



OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET

(TRADE MARKS AND DESIGNS)

International Cooperation and Legal Affairs Department

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**PROJECT BRIEF**

**Convergence Programme – Convergence of Class headings**

**Version 1.2 – 20 December 2011**

Project/Service	OHIM CONVERGENCE PROGRAMME		
Status	DRAFT / APPROVED		
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## Revision History

Version	Date	Author	Description
<i>v.0.1</i>	<i>07/07/2011</i>	<i>DS</i>	<i>Initial draft</i>
V 0.2	17/08/2011	DS	<i>Updated with comments of IB</i>
V1.0	02/09/2011	DS	<i>Updated with comments of IB</i>
V1.1	05/10/2011	DS	<i>Updated with comments of IB</i>
V1.2	17/11/2011	<i>DS</i>	<i>Project name set to "Convergence of Class Headings"</i>

## TABLE OF CONTENTS

<b>1.</b>	<b>PROJECT DEFINITION</b>	<b>5</b>
1.1.	Introduction	5
1.2.	Convergence Programme Background	5
1.3.	Project Mandate	5
1.4.	Project Background	6
1.5.	The Challenge	7
1.6.	Objectives of the Project	8
1.6.1.	Project objectives in relation to the CF goals	8
<b>2.</b>	<b>PROJECT PLAN</b>	<b>9</b>
<b>2.1.</b>	<b>PROJECT APPROACH</b>	<b>9</b>
2.1.1.	Overall approach	9
2.1.1.1.	Opting out of the working groups	11
2.1.1.2.	Joining the Convergence Practice	11
2.1.1.3.	Decision making of the working groups	11
2.1.1.4.	Document on Common Practice	11
2.1.2.	Project scope and exclusions	11
2.1.3.	Constraints	12
<b>2.2.</b>	<b>Project team and stakeholders organisation</b>	<b>13</b>
2.2.1.	Roles and responsibilities	13
2.2.2.	Assignments and commitment during the Project	15
<b>2.3.</b>	<b>Work description</b>	<b>16</b>
2.3.1.	Working Packages	16
2.3.2.	Working package 1: Common class practice	17
2.3.3.	Working package 2: Communication strategy	18
2.3.4.	Working package 3: Implementation strategy	18
2.3.5.	Working package 4: Analyse possible implications for the past	18
<b>2.4.</b>	<b>Project planning tools</b>	<b>19</b>

<b>2.5. Project time plan</b>	<b>19</b>
2.5.1. Detailed planning of working package 1	20
2.5.2. Detailed planning of working package 2	20
2.5.3. Detailed planning of working package 3	20
2.5.4. Detailed planning of working package 4	21
<b>2.6. Project cost estimates</b>	<b>22</b>
2.6.1. Total estimated costs	22
<b>2.7. Risk analysis</b>	<b>25</b>
<b>2.8. Key dependencies</b>	<b>26</b>
<b>2.9. Project Reporting</b>	<b>26</b>
<b>2.10. Communications and knowledge management</b>	<b>27</b>
2.10.1. National office interactions	27
2.10.2. Tools	27
<b>2.11. Closing-out strategy</b>	<b>28</b>
<b>ANNEXES</b>	<b>29</b>
<b>ANNEX 1 – Overview interest National Offices and User Associations</b>	<b>29</b>
<b>ANNEX 2 – Project team overview (internal and external)</b>	<b>30</b>

## 1. Project Definition

### 1.1. Introduction

This document has been produced to capture a “first cut” view of the scope, investment needed, dependencies on other projects and anticipated payback so that the constituent parts of the project, herein referred to as the “**Project**”, can be prioritized, funded and authorized. This brief (the “**Project Brief**”) provides the basis for the Convergence Programme Management Board to get a profound understanding of the project parameters.

An overview of the definitions, acronyms and abbreviations used in this Project Brief can be found under Annex 1.

### 1.2. Convergence Programme Background

The OHIM Convergence Programme was established in June 2011, with the intention to pave the way to the creation of a European collaborative network in which the OHIM, the national offices and BOIP will work together to harmonize practices thus providing added value to users and reinforcing coexistence of systems within the EU. Its vision is to “*To establish and communicate clarity and legal certainty: quality and usability for both applicant and office.*”.

Prior to the creation of the Convergence Programme, OHIM already initiated a Convergence Project, this is still ongoing; the Harmonised Database of Goods and Services.

Soon after that initiation it became clear that one of the pre-requisites to complete this project is the definition of common (harmonised) class scopes. This had led to the launch of this separate Convergence Project: the Convergence of the Class Headings.

At that time also the Convergence Programme was created and both projects become part of it.

Once the Convergence Programme was created the IP Offices and User Associations were invited to give more inputs on additional convergence projects. The Convergence Programme Management Board received many project suggestions. These were carefully examined and used as the basis for establishing the list of projects. These projects are one-off activities delivering clear benefits, with concrete outputs and clear start and end dates.

In a first wave it is envisaged to launch 3 more projects.

### 1.3. Project Mandate

The Convergence of the Class Headings project is one of the first projects of the Convergence Programme, and the Convergence Programme Management Board issued the following mandate to the Project Manager:

<b>Convergence of the Class Headings</b>	
Expected start:	Underway
Timeline	2011 – 2013
Principles	To achieve a compromise between the different interpretations of the scope of the class headings
Description	17 National Offices have a practice where the class headings are interpreted meaning exactly what they say. The 9 other National Offices understand that when applying for the class headings this covers for all of the goods and services of that class. The aim of the project is to find

<b>Convergence of the Class Headings</b>	
	a compromise between these interpretations

Table 1 – Project mandate

## 1.4. Project Background

On the first of March the president of the OHIM sent out a letter to all European National IP Offices. In this letter he pointed out that there is a divide in the position of the various trademark registration offices within the European Union. He expressed his concern that this is an unfortunate situation as it leads to uncertainty and it causes difficulties in some cases. He also stressed that he is committed to bring about the maximum degree of convergence between the practices of the various offices, and that it is better to do this by agreement than by relying on a legislative solution.

The International Cooperation and Legal Affairs Department then organised a conference that took place on July 1<sup>st</sup>, 2011.

23 representatives were welcomed to this conference, of the different participating offices around Europe, including WIPO. This impressive turnout was an achievement in itself and reflects the enthusiasm and interest in the idea of convergence, despite the inherent difficulties.

