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# ECTA BULLETIN

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INSIGHTS OF THE EUROPEAN COMMUNITIES TRADE MARK ASSOCIATION

CARING FOR  
A BALANCE  
OF IP RIGHTS  
FOR

40  
YEARS

# A Long-Running Experience

It seems almost impossible that forty years, well forty-one years for me, have already gone by since in 1979, when I was first involved in the project to create the first association of European trade mark specialists. I can still remember when Eric Wenman, the Head of the Imperial Chemical Industries' (ICI) Trade Mark Operation, which at that time was one of the biggest multinational corporations in the world, based in UK, came to visit me in Rome towards the end of 1979. Eric presented to both myself and my colleague at SIB (Società Italiana Brevetti) Mario Arrigucci, his proposal to establish an association of European trade mark professionals in anticipation of the possible creation of a Community trade mark right valid throughout the whole territory of what was, at that time, the European Economic Community. In point of fact, the Community trade mark made its debut on 20 December 1993 with EC Regulation 40/94. However, Eric, with his excellent intuition, had already come up with the idea of an association of experts years previously, an association which could then become a point of reference for the European Commission bodies handling the Community trade mark project, which is exactly what happened.

Reliving Eric's visit in 1979, I can remember that his idea, still in its early stages, made us quite excited. Both myself and my colleague accepted with enthusiasm the proposal that we should become the two Italian members of the new association, alongside two members from each country that was, at that time, part of the European Economic Community. This group would then found the association. The original name of the association on the Foundation Deed issued on 8 October 1980 was European Communities Trade Mark Practitioners' Association.

During the first years of the association, the founders and the members of the ECTA Council

– among whom leading personalities such as Florent Gevers, Dietrich Ohlgart, Martin Tierney, Jean Charrière, Günter Peters, Andrew Parkes, Keith Havelock, Luis-Alfonso Durán, João Pereira da Cruz and others – worked side by side with the European Commission's Special Intellectual Property Unit (DG Internal Market) which was responsible for preparing the Directive to harmonise the trade mark legislations in all Member States and the Regulation on the Community trade mark. The IP Unit, led by Berthold Schwab, at that time thought that a collaboration with ECTA, based on the acknowledgment of our unrivalled experience, was essential to be able to finalise an innovative legislation which could be appreciated by all those concerned. In particular, I can still remember when, during my years as ECTA President, 1988-1990, the Commission accepted without hesitation my proposal to meet with a selected group of ECTA representatives for a two-day meeting, to review the most delicate aspects of the text. This allowed us to make a very significant contribution to shaping the forthcoming legislation.

Thereafter ECTA has contributed at the highest level by analysing the legislation as well as its implementation by official institutions such as the OHIM (Office for Harmonization in the Internal Market), now EUIPO, and the national IP offices as well as the European and national courts dealing with IP. ECTA's working Committees have proved to be excellent in giving interpretations of provisions and rules, raising objections against wrong positions or practices of the IP offices dealing with trade marks or designs while making appropriate proposals for possible changes. In this respect ECTA has greatly helped trade mark practitioners in Europe to improve their professional capabilities and knowledge of difficult aspects of the profession.

OHIM's first activities were characterised by a tight collaboration between ECTA and the heads of OHIM, especially with President Jean-Claude Combaldieu and Vice-President Alexander von Mühlendahl, and others who were in charge at that time. The collaboration then continued with the presidents that followed him and the new directors that succeeded each other at the head of the Office.

Over the years, by way of its conferences, newsletters, position papers and Law Books, ECTA has earned its place as the most appreciated association when it comes to the continuing education and updating for European trade mark and design attorneys from private practice or industry, specialised lawyers, academics, and judges. The excellence of the advice that ECTA still provides to European authorities in relation to the amendment of the legislation in the trade mark, design, geographical indications, domain names, copyright, anti-counterfeiting sectors, and in relation to the harmonisation programmes of the practices among national offices, the so-called convergence practices, is extremely precious to all those interested in intellectual property.

Now, on ECTA's 40th Anniversary, and forty-one years on since I first started to be involved in this project, I am extremely proud to have contributed to its foundation and to its development. I would therefore like to wish ECTA many more decades of glory.«

## Fabrizio de Benedetti

ECTA President  
1988-1990  
Member of  
Honour

