer at the EPO.
- Significantly greater assurance that the right citations and relevant documents are included in the examination process - thus ensuring a more accurate and reliable assessment of whether or not the patent can be granted.

The project's final report concludes that, in view of the fact that this is a pilot project, there is without doubt greater time saving to be achieved in a full-scale arrangement. The conclusion is shared by the Deputy Director General, COO of the Danish Patent and Trademark Office Keld Nymann Jensen, who has followed the work of the UPP closely:

“The study's findings may well underestimate the actual gains of a systematic reutilization; for the results are based on EPO's generally critical assessment of the material from the national offices. Therefore, we can be fairly certain that we are only looking at the minimum gains achievable and not necessarily the full potential of reutilization,” he says.

At its December meeting the EPO council did in fact decide to implement the “reutilization project” as a full-scale operation. A process that will run over the next two to three years and which should contribute to the overall objective: to reduce case processing times and prevent backlogs in the European patent system.

The Pilot project's results may also have an impact at global level. Thus, the patent offices' big five (Europe, USA, Japan, China and Korea) have all asked for access to the study's data as they are also striving to reduce processing times and raise quality levels by reutilizing existing material to a much greater degree.

Common vision of quality

To be able to reutilize each other's material, one must have confidence that the quality is reliable - regardless of which country the work is done in. So EPN's Project - European Quality Network (EQN) - is well in line with the agreement for a higher level of reutilization.

The goal of the EQN project is to define certain common principles for a European quality system. The first phase of the project was completed in 2008. The conclusion was an agreement about which procedures a quality standard should include. In other words there is consensus on the "spirit" that will characterize the work of harmonizing quality and processes at European level.

"There is much to be done before the framework is complete. But it is a great step forward that it has been possible, on the European platform, to reach an agreement on the basic principles for a quality system," says Keld Nymann Jensen.

He makes it no secret that the Danish Patent and Trademark Office would like to see it made obligatory for the EPO to use the national offices' search material, which in return would be subject to common quality standards. For example in the form of certification which would undergo checks at regular intervals by a common European audit body.

The Danish Patent and Trademark Office has already had a taste of the medicine: As the second IP office in the world - just after Great Britain - The Danish Patent and Trademark Office achieved certification for its quality procedures and processes.

The need for a collective European approach

Keld Nymann Jensen argues that a strong and well functioning European cooperation is strategically essential for Denmark and Danish enterprises. Not only to ensure more efficient case processing but also to help ensure 'law and order' in the future international IP system.

"If we are unable to work together towards a common goal in Europe, we will be knocked down in the global fight to ensure proper protection of intellectual property. If we cannot reason together on a trustful basis, decisions will be made while we are busy squabbling among ourselves," he warns.

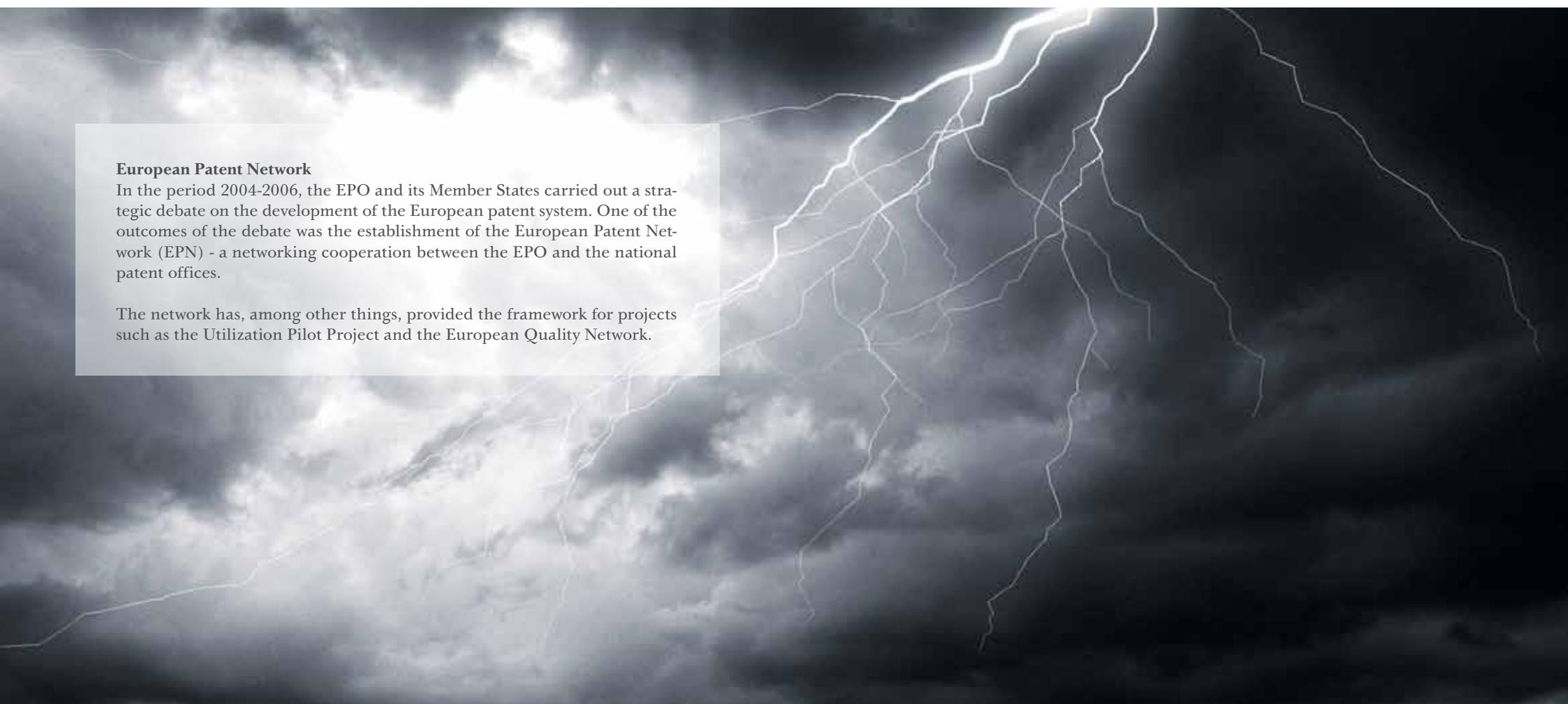
Dreams of having a well functioning global infrastructure in the IP field will unlikely come true without some form of harmonization.