During the conference also extensive background information was spread and discussed:

**1. Survey of current practice:** All 26 offices participated in this survey.

- 17 offices apply the “means-what-it-says” approach. 9 offices consider “class-headings cover all” goods or services within the class (when the applicant applies for these goods or services it is understood that he wants to cover the whole class).
- The main problem is caused by the fact that the class headings do not logically and terminology wise cover for the whole class. This means that these 9 offices do not interpret the class headings good or services “meaning-what-they-say”.
- Of the 9 offices that consider “class-headings cover all” 3 of them consider one or more terms in the class headings as being too vague (and it cannot be registered as a separate good or service). Of the 17 offices that apply the “means-what-it-says” approach 9 offices consider one or more terms in the class headings as being too vague.
- 15 offices have not changed their classification practice over the last years.
- Most offices believe that their appeals court and national courts may adapt to a new practice even though the courts are formally independent.

**2. Influencing external factors:** Following external factors are recognised to have an impact on the Convergence Project:

- **Max Planck study:** On March 8<sup>th</sup> 2011 the European Commission published a study by the Max Planck Institute. This study is widely seen as the precursor to a widespread and fundamental reform of the European trademark system. It suggests an even closer cohesion between national marks, and between national marks and the Community Trade Mark. Therefore this study can be seen as one of the facilitating factors of this Convergence Project.
- **Legislative:** The European Commission has started to work on a review of the Community Trade Mark Regulation (CTMR) and the Trade Mark Directive (TMD). It is generally thought

that the Commission will closely follow many of the study's recommendations, which will result in significant changes to the current law. This is expected to increase the alignment of the national laws. Therefore the legislative organism might well be positively susceptible to a Convergence of Practices that is agreed by the IP Offices themselves.

- **IP translator:** the IP translator case is a reference for the preliminary ruling from the Court of Justice of the European Union on the practice where a Nice class heading covers all goods and services in that class. Initially some IP Offices had the opinion that it is better to wait the outcome of the IP translator case, rather than initiating this Convergence Project now. However it was agreed during the conference on 1<sup>st</sup> July that whatever the outcome of the IP Translator case, a consensus between all of the IP offices is preferable to reliance on court rulings, which in any case are not expected before middle 2012. It might also not provide the legal certainty and clarity that is required. Furthermore, by the time the court decision is taken the legislation will probably also have changed, which then could affect the weight of this decision (that by that time would be based on old legislation).

## 1.5. The Challenge

If the EU IP offices act together, they will be significantly more effective and bring more benefits to their users than by acting in isolation. The Convergence Programme will pave the way to the creation of a European collaborative network in which the OHIM, the national offices and BOIP will work together to harmonize practices thus providing added value to users and reinforcing coexistence of systems within the EU.

Convergence will emerge through a process of mutual understanding and respect, as well as, shared concerns across Member States and between them and OHIM, including users.

The overall aim of the Convergence Programme is *"To establish and communicate clarity and legal certainty: quality and usability for both applicant and office"*.

This project perfectly fits into that vision and (if successful) will contribute to that greater goal. The particular challenge of this project is to ***"Find common understanding about the scope of a particular class and compile a list of classification terms that ideally cover all goods or services in a class, as far as we understand at that particular point in time + decide how this practice can be communicated and implemented"***.

This vision was agreed after the conference held on July 31st, by all Participating Offices.

## 1.6. Objectives of the Project

### 1.6.1. Project objectives in relation to the CF goals

The project objectives are to:

- Develop a commonly acceptable set of comprehensive classification terms covering all goods and services in a given class at a given time
- Agree on a common implementation and communication strategy
- Analyse possible implications for the past

The vision of this project is in full alignment with OHIM's strategy plan and its ultimate goal to create a European Trademark & Design network.

The given project objectives illustrate that the Convergence of the Class Headings project is fully aligned with the Convergence Programme objectives:

Convergence Programme objectives	Project alignment	Comments
Establishment of a process to develop common practices in areas where consensus among offices and users can be reached. These differences should be eliminated without such changes requiring legislative amendments.	Very high	The project objective is to reach a common practice without requiring legislative solutions. It will even be intended to reach a common implementation and communication strategy on this common practice.
Creation of a set of common practices devised in the different areas defined, which upon endorsement will be put in practice by the Participating National IP Offices, BOIP and OHIM.	Very high	One of the project objectives is to define an implementation strategy. This strategy will determine how and when the endorsed common practice will be put into practice by the Participating Offices.
Make such common practices available in all EU languages.	Very high	Once the common practice has been established, a document will be created on that common practice and spread in all EU languages.

Table 2 – Project objectives



## 2. Project plan

The project plan establishes the preliminary basis for managing the Project, including the project approach, the project team and stakeholders, the work description, the deliverables, planning, time and cost estimates and tolerances, the project risks and dependencies as well as reporting, quality, communications and close-out management strategies.

### 2.1. Project approach

#### 2.1.1. Overall approach

Following is the approach on how to deal with the Convergence of the Class Headings Project. It has been inherited from the approach that is followed in general in the Convergence Programme projects.

##### 1) Creation of the working group

All offices are invited to participate to the project. Each office has to declare whether it wants to be an active or passive member of the working group. Active members commit to participate in working packages while passive members are only involved on working group level.

The working groups should be composed of representatives of offices that intend to implement the outcome of the project. Apart from these representatives of the offices, the working group will be completed by Users Associations and WIPO representatives.

The working package group should not exceed 8 persons. The assignment of the members to these working package groups will be done in collaboration with all working group members and based on the declaration of interest, the correct representation of the different practices and the composition of the other working package groups.

Offices which are not joining the working groups will be kept involved and informed via the Liaison meetings.

The proposed practices will then be endorsed formally in the ABBC meeting.

##### 2) Definition of the work packages

In each project the work packages will be defined at the beginning of the project. These work packages then will be developed by the members of the work group for that project.

##### 3) Work package iterations

Once the working group members that are assigned to a specific work package have finished the preparation phase they will present all possible options for convergence to the entire working group. A working package is considered to be finalised when the whole work group agrees on one particular solution. In case there is no consensus the specific work package will enter into a next iteration. Most work packages will have several iterations until a final solution and consensus is reached.

It will be possible to further consult external inputs. This can be done for example by means of market research inquiries, or by benchmarking with Offices outside Europe.

4) Presentation to the liaison meeting

Once all work packages of a specific Convergence Project have finalised, the overall consensus will then be presented by the working group to all IP Offices in the Liaison Meeting. This will allow those Offices that are not actively taking part in this project to get a clear picture on the progress and the reached consensus. This will also allow them to (re)consider their position and to adhere to the project Common Practice outcome.

5) Presentation to the ABBC meeting

In a final step the Common Practice is communicated in the ABBC meeting. The work group will then describe the common practice in the form of a guideline, which then will be spread to all interested parties (in first instance the National Offices).

6) Implementation strategy

The implementation strategy will be part of the work packages of each project.

The members of the working group and OHIM responsible for the proposal of common practices will commit themselves to implement the common practice upon their endorsement of the ABBC.