"Otherwise we risk that each country will start to use its national patent practice as a means to protect their own industry - thereby creating new obstacles for the relatively free world trade which a country like Denmark is entirely dependent on," says Keld Nymann Jensen.

European Patent Network

In the period 2004-2006, the EPO and its Member States carried out a strategic debate on the development of the European patent system. One of the outcomes of the debate was the establishment of the European Patent Network (EPN) - a networking cooperation between the EPO and the national patent offices.

The network has, among other things, provided the framework for projects such as the Utilization Pilot Project and the European Quality Network.



Vestas: Innovation must be profitable

For an enterprise like Vestas it is crucial that the patent system is fast, effective and reliable. Unfortunately, developments are heading in the opposite direction. An extreme consequence could be enterprises showing less incentive to invest in developing new technological products.

The increasingly patentactive Southeast Asia and the IP system's inadequate organization are two main obstacles to effective patent processing. Obstacles which enterprises such as wind turbine manufacturer Vestas must face every day.

"Basically, we can live with the fact that the examination of our own rights takes time, as existing patent applications create uncertainty among our competitors. On the other hand, when we want to enforce rights, we prefer a speedy patent grant. And as the system cannot be adapted solely for the benefit of Vestas, the trends in development are causing concern. Things will become more difficult for us because patent applications waiting for the 'green light' are like ticking bombs for our business," says the manager of patents at Vestas, Erik Müller.

More risky to invest in new technology

Vestas works with R&D on many of their wind turbine components: wings, the tower, mode of transport for the mills, etc.

"Overall, we try to protect the results of our R&D work to the best possible extent in order to optimize our products," says Erik Müller.

He believes that over the last 30-40 years there has been a generally high level of frustration in the industry over the lengthy patent grant procedure.

"But there is no doubt that things are getting worse, given that countries like China and India are becoming more patent active. If they extend their rights to the world arena, the activity would increase considerably. The result would be that we will have to wait even longer," says Erik Müller, who also attempts to guess the actual consequences this may have.

"In the long run it is to be feared that many enterprises will question the process. For if you can't get effective protection will it be worthwhile at all to protect your rights?" he asks, predicting that enterprises, at worst, may lose the incentive to invest in developing new technological products.

Wanted: Speedier and more efficient processing

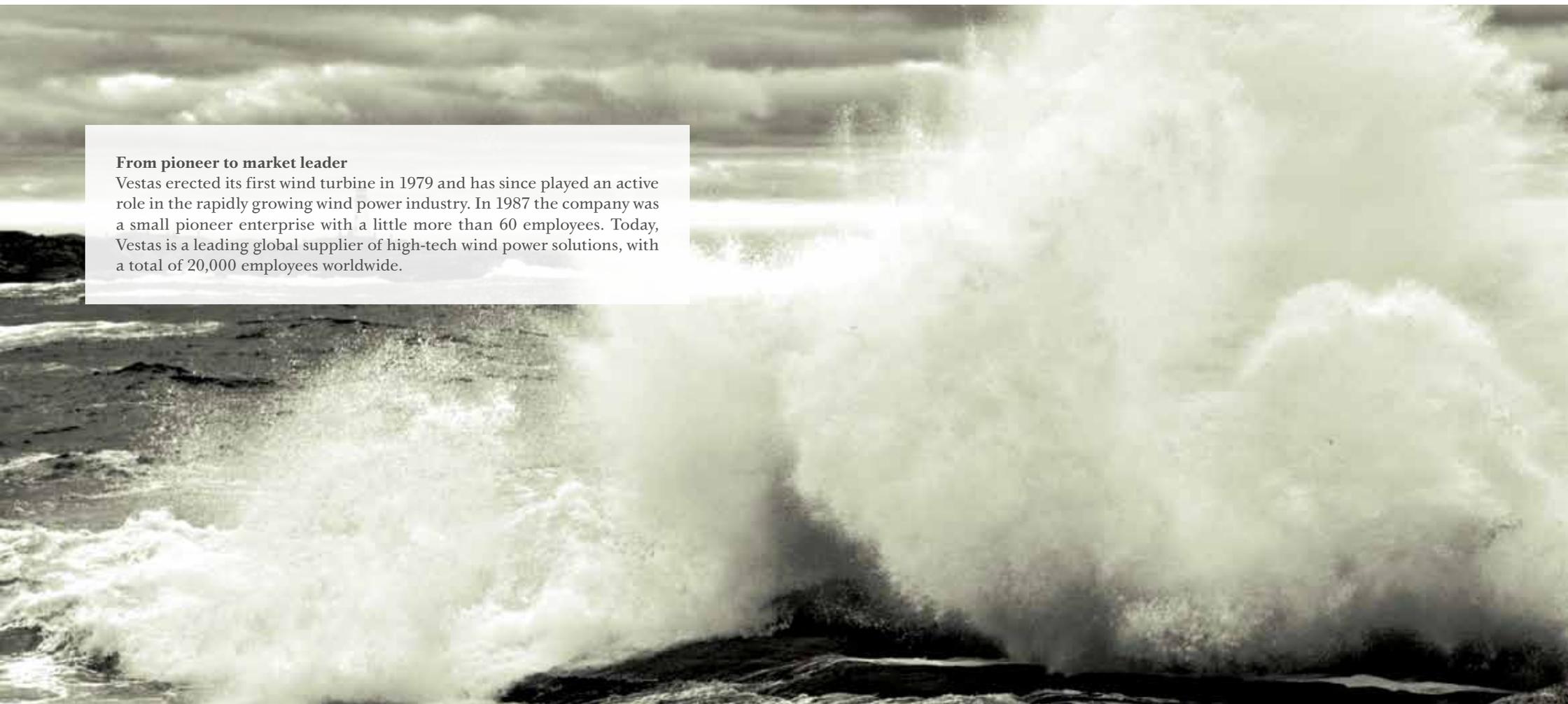
At the top of Erik Müller's list of wants for the patent system of the future is speedy and efficient case processing and shorter grant procedure.

"All parties will benefit from this. More uniform patent rules would also be nice. The more unified the system becomes, the less money it will cost to obtain protection. Just solving the language problem would provide huge savings," he says and adds another point to the list:

"It would be fantastic if we could establish a centralized European patent court, which has been on the agenda repeatedly in the EU. A court with supranational jurisdiction would provide far more efficient enforcement of one's rights," he says.

From pioneer to market leader

Vestas erected its first wind turbine in 1979 and has since played an active role in the rapidly growing wind power industry. In 1987 the company was a small pioneer enterprise with a little more than 60 employees. Today, Vestas is a leading global supplier of high-tech wind power solutions, with a total of 20,000 employees worldwide.



Trademark registers are silting up

The need for branding has caused a rapid increase in the registration of business identifiers. It is easy to register a trademark, but difficult to assess whether it will hold. A reorganization of the registers and a new European division of labour in the field will re-establish serviceable registers. This will especially benefit smaller enterprises.

To more and more businesses the formula for commercial success is to build a strong brand which, by virtue of recognizable symbols and values, forges close bonds between the customers, the business and its products. This is one of the main reasons why the registration of trademarks and designs has been growing rapidly in recent years - both in Europe, the USA and Southeast Asia; a development which places great demands on the capacity and flexibility of the trademark offices.

In Denmark and the rest of Europe it is now up to the market and the courts to determine whether two identical trademarks can coexist. The authorities only need to examine an application for so-called absolute grounds, i.e. whether the mark complies with the fundamental rules for the allocation of marks.

This means that for many years it has been relatively easy for companies to obtain registration of their business identifiers, but equally difficult to assess the risk of later having to defend them in a lawsuit. Many authorities no longer examine on relative grounds, i.e., possible conflicts with other right owners. This makes the registration process faster and cheaper, but at the same time increases the number of unexamined rights. More and more enterprises must therefore live in unpleasant legal uncertainty over whether they have the right to their own brand.

A proper basis for decision making

The considerable increase in the number of new registrations as well as active trademarks is creating serious problems for the trademark registers. It is being discussed that the systems are silting up because there are now so many registered business identifiers that it is often impossible for ordinary users to assess the risk of whether a trademark or a design is infringing the rights of others.

For large and internationally experienced enterprises the problem is usually possible to handle. They have their own IP expertise and legal muscle to take on the fight if their trademarks or designs are challenged. However, this is not the case for most of the smaller enterprises. They are not familiar with navigating their way through the IP systems, and it is often these enterprises that ultimately give up or lose in legal disputes over the right to a mark.

The Danish Patent and Trademark Office has therefore decided to go against the relatively common practice of only examining absolute grounds. It must be possible for applicants to have their trademarks examined thoroughly - and thereby obtain the optimal decision-making basis for choosing the right branding strategy.

European solutions

The silting up of the trademark registers is becoming more pronounced every year. It is therefore imperative to restore the system's clarity. At European level there are immediately two easy ways to do this.

The first is to create a smarter division of labour between OHIM and the national offices; e.g. by reserving the EU-mark for truly pan-European products. Perhaps it should be a requirement that a product, to qualify for a mark, must be marketed in a large number of countries. The more nationally or regionally oriented brands could be handled by the national offices - via flexible regional cooperation such as the Scandinavian or Northern European area.