The implementation of the convergence of the practices by the other national offices will follow an implementation plan that is set up by the working group

Following is the Illustration of the working group methodology:

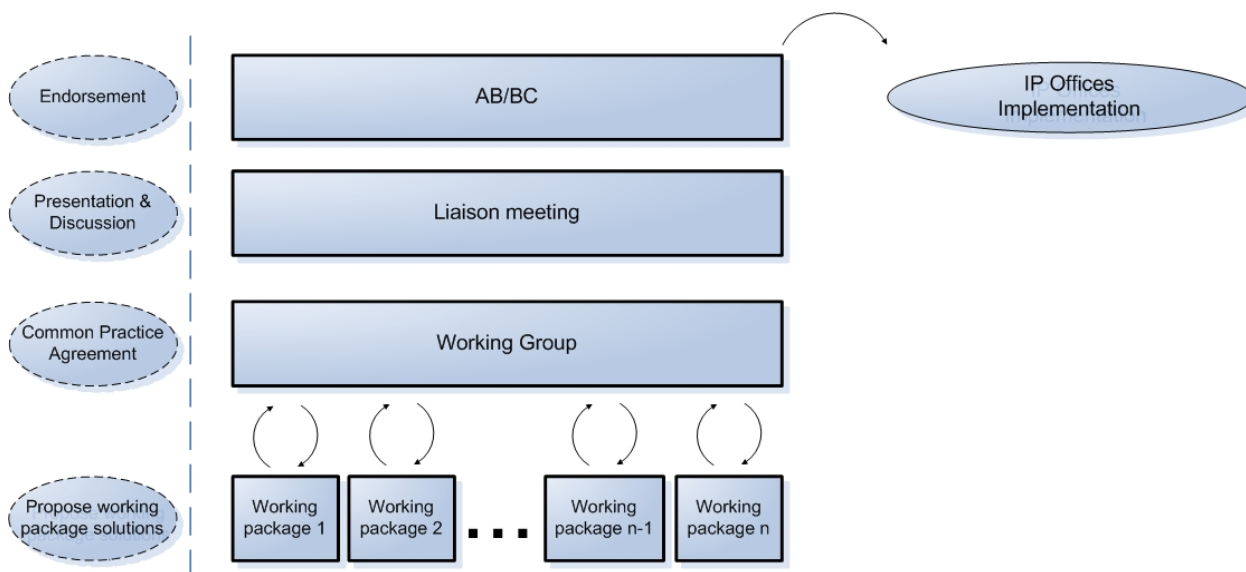


Figure 1 – Working Methodology of Convergence Projects

Figure 1 Glossary:

**Working group:** The working group evaluates the proposals that come out of the working packages. In case the proposal is not accepted, the working packages undergo further iterations. When the proposal is accepted the working package is finalized and closed. This means that by dividing the work into work packages the advances are controlled and can happen step by step.

**Working package:** Each working package tackles a different issue that needs to be addressed. The combined outcome of the working packages is the overall solution.

**Working package group:** The working package group deals with the issues to be address in the working packages. Ones it comes to a conclusion this will present this to the working group. One working package group can take on more than one working package.

#### 2.1.1.1. Opting out of the working groups

An office may decide to leave a working group at any time. In this circumstance the office will be kept informed via the Liaison meeting.

#### 2.1.1.2. Joining the Convergence Practice

At any time offices which had not declared either active or passive membership or offices which opted out can join in on the condition that the findings and decisions reached in the meantime are adopted.

#### 2.1.1.3. Decision making of the working groups

As mentioned before the Convergence Programme addresses practices that do not have legal obstacles. The success of the projects lies therefore entirely in the hands of the National IP Offices, BOIP and OHIM.

This means that success can only be achieved by mutual respect and the commitment to find acceptable compromises.

The first approach will be to define Common Practices that are acceptable unanimously by the whole working group.

In the event that no Common Approach is found, even when several iterations have been undertaken the adoption of the practice will be ruled upon majority.

At any point it is possible to join in (see previous chapter) on common practices established by the different working groups.

#### 2.1.1.4. Document on Common Practice

As stated before the working group will work in English. However, once a practice is established it will be made available in all EU languages.

### 2.1.2. Project scope and exclusions

The following [tasks / activities] are:

- **In scope:**
  - Translation into EN of the practice guidelines of all offices, as well as, of any other text or document useful or necessary to support the working groups
  - Creation and approval of the work plan
  - Establishment of working groups

- Deployment and monitoring of projects
  - Communication and Reporting to stakeholders
  - Creation, up-date and further development of common practices
  - Market studies / surveys / benchmarking
  - (Re-)specification of common tools as a result of the convergence
  - The implementation strategy plan of the Common Practices in the IP Offices
  - Analyse the needs to address the past practice and if necessary how an alignment to the new practice is possible.
- **Out of scope:**
- The implementation itself of the Common Practices in the IP Offices
  - Amendment of OHIM guidelines and Manual; this will follow OHIMs internal procedures
  - Development of tools
  - The outcome of working package 4 (Analyse possible implications for the past), which is discussed in detail in chapter 2.3.5, is a listing of possible implications. This is only done on high level and does not refer to the possible individual re-classification of previously registered trade marks according to the new common practice. In case it is decided that this is required it is out of scope of this project and will need to be defined as a project on its own.

### 2.1.3. Constraints

The Project faces a number of constraints, as detailed below:

- **Time restrictions:** It is important for the programme to produce visible results in a not too long time-frame, in order to build momentum and facilitate consensus in the revision of CTM Regulation and TM Directive. Therefore the project should finish within 24 months after the project initiation.
- **Resources restrictions:** Success of the Project is directly dependent upon the resources that are made available. In particular the availability of resources within the NOs will be a key to the success of this Project. Offices and users associations are already involved in several cooperation initiatives. It may happen that not all offices will be able to be involved in the working groups of the Convergence Programme. It is therefore very important to keep all offices well informed, independently on whether they actively participate or not in the work packages.
- **Simplification:** The Project should come up with solutions that not only bring convergence but also simplify administrative procedures for the benefit of both offices and users (or at least do not make them more complex).
- **Coordination with the Cooperation Fund:** The deployment of the Convergence programme should be carried out in full coordination with the deployment of the Cooperation Fund programme; the aim being to reduce the need for ad-hoc features by eliminating unnecessary differences of practices among offices. Class headings are addressed in several projects of the Cooperation Fund, in particular in the Future Software Package. Therefore the outcome in the form of a new Common Practice will have an impact, and this needs to be made clear and communicated to all involved parties.

## 2.2. Project team and stakeholders organisation

In order to carry out these activities, intensive interaction and coordination with the NOs and user associations, BOIP, OHIM and WIPO is needed to gather different ideas, approaches, experiences, requirements, constraints and preferences.

Also the perspective of the overall Programme needs to be kept. For this reason the Programme Manager and the Legal Coordinator should be closely involved.

Besides the intensive participation of NOs, BOIP, WIPO and user associations (in short "UAs"), the Project will also involve the participation of the Programme manager, Project Manager, Project Legal Expert, Project Operations Expert, Project Support, Classification experts and the Programme Support Office. (See Annex 2 – Project team overview (internal and external)).

### 2.2.1. Roles and responsibilities

The 3 tables below summarise the **key roles** involved in the Project as well as their main responsibilities within OHIM and the Convergence Programme.

Roles	Responsibilities
<b>Convergence Programme Manager</b>	<p>The Programme Manager sets up the proposal of work plan and defines the main stages and activities of the Programme.</p> <p>The Programme Manager revises plans, monitors and reports on the Programme to the Programme Stakeholders.</p> <p>The Programme Manager ensures the implementation of processes intended to ensure the achievement of the Programme Goals and manages the resources assigned to the Programme.</p> <p>The Programme Manager acts as a central point of Programme communication</p> <p>The Programme Manager is responsible to the Convergence Programme Steering Group for the operations, overall planning, and leading the development and implementation of the Project portfolio.</p>
<b>Project Manager</b>	<p>The PM revises the management of the lifecycle of the Project and the quality of its products delivered within the specified constraints of time and cost.</p> <p>The PM revises plans, monitors and reports on the Project and reports to the Programme Manager.</p> <p>The PM is responsible for presenting the Project to external stakeholders.</p>
<b>Project Support</b>	<p>Performs tasks delegated by the Project Manager.</p> <p>Provides administrative services (e.g. collection of data).</p> <p>Provides a repository for lessons learned.</p> <p>Provides a central source of expertise in specialist support tools.</p> <p>Provides configuration management.</p>
<b>Project Legal Expert</b>	<p>The legal expert has the responsibility of providing support and knowledge on the legal matters at stake under the coordination of the Programme Legal Coordinator.</p>

Roles	Responsibilities
Project Operations Expert	The operations expert has the responsibility of providing support and knowledge on the operation matters at stake.
Working group	<p>The working group consists of National IP Offices, WIPO and User Associations and is responsible to validate the outcome of the different working packages. By doing so they should make sure that the final solution covers the needs of the National Offices and all other stakeholders in the IP world (e.g. the users).</p> <p>The members of the project working group provide general support and knowledge throughout the whole project and participate to the definition and validation of the proposals resulting from the project.</p> <p>The working group also stands in for the validation of the translations of the practices.</p> <p>The working group is responsible to implement the Converged Practices.</p> <p>The working group will present the common practice to the liaison meeting and the ABBC meeting.</p>
Working package group	The working package group needs to investigate all possible solutions to a specific work package. They should then present all possible options for convergence to the entire working group. A working package is considered to be finalised when the whole work group agrees on one particular solution.
Classification Experts	Responsible for bringing know how to the project on current classification practices and future developments in that area.
Convergence Programme Support Office	<p>The CPSO supports the Project Manager.</p> <p>It aids those involved in the Project by provision of technical and administrative capacity, and quality assurance</p> <p>It manages assets (products) to make the project effective and efficient:</p> <ul style="list-style-type: none"> <li>• Specialist products (specific to this project)</li> <li>• Management products (PRINCE2 project management documents).</li> </ul> <p>Provides configuration management to identify, track and protect the project's products.</p>

Table 3 - Roles and responsibilities in the project

Apart from the main roles in the Project, there will also be **other parties and stakeholders** involved in the Project:

Roles	Responsibilities
Convergence Programme Steering Group	Ensuring that all internal OHIM issues are addressed by the Programme Manager.
Programme Legal Coordinator	The Legal Coordinator is responsible for helping the Programme Manager and the Project Managers to identify the legal matters involved in each of the projects and to advise them

	<p>on how to approach them.</p> <p>The Legal Coordinator provides knowledge on the issues being analysed in each Project and develops legal analysis and studies as deemed necessary and upon request of the working groups.</p> <p>The Legal Coordinator ensures that the solutions proposed by the working groups can be implemented in practice and are aligned with the current legal framework or, if it is not the case, steps are taken to advise the Commission and the Member States in the revision process that will bring to the amendment of the CTM Regulation and the TM Directive.</p>
<b>Legal Affairs Deputy Director</b>	The Legal Affairs Deputy Director should be closely involved in the project, as the new Common Practices will have a direct impact on the OHIM organisation and will also be a crucial intermediate step to the creation of a European Trademarks and Design Network.
<b>International Cooperation Deputy Director</b>	The International Cooperation Deputy Director should be closely involved in the project, as the new Common Practices will have a direct impact on the OHIM organisation and will also be a crucial intermediate step to the creation of a European Trademarks and Design Network.
<b>Cooperation Fund Programme Manager</b>	The deployment of the Convergence programme should be carried out in full coordination with the deployment of the Cooperation Fund programme. Therefore the Cooperation Fund Programme Manager should be informed on new Common Practices that will have an impact on the Cooperation Fund.

Table 4 - Roles and responsibilities within the Convergence Programme

### 2.2.2. Assignments and commitment during the Project

Based on the information available, the expected commitment (in man days) during this Project's lifetime for each of the aforementioned roles is as follows:

Role	2011 man days	2012 man days	2013 man days
Convergence Programme Manager	30	30	5
Project Manager	50	130	20
Project Support	60	220	30
Project Legal Expert	12	20	2
Project Operations Expert	8	15	2
Classification Expert	15	20	5
Classification Expert	15	25	5

Role	2011 man days	2012 man days	2013 man days
Legal Affairs Deputy Director	4	6	1
International Cooperation Deputy Director	4	6	1

Table 6 - Role Assignments and Commitment per role (in man days)

### 2.3. Work description

Under this chapter the work to be done under the Project is first broken down into Working Packages; each Working Package is then further described.