Secondly, it will be necessary to establish principles on how to maintain the registration of one's products. In fact, today there is solely influx in the registers, no decrease. Thus the number of valid registrations increases every year.

If enterprises were obliged to provide documentary proof of their actual presence in the markets where the mark is registered, it would automatically free up the congested registers. Enterprises that need clarity and certainty regarding the scope of their protection would benefit from this.

Therefore, when it comes to business identifiers, the Danish Patent and Trademark Office operates along two strategic lines; improving the quality of its IP services in the area and taking parts in international efforts to provide greater clarity and transparency, especially in the European trademark system.

Quality in business identifiers

It is essential that enterprises working with IP rights can rely on the sustainability of their registered rights. Among other things, the rapid increase in the registration of trademarks is making it more and more difficult to maintain an overview.

For many enterprises, investing in IP is a vital element of their business foundation. This is especially true for knowledge and trademark-intensive enterprises, but also for enterprises working with designs.

All enterprises use some form of business identifier, a trademark, product name, a design, a company name or domain name. Such identifiers not only link an identity to the enterprise, but may also represent important values such as goodwill.

”Choosing the right business identifiers is critical for all enterprises who want a place in the market. The business identifier must be capable of surviving and reflect the right values. Therefore, there is often put much time and many resources into creating and selecting those business identifiers that send the right signals to the outside world,” says Kristine Riskær, Director of Trademarks and Designs at the Danish Patent and Trademark Office.

”It is crucial that the systems for registering business identifiers are well screwed together so that enterprises also can rely on the sustainability of their registered rights when operating in a highly competitive market,” she says.

Requirements to authorities

This obviously places demands on the authorities issuing rights - among them the Danish Patent and Trademark Office. The authority must deliver a good and accurate picture of which older rights the business identifier could be in conflict with - and do it relatively quickly. In addition, the authority must ensure that the registered right is actually sustainable. A trademark, for example, must be sufficiently distinctive in order to be protected.

”To meet these requirements we are working non-stop here at the Danish Patent and Trademark Office to improve the quality of our services,” says Kristine Riskær, but she also recognizes that the work is becoming increasingly difficult.

“We are constantly working on quality and doing our utmost to give our customers the best basis for decision-making. Nevertheless, we find that the continued increase in the number of rights with validity in Denmark and the EU is making it difficult for users to get an accurate overview of the ‘dangerous’ older rights. There is simply ‘too much noise’,” says Kristine Riskær.

Doubts regarding sustainability

But the volume of rights is not the only problem. It is equally problematic that many of the rights registered in the EU cannot actually be defined as “sustainable”.

”Specifically, OHIM’s designs register operates almost exclusively as a deposit system with a lot of unexamined designs. If an enterprise is taken to court accused of infringing a design, any experienced IP lawyer could defend the enterprise by questioning the sustainability of the design registration. If you plan to market a new product and want to ensure that the design of the product is not infringing existing rights, it is rarely enough to search in the design registers. The designs found in the registers must be examined more closely to determine whether they can actually be enforced,” explains Kristine Riskær.

Disagreement in the EU

When it comes to trademarks, one of the challenges is that the EU member states disagree on the scope of protection of a large part of the Community Trademark registrations. OHIM has announced that its practice states that if a registration includes a ‘class heading’ in the Nice Classification system, then the said registration covers all goods and services in the particular class.

But firstly you cannot tell from a registration exactly which goods it comprises. Secondly, the Nice Classification system is revised regularly, so it may be necessary to check earlier versions to see what the registration actually covers.

”It is not right that companies should be put in this situation, where the scope of protection cannot be determined with relative ease. OHIM’s practice in the area of classification is devastating for the trademark system and we risk a ‘second-rate system’ in which registrations are not necessarily respected as rights. That is why we and some other countries are working continuously to change OHIM’s practice in this area,” says Kristine Riskær and continues:

”It should not only be OHIM’s lack of competencies or desire for cheaper and cheaper case processing solutions that defines the future of the trademark system. There must be far more emphasis on the system’s value for the user and on ensuring legal certainty for third parties.”

Legal uncertainty

Today, the EU trademark is altogether shrouded in considerable legal uncertainty. The number of existing rights is steadily increasing and there are very limited possibilities for conducting thorough searches for earlier rights within the EU. In short, it is difficult both for authorities, IP professionals and the enterprises to predict whether this will cause problems for an enterprise using a specific business identifier.

”We are doing everything we can to reverse and handle this development. For example, we have taken a lead by setting up the tool TMview, which in time will make it possible, via a single search, to access all the trademark office databases within the EU,” says Kristine Riskær and continues:

”We will also continue to address the quality issue in the EU. For us, quality is not just about quickly issued rights and low fees. The rights must also be sustainable so that enterprises feel secure in their business activities,” Kristine Riskær concludes.



New search tool for European trademarks

For several years, the Danish Patent and Trademark Office has pushed to develop and launch a joint European search tool for trademarks users. This free and publicly available tool called TMview will soon be launched.

It is vital for enterprises and IP attorneys dealing with trademarks to be able to uncover the risk of infringement when introducing new trademarks.

“Therefore, we are very careful to point out which confusing trademarks the applicant should consider being a risk,” says Kristine Riskær, Director of Trademarks and Designs at the Danish Patent and Trademark Office.

Until March 2008 the applicant of a Community Trademark (CTM) application received a search report drawn up by each of the national offices in the EU, coordinated by OHIM.

As the registration procedure was not harmonized in the EU, the consequence was, according to Kristine Riskær, that the quality of the search reports differed markedly.

“Therefore, the CTM search report, in its entirety, was useless. However, the applicant might at best in some cases make a useful assessment from the countries supplying a proper search report,” Kristine Riskær says.

Trademark search available to all

The Danish Patent and Trademark Office has taken the lead by developing a usable solution at European level, a solution that can be used by Danish enterprises and IP attorneys. The result is a number of web services with the common name TMview, administered by OHIM in Spain.

“When TMview is completed, all trademark users can type a mark and be able to search in all trademark registers in the European region. Thus TMview can replace the former CTM search reports but can also be used by everybody to conduct so-called availability searches and quick searches before filing an application,” Kristine Riskær tells and continues:

“TMview is expected to be launched mid-2009 and will include access to Danish trademark data. Later the extension will include data from the other member states. TMview will be free of charge and in addition the users will get access to a quite new and long awaited tool for disclosing infringement risks in relation to existing rights in Europe,” Kristine Riskær says.

Old searches will soon come to an end

The Danish Patent and Trademark Office is a member of the steering committee of the project together with WIPO, Benelux, OHIM, and Portugal and will in this way contribute to ensuring technical solutions which in time will include common data from WIPO, OHIM and the 27 member states.

The Danish Patent and Trademark Office continues to contribute to the system supplying old search reports offered by OHIM in connection with a CTM application, because we still want the applicants to be able to make an assessment of infringement risks on Danish territory. However, when TMview is launched, we will no longer provide CTM search reports. At this point users themselves will be able to find the information before filing a trademark application anywhere in Europe,” Kristine Riskær concludes.

Surplus must benefit customers

Over the last couple of years OHIM (Office for Harmonization in the Internal Market) has generated an increasingly larger surplus and has in this way accumulated about 300m euro. A political compromise has been reached concerning the use of this surplus.

The gigantic surplus generated by OHIM proves among other things that the founding of the office has in many ways been a success. Many enterprises choose to protect their trademarks in all EU member states via a single registration with OHIM. Simultaneously, OHIM has become more efficient and the registration procedure has been standardized and IT supported – making it considerably faster than before.

“Unfortunately, the improved efficiency has largely been at the expense of lowered quality,” says Anne Rejnhold Jørgensen, Director of Policy & Legal Affairs at the Danish Patent and Trademark Office.

According to the legal foundation of OHIM, the budget of the office must be in balance. Therefore, a political compromise was made in the autumn of 2008 to ensure a balanced budget in the future. Furthermore, an agreement was reached about the future use of the accumulated surplus.

“Among other things, OHIM’s fees shall be reduced and renewal fees shall be shared equally between OHIM and the national offices in the future. Furthermore, it was decided to establish a Cooperation Fund,” Anne Rejnhold Jørgensen says.

End to unfair distribution

National offices’ entitlement to a share of the income of OHIM’s fees, is due to the fact that the national offices are responsible for a number of duties relating to the Community Trademark system.

“We conduct various information services in relation to the Community Trademark: Our Call Center receives quite a number of calls regarding questions about the Community Trademark, we run courses for the industry and in cooperation with Danish Design Center we have established a ‘design guard’ which provides free advice to Danish designers about protection of their designs in the EU,” Anne Rejnhold Jørgensen explains.

Today such services are financed by the national offices and in this way by users of the national systems.

“This is an untenable and unfair situation having the effect that the actual expenses of the European system are not reflected in OHIM’s financial statements. Therefore, the income from the renewal fees is now shared with the national offices. The money is going to cover the expenses for information services given by the national offices on behalf of OHIM,” Anne Rejnhold Jørgensen explains.

OHIM is situated in Alicante in Spain, so in many ways the office is difficult to access especially for small and medium-sized enterprises. Therefore it is important that the national offices take the responsibility for giving information and advice concerning the EU trademark," Anne Rejnhold Jørgensen says. "It is well documented that the most IP active enterprises earn most money. Therefore, it is an essential duty for us to ensure that also the numerous smaller enterprises get the necessary knowledge about the IP systems," she says.

Fight against counterfeiting and piracy

Establishing of a Cooperation Fund under the auspices of OHIM is part of the political compromise about use of the surplus of the office. The final structure of the fund is not yet fixed but according to Anne Rejnhold Jørgensen, the objective of the fund is to enhance cooperation between OHIM and the national offices to the benefit of the right holders.

Furthermore, Denmark has been able to achieve that some of the money shall finance part of the fight against counterfeiting and piracy.

"The fight against counterfeiting and piracy is long and tough but inseparably bound up with the protection of trademarks and the respect for trademark law. Therefore, in Denmark we also wish to use the money from the EU system to promote initiatives which increase focus on the problems of counterfeiting and piracy, including intervention and prevention. Luckily the wish has been granted," Anne Rejnhold Jørgensen concludes.