#### 2.3.1. Working Packages

Following working packages have been identified:

Working packages on the present/ future situation:

- Common class practice
- Communication strategy
- Implementation strategy

Working packages on the past situation:

- Analyse possible implications for the past

Following illustrates this:



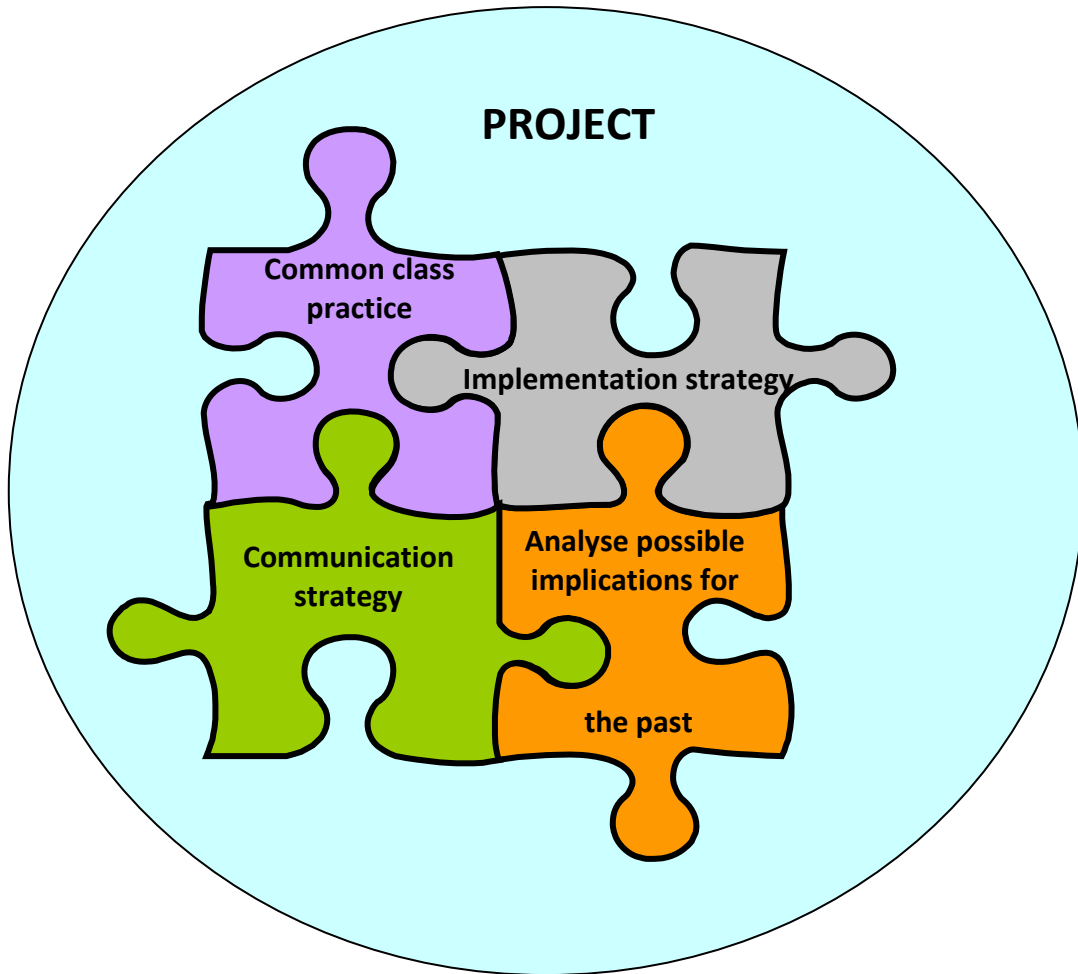


Figure 2 – Working Packages overview

### 2.3.2. Working package 1: Common class practice

The first working package is the “Common class practice” and has following objective:

*Develop a commonly acceptable set of comprehensive classification terms ideally covering all good or service groups in a given class at a given time.*

Following are amongst the issues that will be addressed in this working package:

- The role of class headings. What specific term can be covered by more general terms?
- What about coverage of new, not existing G&S?
- What about Nice changes?
- Evolution of the solution?

### 2.3.3. Working package 2: Communication strategy

The second working package is the “Communication strategy” and has following objective:

*Agree on a common communication strategy*

Following are amongst the issues that will be addressed in this working package:

- Organize common activities to promote the chosen solution to all stakeholders
- Agree to a common timeline for the communications
- Set up common communication messages and documentation
- Define approach on the communication with courts, legislation organisms and other organisations

### 2.3.4. Working package 3: Implementation strategy

The third working package is the “Implementation strategy” and has following objective:

*Agree on a common implementation strategy*

Following are amongst the issues that will be addressed in this working package:

- Agree on a framework between the partners of the new practice
- How the current IT systems and working procedures are affected by the chosen solution
- Creation of the action plan and timeline to implement the common practice
- Creation of the adherence plan for IP offices that want to join the common practice later on

### 2.3.5. Working package 4: Analyse possible implications for the past

The last working package is “Analyse possible implications for the past” and has following objective:

*Analyse possible implications of the past*

Following are amongst the issues that will be addressed in this working package:

- Should actions be undertaken in order to make the past compliant with the new chosen solution?
- If so, analyse the possible approaches, implementation efforts, estimated timeline and risks

### 2.4. Project planning tools

In general, Clarity will be used by the Project Manager for broader Project management and reporting, including timesheets.

### 2.5. Project time plan

The total duration of the Project is estimated to be 18 months. In the best case scenario the project is 14 months, and the estimated time of final presentation of the Common Practice to the AB/BC is November 2012.

The strategy of how the practice should be put into effect is within the scope of the project, whereas the putting into place of that common practice might take longer than the project time scope. This is because some offices might not be able to put it into effect immediately, as they might depend on the ruling of their courts.

Following schedule is a representation of the Project Plan on a high level. It also indicates the dependencies and parallel scheduling of the working packages.

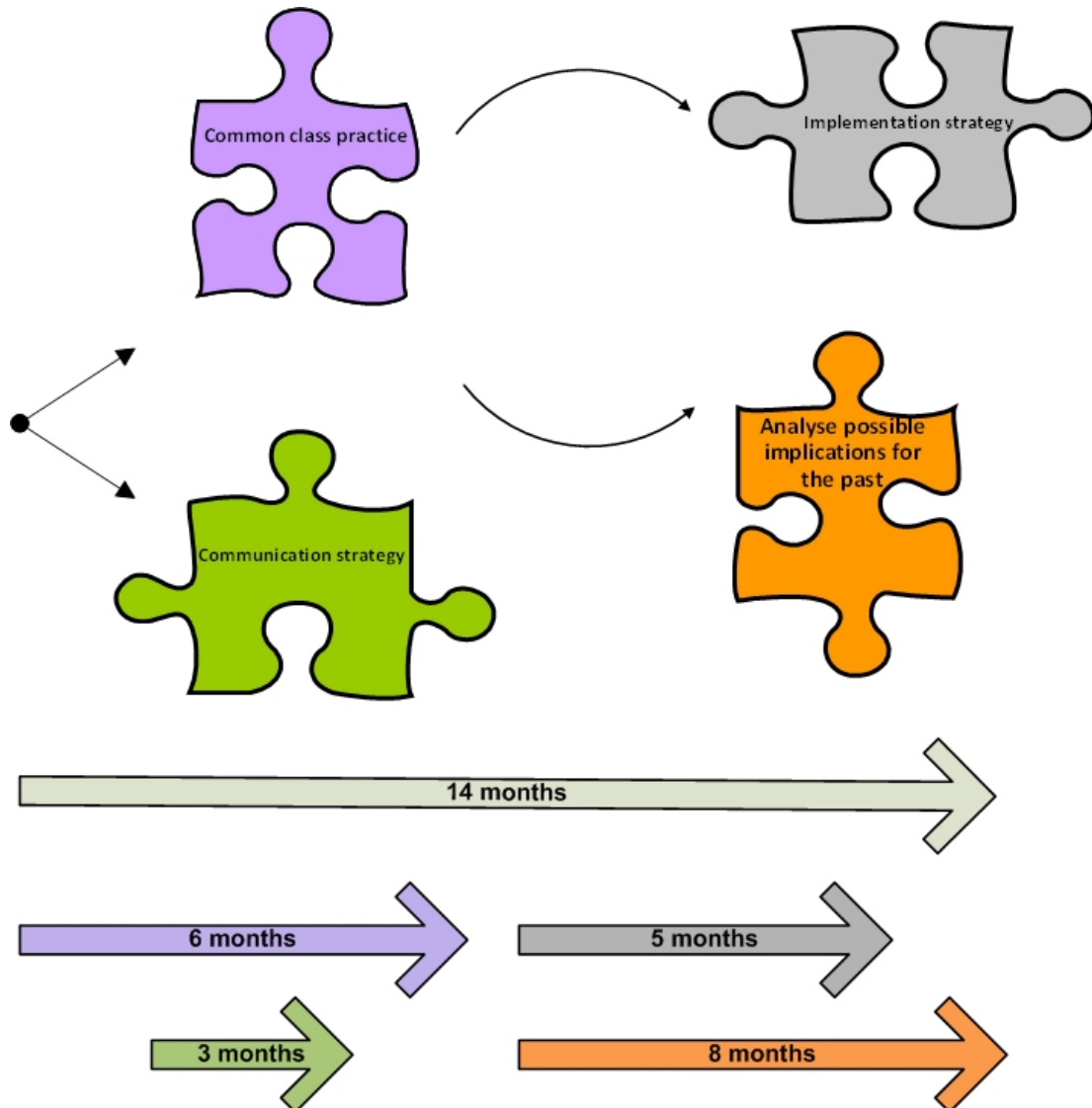


Figure 3 - Project time plan

### 2.5.1. Detailed planning of working package 1

The first working package "Common class practice" has following planning:

- Start: 15 July
- Estimated Duration: 6 months
- Remote conferences: each 2 weeks
- First working package meeting: 28 September 2011
- First proposal to work group: to be defined
- First report to liaison members: to be defined
- First status update to AB/BC: to be defined

These last 3 steps will undergo up to 3 iterations. If after 3 iterations no consensus is reached, the Project manager can decide to reach a conclusion by voting (majority rules) in order to avoid deadlocks in the project.

### 2.5.2. Detailed planning of working package 2

The second working package "Communication strategy" has following planning:

- Start: September 2011
- Estimated Duration: 3 months
- Remote conferences: each 2 weeks
- First working package meeting: November 2011
- First proposal to work group: to be defined
- First report to liaison members: to be defined
- First status update to AB/BC: to be defined

The procedure for the last three steps (iterations, voting) is as in the other working packages.

### 2.5.3. Detailed planning of working package 3

The third working package "Implementation strategy" has following planning:

- Start: January 2012

- Estimated Duration: 5 months
- Remote conferences: each 2 weeks
- First proposal to work group: to be defined
- First report to liaison members: to be defined
- First status update to AB/BC: to be defined

The procedure for the last three steps (iterations, voting) is as in the other working packages.

#### 2.5.4. Detailed planning of working package 4

The third working package "Analyse possible implications of the past" has following planning:

- Start: January 2012
- Estimated Duration: 8 months
- Remote conferences: each 2 weeks
- First proposal to work group: to be defined
- First report to liaison members: to be defined
- First status update to AB/BC: to be defined

The procedure for the last three steps (iterations, voting) is as in the other working packages.

## 2.6. Project cost estimates

### 2.6.1. Total estimated costs

The total estimated cost for this Project is **EUR 1,196,061 €**, which includes a 10% Management Reserve:

- 219,476 € for travel and accommodation costs
- 477,000 € for NO employment cost
- 80,352 € for translations
- 310,500 € for External Staff.

Following types of cost have been identified:

- **Travel and Accommodation costs:**

Physical Working Group meetings with participants from National Offices and User Associations will take place at OHIM in Alicante.

The meeting costs, including the cost for travel and accommodation will be reimbursed by the Office.

Each meeting takes 2 days.

The average cost per 2 day meeting is 1176 € per participant:

- 125€ hotel \* 2 days = 250 €
- 92€ daily allowance \* 3 days ( 2 days conference + 1 day travelling) = 276 €
- 650 € journey

- **Employment cost National Offices:**

The Office will reimburse National Offices for the effort their staff will spend in the Projects. The rate considered will be based on the specific actual cost of employment for the requested profiles within National Offices.

A fixed rate is estimated of 500€ per day for National Office staff.

- **Translation cost:**

The Office will deal with all translations required to undertake work in the different projects with the help of the Translation Centre of the EU. At the beginning of the Programme, and in order to support the working groups in their harmonisation efforts, the Office will coordinate with all National Offices to translate their own guidelines in EN, if not yet available.

- **External Resources:**

Some of the required project related resources are external and this needs to be taken into consideration as well in the estimated cost.

Below are the project cost estimates:

Budget: Convergence Programme: Class headings						
Cost type	Cost break down	Cost breakdown comment	Total Project Cost breakdown	Cost breakdown 2011	Cost breakdown 2012	Cost breakdown 2013
Travel and Accommodation cost	Working package 1 travel and accommodation cost	* Number of NO participants: 9 * Each iteration requires 1 meeting at OHIM, there is a maximum 5 iterations. The maximum total cost for working package 1 is 9 participants * 5 iterations * 1176€ per participant = 52,920€	52,920	7,938	31,752	13,230
	Working package 2 travel and accommodation cost	* Number of NO participants: 3 * Each iteration requires 1 meeting at OHIM, there is a maximum 3 iterations. The maximum total cost for working package 2 is 3 participants * 3 iterations * 1176€ per participant = 10,584€	10,584	1,588	6,350	2,646
	Working package 3 travel and accommodation cost	* Number of NO participants: 6 * Each iteration requires 1 meeting at OHIM, there is a maximum 3 iterations. The maximum total cost for working package 3 is 6 participants * 3 iterations * 1176€ per participant = 21,168€	21,168		16,934	4,234
	Working package 4 travel and accommodation cost	* Number of NO participants: 4 * Each iteration requires 1 meeting at OHIM, there is a maximum 3 iterations. The maximum total cost for working package 4 is 4 participants * 3 iterations * 1176€ per participant = 14,112€	14,112		11,290	2,822
	Working group travel and accommodation cost	* Number of NO participants: 23 * Planned number of meetings: 2 iterations for working package 1 and 2 iterations for working package 3 The estimated total cost for this is 23 participants * 4 iterations * 1176€ per participant = 108,192€	108,192	21,638	64,915	21,638
	Team building events	* 5 working package team building events, average cost 1000 euro * 3 working group team building events, average cost 2500 euro	12,500	1,250	7,500	3,750
			219,476	32,414	138,742	48,320
Translation cost	Common Practice Document	Translation of the Common Practice guideline to all EU languages: 35 pages * 24 languages * 93€ per page = 78,120€	78,120		78,120	
	Letters of president	Translation of the letters of the president to 4 EU languages: 3 letters * 2 pages * 4 languages * 93€ per page = 78,120€	2,232	744	744	744
			80,352	744	78,864	744
Employment cost National Offices	Working package 1 employment cost	* Number of NO participants: 9 * Each iteration requires 1 meeting at OHIM, there is a maximum 3 iterations. * Each iteration requires 3 working days of preparation work The maximum total cost for working package 1 is 9 participants * (3 meetings * (3 days preparation + 1 day meeting)) * 500€ per participant = 54,000€	54,000	8,100	32,400	13,500

	Working package 2 employment cost	* Number of NO participants: 3 * Each iteration requires 1 meeting at OHIM, there is a maximum 3 iterations. * Each iteration requires 2 working days of preparation work The maximum total cost for working package 2 is 3 participants * (3 meetings * (3 days preparation + 1 day meeting)) * 500€ per participant = 18,000€	18,000	2,700	10,800	4,500
	Working package 3 employment cost	* Number of NO participants: 6 * Each iteration requires 1 meeting at OHIM, there is a maximum 3 iterations. * Each iteration requires 3 working days of preparation work The maximum total cost for working package 3 is 6 participants * (3 meetings * (3 days preparation + 1 day meeting)) * 500€ per participant = 36,000€	36,000		28,800	7,200
	Working package 4 employment cost	* Number of NO participants: 4 * Each iteration requires 1 meeting at OHIM, there is a maximum 3 iterations. * Each iteration requires 3 working days of preparation work The maximum total cost for working package 4 is 4 participants (3 meetings * (3 days preparation + 1 day meeting)) * 500€ per participant = 24,000€	24,000		19,200	4,800
	Working group employment cost	* Number of NO participants: 23 * Planned number of meetings: 2 iterations for working package 1, 2 iterations for working package 3 and 1 iteration for working package 4 The estimated total cost for this is 23 participants * 5 iterations * 500€ per participant = 57,500€	57,500	11,500	34,500	11,500
	Validation of Taxonomy	* Number of NO participants: 23 * After the first conference it became clear the taxonomy is the best possible way to advance in the project. This requires that the taxonomy is revised and accepted by all NO * Revision of the taxonomy of the 45 classes is estimated to take 20 days the total effort is estimated at 25 days * 23 NO participants * 500 €per day = 230,000€	287,500	0	287,500	0
			477,000	22,300	413,200	41,500
External resources cost	Project Manager - OHIM external staff	* 2011: 50 days * 2012: 130 days * 2013: 20 days	140,000	35,000	91,000	14,000
	Project Support - OHIM external staff	* 2011: 60 days * 2012: 220 days * 2013: 30 days	170,500	33,000	121,000	16,500
			310,500	68,000	212,000	30,500
<b>Total</b>		<b>Total with a 10 % management reserve</b>	<b>1,196,061</b>	<b>135,804</b>	<b>927,086</b>	<b>133,171</b>

Table 7 - Project cost estimations



## 2.7. Risk analysis

This preliminary risk matrix is specific to the Project and lists possible areas of risks.

Risk	Risk Symptoms	Area	P	I	P*I	Owner	Action
If no unanimous consensus is reached the new Common Practice might not be followed	Discussion loops in the working group. Working group members leaving the working group	Working packages	M	H	MH	Project manager	<b>Mitigate</b> Identify an acceptable Common Practice and seek for support for it in working group
Resources changing during the course of the project	Re-opening of closed discussions	Working group re-setup	L	H	M	Project manager	<b>Mitigate</b> Closed discussions should be documented to avoid reopening of discussion
Delays	Some work packages might undergo endless iterations	Working Packages	L	M	ML	Project manager	<b>Mitigate</b> Whenever a work package is reaching a certain amount of iterations and still there is no unanimity the project manager should consider the voting by majority principle
Lack of resource availability	Success of the Project has a direct dependence to the resources that are made available, both for the Project team as for the resources from the National offices.	Resources	H	H	9	Project manager	<b>Mitigate</b> Get clear agreements with all parties on the amount of resources that should be made available in order to guarantee the size
Change in project management	A change of responsible director of the Project at the participating NO. The new responsible might not support the Project.	Political	M	H	6	Project manager	<b>Mitigate</b> NOs need to express formally their support to the Project on the long term.
Project Instability due to change in project team members		Resources	H	M	6	Project manager	<b>Mitigate</b> Get the commitment of the resources of the Project on a long term
Bad communication within Project	Language barriers	Resources	H	L	3	Project manager	<b>Mitigate</b> Require a good English level of each team member.

Table 8 - Project Risk Register

## 2.8. Key dependencies

One dependency can be identified with other International Cooperation projects i.e.:

1. **CF 113 completion of common database on classification of G&S.** The taxonomy initiative is part of that project and has been identified as a possible input to get to a Common Practice. This project also covers the harmonised list of Goods and Services, which will be used as a basis to discuss the goods and services that belong to class headings.

## 2.9. Project Reporting

As set out in the Convergence Programme:

- The Project Manager will report to the Programme Manager.
- Project managers create, maintain and update the following minimal documents for their projects:
  - A **risk register** and, if appropriate, the suggested contingency plans.
  - **Project plan** and **schedule** (including breakdown tasks, costs, time and resources). It will include tracking information (actual and planned) in a visual manner.
  - A stakeholder engagement and communications plan.
- The documents will be reported upon using a standard template
- The documents shall be kept as light as possible but the PM retains the authority to define their content and set the reporting schedule.

Task	Recurrence	Assigned role	Responsibilities
Regular reporting	Monthly; updates <b>weekly</b> via Clarity tool	Project Manager	Monthly reporting: Project plan, risk register and communications plan
Reporting to Liaison Meeting	Ideally after every iteration in any working package	Programme Manager and Project Manager	Update on the latest status and issues to discuss
Reporting to AB/BC	At the end of the Project	Programme Manager and Project Manager	Reporting on the new Common Practice, and the outcome of each individual working package
Reporting to Programme Steering Group	Monthly	Programme Manager and Project Manager	Update on the latest status and issues to discuss

Table 9 - Reporting Task and Responsibility Matrix

## 2.10. Communications and knowledge management

### 2.10.1. National office interactions

The communication and interactions between the Project members and the national offices will take place through:

- **Periodic conferences** (telephone, video, in person, etc.) are expected between all involved Project members. Regular Project updates will be sent to Working Group members and other offices with intent to implement the new Common Practice.
- **Liaison meeting:** the liaison meeting will follow the Convergence Programme from close by. A presentation with the status overview of the Project will be given together with project issue updates. Once a consensus is reached concerning a particular Practice the involved working group will present their findings in the liaison meeting to all interested Offices.
- **AB/BC:** Also in the ABBC meeting a special focus will be put on the Convergence Programme. At the end of the project the AB/BC will be reported to on the new Common Practice, and the outcome of each individual working package.
- **Continuous contacts**, by the use of various tools described in the chapter below.
- **Specific meetings:** Due to the nature of the Convergence of Practice project meetings will also need to be held in person, in order to have efficient and productive brainstorm and workshops. These meeting will always tried to be combined with other events such as e.g. liaison meetings.

### 2.10.2. Tools

Apart from using general **e-mail** for official communications, **collaborative tools** have proven very successful in past OHIM projects involving significant coordination of effort among Participating Offices. A quick survey between the National Offices reveals emails to be among the most powerful and appropriate tools for this type of Project (possibly linking to a Media Wiki).

To sum up, different types of tools are been used during the Project, namely:

- **E-mail:** is been used in communications during the Project and in formal communications to keep all the national offices updated (even if they do not actively participate), and in reporting.
- **Clarity:** is been used as an internal project management and reporting tool, including all relevant Project information like tasks, activities, milestones, risks and issues as well as time and cost estimates and actuals. This information will also be used to baseline and check the Project's status and track any progress made. Internal participants will also be asked to submit timesheets through Clarity.
- **MediaWiki:** A MediaWiki can be used to maintain all the information related to the Project stored in a unique and central repository and fully accessible by every participant in the Project.
- **Skype:** will be used throughout the whole Project as an easy tool to hold telephone conferences with different parties in different locations without having the need of a heavy infrastructure.
- **Videoconference:** will be used throughout the whole Project as an easy tool to hold conferences with different parties whenever it is needed or beneficiary to have a close contact, as if all participants were physically present in the same room.

- **News ticker:** on a regular basis “news tickers” will be sent around. These are short, to-the-point news updates on the Project. They will also hold a link to the entire newsletter. They can also link to a MediaWiki where then more detailed information is stored.

### 2.11. Closing-out strategy

Once the main deliverables have been completed and accepted, all relevant payments made, and the sustainability requirements identified, the Project Manager will present the Project's results to the Management Board, which will identify main lessons learned at the programme level, direct the Programme Manager accordingly and close out the Project.

- The new Common Practice is to be formally documented
- The new Common Practice is to be presented to the AB/BC meeting

## ANNEXES

## ANNEX 1 – Overview interest National Offices and User Associations

NO / UA	Participating in the working group	Participating in following working packages groups	Intent to Implement
United Kingdom	Yes	WP1, WP2, WP3, WP4	Yes
Ireland	Yes	WP1	Yes
Malta	Yes	WP3	Yes
Sweden	To be confirmed	-	To be confirmed
Germany	Yes	-	Yes
Spain	Yes	WP1, WP3	Yes
Benelux	Yes	-	Yes
Poland	Yes	WP1	Yes
Italy	Yes	-	Yes
Greece	Yes	-	Yes
Bulgaria	Yes	WP1	Yes
Slovak Republic	Yes	-	Yes
Austria	To be confirmed	-	To be confirmed
Cyprus	To be confirmed	-	To be confirmed
Czech Republic	Yes	WP1, WP2, WP3	Yes
Denmark	Yes	WP1	Yes
Estonia	Yes	-	Yes
Finland	To be confirmed	-	To be confirmed

NO / UA	Participating in the working group	Participating in following working packages groups	Intent to Implement
France	Yes	-	Yes
Hungary	Yes	WP1, WP 3	Yes
Latvia	Yes	-	Yes
Lithuania	Yes	-	Yes
Portugal	Yes	WP1, WP3	Yes
Romania	Yes	-	Yes
Slovenia	Yes	-	Yes
WIPO	Yes	-	Yes

Table 10 – Overview interest National Offices and User Associations

ANNEX 2 – Project team overview (internal and external)

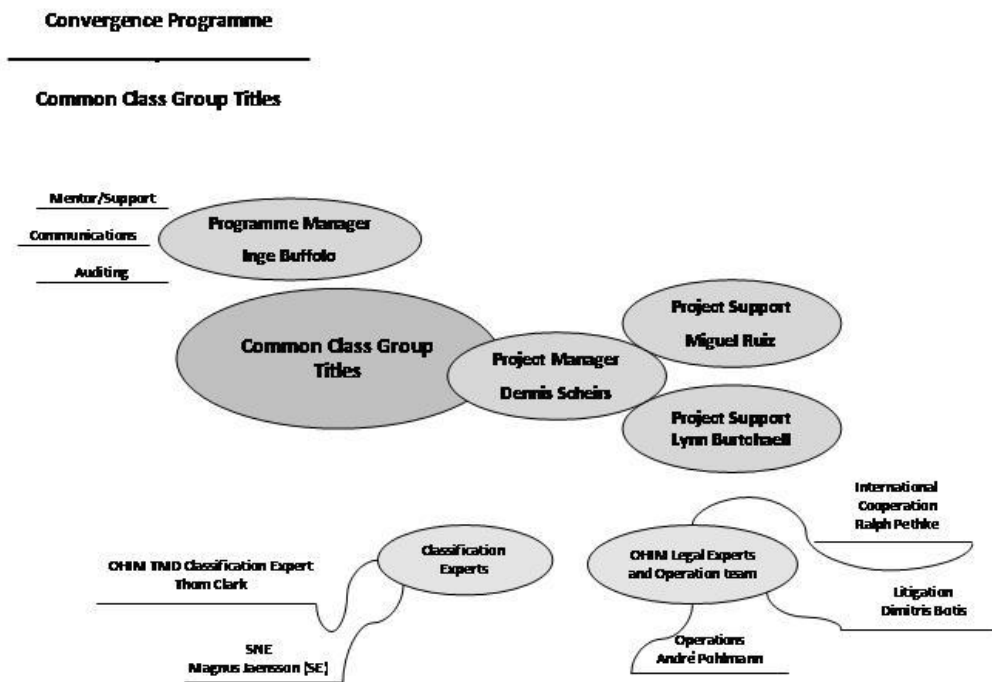


Figure 3 - Project team overview