Intensified fight against the freebooters of globalization

Counterfeiting and piracy have spread from luxury products to pharmaceuticals, batteries, spare parts and many other products. Thus the threat has an impact on economy, security, and health. The intention of new Danish and international initiatives is to put a halt to this odious practice.

Counterfeiting and piracy belong to the dark side of globalization. In the same way as it is for terrorism, trafficking and money laundering, criminals abuse the free conditions for travelling abroad, trading and investing across borders.

In December 2007 the United Nations' Interregional Crime and Justice Research Institute (UNICRI) published the comprehensive report "Counterfeiting: a global spread, a global threat." It describes global threats from counterfeiting and piracy and confirms its connection to organized crime.

During summer 2008, OECD completed the first phase of a comprehensive project which is going to uncover the scale of counterfeiting and piracy in the World. The report "The Economic Impact of Counterfeiting and Piracy focused on counterfeiting and piracy" of physical products protected either by trademark rights or copyright. The report showed the far-reaching and damaging impact on the world economy.

In 2008 the EU took numerous initiatives in the area – including protection of small and medium-sized enterprises against counterfeiting and piracy. WHO and INTERPOL have particularly intensified their combat against counterfeited pharmaceuticals in Africa. Counterfeiting and piracy has been on the agenda for conferences and training seminars run by WIPO, WCO and other international organizations.

Comparable with theft

The development has not gone unnoticed in Denmark. In January 2007 the Danish Minister of Economic and Business Affairs appointed a task force with the purpose of giving recommendations for reducing the spread of counterfeiting and piracy.

In March 2008 the task force presented its report at a large conference in the Confederation of Danish Industry (Dansk Industri). The report stated a number of recommendations for strengthening efforts to combat counterfeiting and piracy within four main categories:

- Legislative initiatives
- Cooperation between authorities, both nationally and internationally
- Awareness on the part of industry
- Awareness on the part of consumers

In December 2008 the bill based on the recommendations of the report was adopted by the Danish Parliament. The most important change was harmonization of the maximum penalties for infringing intellectual property rights. The maximum penalty for counterfeiting and piracy is now six years of imprisonment, the same as for theft.

Stoppiraterne.dk

In October 2008 the interdepartmental counterfeiting network was made a permanent forum of cooperation. The participants of the network comprise the Danish Patent and Trademark Office, the State Prosecutor for Serious Economic Crime, the Danish Tax Authority, the Danish Ministry of Culture, the Danish Police, the Danish Medicines Agency, the Danish Safety Technology Authority, the National Consumer Agency and the Trade Council of Denmark. The secretariat of the network is hosted by the Danish Patent and Trademark Office.

One of the network's tasks is to run the website stoppiraterne.dk, which provides information and advice to consumers, industry and authorities. The website was launched on the same day as the bill was adopted by the Danish Parliament.

Both the network and the website have until now focused on health, security, and organized crime. The website includes information about initiatives and actions against organized trading with counterfeited pharmaceuticals.

Zero tolerance works best

Reliable, documented rights are the basis for the fight against counterfeiting and piracy. The authorities have little power without documentation of valid intellectual property rights. If an enterprise does not have documented rights, the issue of whether or not there is a question of counterfeiting or piracy depends on an assessment. In other words, trials on counterfeiting and piracy are weaker if there are any doubts about the existence of the right in question.

Often the companies will benefit from drawing up a proper enforcement strategy. All experience shows that zero tolerance is the most effective strategy against counterfeiting and piracy in the long run. In order to follow such a strategy, enterprises must register their rights in all relevant countries and adopt clear guidelines for communication and cooperation with suppliers, authorities, and consumers.

Finally, it is essential that consumers are informed that counterfeited products might be dangerous and hazardous to health. It is also important that consumers realize that if they buy counterfeited products, they might contribute to organized crime and cause harm to the economy in general.

On www.stoppiraterne.dk you will find more information on counterfeiting and piracy including links to reports, initiatives and strategies on the subject.

IP attorneys in a new role

With globalization on the agenda, the IP area has put itself in an entirely new position in a company's value assessment. Registration of rights is expensive and demanding and it creates new requirements on IP attorneys - including a much improved business understanding.

As Managing Director, CEO of Plougmann & Vingtoft, one of Denmark's leading patent and trademark attorneys, Kim Heshe knows what is going on within the IP area both nationally and internationally.

"The increasing global competition forces businesses to look for new potentials of future growth and survival. Here patents can be a strategic tool," he says, at the same time stating that the total IP area is about to gain quite a new position in the value assessment of enterprises.

"Previously, tangible assets (plant, buildings and production) constituted 70-80 per cent of the enterprise value. Only a small part was intangible assets (knowledge and intellectual property rights). Today, it is quite the opposite and therefore our area is subject to increased attention," Kim Heshe says.

Strategic tool

"In our world of today the ability to create, exploit, and share knowledge has become essential. Many people think that it is only about protecting your technology or trademark. But today it is just as important to deal actively with the possibilities of acquiring other people's protected rights or selling your own rights," Kim Heshe says and he continues:

"Making patenting an integrated part of the business strategy is an obvious opportunity for manufacturing and developing companies. It is about seeing patents as a business matter and in this way look on patents as strong commercial assets."

"Today it is becoming increasingly important to consider IPR a management topic. Instead of seeing IPR as an independent element, it should be part of the full business strategy; because a patent document as such can only be used for hanging on the wall. In order to make a profit from patenting, you have to add development, marketing, and sales and a lot of other things on top," Kim Heshe emphasizes.

It is his impression that more and more Danish enterprises have realized how important it is to look on IPR as part of the total business strategy.

"But many companies still do not think commercially enough when it comes to realizing the full potential of their patent rights. But we also, as Patent attorneys, have to take responsibility for the fact that traditionally we have not sufficiently combined our technical and legal consultancy with a business understanding and expertise in commercializing and licensing IP rights," Kim Heshe says.

There has to be a market

As the ultimate example of how important patents can be he points to the pharmaceutical industry, where a company's share rate in some parts of the industry is directly proportional to the term of the patent.

“The impact has not been so fundamental within other industries. But since new knowledge is increasingly important for businesses within all industries, there is a growing need to gain access to knowledge and to obtain the right to use it commercially,” Kim Heshe says and continues:

“Everyday we kill many unprofitable ideas and we believe that it is one of our most important tasks. One may have the most brilliant idea in the world; but the idea is not good enough if there is no market,” he says and underlines that this fact places new demands on consultants to understand the business context in which they apply their IP knowledge.

“Roughly speaking, the traditional patent agency to a large extent made a living from “logistical money”. That means payment for circulating a lot of papers, translations and the like. Today we have to make a living from pure consultancy, i.e. our knowledge,” he says.

Training at a high level

Plougmann & Vingtoft has chosen to meet this challenge by aiming at training the employees in business understanding in particular.

“We have extremely high demands on the high technical and legal knowledge of our employees. But we also aim at adding business understanding to their skills. Consequently we have, in cooperation with the Business School in Aarhus, put together a training programme in six modules at MBA-level for our employees. For our line of industry to survive, we must bring IP knowledge into a businesslike context,” Kim Heshe concludes.

Close cooperation with the IP attorneys

The Danish Patent and Trademark Office is fully aware of the importance of supporting IP attorneys in their development.

“All analyses and observations show that in this area it is of significant economic benefit to have competent IP attorneys working in close cooperation with the authorities. Therefore, we will always be ready take initiatives which support the IP attorneys and our cooperation with them,” says Director General of the Danish Patent and Trademark Office, Jesper Kongstad. As an example he mentions the IP Audit project which was launched to create more awareness about using IPR in businesses and naturally has been carried out in cooperation with the IP attorneys.



Electronic IP communication to benefit all

1 March 2009 the Danish Patent and Trademark Office introduced IP Client, a cost-saving online system that will reduce paper handling considerably and ensure customers direct access to the Office's file handling system. The interest shown in the system has been overwhelming.

Administrative procedures for granting IP rights usually involve comprehensive correspondence between the applicant and the Danish Patent and Trademark Office. Letters, documents, reports, additions, enquiries etc. constantly circulate between the parties involved. Were it only a matter of a single file, the amount of paper might be reasonable, but when it comes to large enterprises or IP attorneys, the amount of paper is considerable. And even though the files are handled electronically by the customer and within the Danish Patent and Trademark Office, all correspondence is forwarded as hard copies. This is both old-fashioned and resource demanding.

Steps has now been taken to change. 1 March 2009 IP Client was introduced; a system that gives all customers online access to uPDate, internal file handling system of the Danish Patent and Trademark Office.

“With IP Client, the customers can get access to all files in which they are registered as owner, applicant or representative. Thus considerable resources used for paper handling will no longer be necessary”, says Tue R. Madsen, Director of IT at the Danish Patent and Trademark Office.

Everything is available online

Via IP Client the customers can, for each of their files, send correspondence, inspect the entire file, receive alerts about amendments and pay fees online. All transactions are electronically handled between the customer and the Office and within the Danish Patent and Trademark Office.

“When there is a new action in a specific file, the customer is notified immediately. This differs from the current online register PVSonline, which gives all customers online access to view all files which are open to the public. IP Client gives an exclusive access to the customers' own files the minute the Danish Patent and Trademark Office registers a file – so they do not have to wait until a patent application becomes publicly available 18 months from the filing date. As soon as either the customer or the Danish Patent and Trademark Office effects a change to a file, it becomes accessible in IP Client”, Tue R. Madsen says.

The customer may use an internet-browser to register the necessary number of users who need access to the system. The only requirement is that the user has either an OCES certificate or an EPO smartcard, both of which guarantee secure access and unique user identification.

As a start the basic platform of IP Client has been launched.

“Today we give access to all IP rights valid in Denmark. It will be possible to make simple transactions in the files managed by the Danish Patent and Trademark Office. It will also be possible to access all national opposition cases regardless of the type of IP right,” he says.

Visions for the future

The idea is to gradually expand the service with simple programs that can handle electronic applications, uncomplicated commercial services, number monitoring, simple phonetic searches, course reservations as well as online communication via chat or video.

“In the longer term we will be developing exclusive-access facilities e.g. for companies dealing with annuity fee payments services. We are also considering whether IP Client can be used as a gateway to handling international files. In this way customers using the Danish system would only have to use one system for managing all their files. However, such an expansion can only be implemented provided that an agreement can be reached with the international authorities,” Tue R. Madsen states.

The interest in the system has been overwhelming.

“Our objective for this year is 30 users – including ten large enterprises and ten IP attorneys. In just the first week after launch, five users had registered,” Tue R. Madsen tells.

He also states that the response from the users is positive. “They clearly experience that IP Client is a useful tool and they look forward to seeing even more facilities,” he says.

An authority in dialogue and competition

Close communication with industry, a pragmatic approach to new challenges and clear awareness of functioning subject to market conditions. That is the Danish Patent and Trademark Office's recipe for surviving as an authority in tough international competition.

Could you imagine the Danish police force fighting against "Polisen" in Sweden and the German "Polizei" over the right to perform its work on Danish soil? Or that the Government itself had a vigorous strategy for gaining market shares in New York?

This – for government authorities – unusual situation has long been a basic condition for the Danish Patent and Trademark Office. The Danish Patent and Trademark Office's IP services are supplied in international competition with other IP authorities, and when it comes to commercial services, businesses are free to find help elsewhere.

Even though the Danish Patent and Trademark Office enjoys authority competence it is not a monopoly, but has to function under competitive conditions.

- In reality we function more as a service company than an authority. As an authority we examine applications and grant rights, operating within a politically set framework. But in our approach to our tasks, we think and act as a modern market-driven business. This means among other things that we take the challenges and needs of our customers very seriously," says Director General, CEO Jesper Kongstad.

Life must be lived forward

It is a cornerstone of the Danish Patent and Trademark Office's business model to sell commercial services to businesses. The interaction with the business community and its advisers is therefore to a high extent a customer/supplier relationship.

"As a supplier you have to be responsive. If companies do not buy our products, we will no longer exist. It is as simple as that. This fact is forcing us to be constantly of the cutting edge regarding the quality of our services and to focus intensively on what is happening on the business community's IP front," Jesper Kongstad says.

He calls attention to the fact that this position differs significantly from that of many other national patent offices, where it is far more usual to await the customers' approach.

We cherish the principle of Søren Kierkegaard: "Life can only be understood backwards, but it must be lived forward." In a fast moving market you cannot always wait for final clarification and rigid principles. We have a pragmatic approach to challenges as they appear. In this way we constantly attempt to be ahead when it comes to identifying business needs.

In the wake of the business community

For instance, he mentions that the Danish Patent and Trademark Office followed in the wake of the Danish business community when they some years ago very actively were seeking to establish themselves in China. At that time the Danish Patent and Trademark Office quickly started to learn about the Chinese system; for instance by focusing on counterfeiting and piracy, discussing this issue with the authorities and establishing programmes in the area.

"Some people misunderstand our service orientation and believe that we are just nicer than other authorities. Nothing could be further from the truth. When it comes to making decisions, we are tough. But we take it seriously that we are handling the companies' most valuable assets and consequently we must be really careful," Jesper Kongstad emphasizes.

The Danish dialogue model

The close dialogue and the systematic networking with the businesses and their organizations are not only a precondition for surviving in the IP services market. According to Jesper Kongstad, they also provide the necessary insight and credibility when participating in the international dialogue about the future of the patent and trademark systems.

“Because we as an authority listen and show respect, businesses and organizations speak with us in plain language. This means that we have an entirely different feel for the burning issues in the business community. Compared to other countries, this close contact offers the opportunity for greater mutual influence between us and the companies. The mutual understanding has the effect that the businesses have a much more balanced view of our challenges and we gain a lot of influence in Europe because we cooperate closely with the Danish business community,” Jesper Kongstad judges.

He greatly appreciates how far-sighted most Danish enterprises are for instance when it comes to the development of the patent system. While industry in other parts of Europe is mostly occupied with safeguarding its own short-term interests, Danish industry has understood the strategic impact of efficient international IP systems.

“In a situation where the survival of the patent system is at stake, an active Danish IP enterprise must consider how it best promotes its long-term interests. If we allow the existing system to break down, we risk facing a competitive situation which for Danish industry will be tougher and less fair than today, Jesper Kongstad remarks.

Network for trademark professionals

A network for leading Danish attorneys, trademarks experts, business lawyers, and researchers within the trademark area; this is just one example of the continuous efforts of the Danish Patent and Trademark Office to share knowledge and experience with the rest of the Danish “IP community”.

In November 2007 the Danish Patent and Trademark Office, under the name IP Case, established a forum for mutual sharing of experience and inspiration among trademark experts. The initiative addresses business advisors – internal as well as external.

At the biannual network meetings 20-25 participants exchange experiences and views on special topics which they choose themselves. This means that the most important aspects and trends within business identifiers are brought to the agenda. The meetings also give the IP attorneys an opportunity to discussing changes to the demands of the advisors and the companies they work for.

During the first two years, IP Case has focused on topics including:

- OHIM’s practice, especially decisions by the Board of Appeal
- “Requirement to use” in relation to the Community Trade Mark
- Trademark versus design protection
- Domain names
- The area of trademarks from the perspective of “Sø- og Handelsretten” (The Danish Maritime and Commercial Court).

IP Case is a network forum with the possibility to establish more groups. The first group is now closed, but a new one will open in 2009. If you would like to know more, please contact the Danish Patent and Trademark Office.

