OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)
International Cooperation and Legal Affairs Department

PROJECT BRIEF

Relative Grounds – Likelihood of Confusion

Version 1.0

Project	Relative Grounds – Likelihood of Confusion		
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Revision History

version	Date	Author	Description
0.1	17/11/2011	DS	Creation of the document
1.0	24/11/2011	DS	Integrating comments of PMO

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1. Purpose of the Project Brief

This document has been produced to capture a "first cut" view of the scope, investment needed, dependencies on other projects and anticipated benefits so that the constituent parts of the Project can be prioritised, funded and authorised.

2. Background

2.1. Convergence Programme Background

The European IP offices have realised that in many areas they have developed different interpretations, even though this is to the disadvantage of themselves and their users.
This insight has led to a shared determination to move towards a new era among European IP offices, an era to be marked by the progressive achievement of a European interoperable and collaborative network of trade mark and design offices which can contribute to a stronger IP environment in Europe and in turn support the goals of the Innovation Union.
As explained in the strategic plan of OHIM which was endorsed by the Administrative Board, there are three fundamental initiatives that will facilitate the development of the European network: (a) build common databases and platforms (b) further harmonize trademark laws and procedures in Europe through the Trademark Directive; and (c) foster harmonization of practices.

This is illustrated in the graphic below:
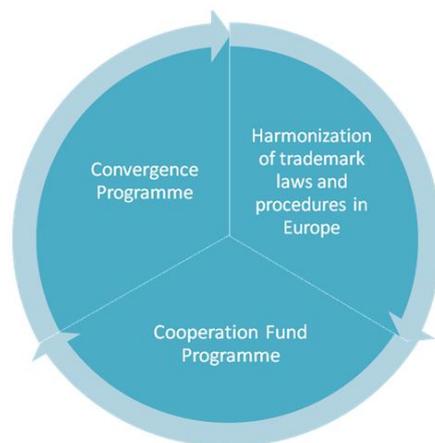
Figure 1 – Moving to the European Trademark and Design Network

The first initiative has been already undertaken through the establishment of the Cooperation Fund. The scope of the second initiative is currently under discussion with the Commission in the course of formal proceedings for legislative revision. In order to undertake the third initiative, OHIM, National Offices, BOIP and Users' Associations will set up the Convergence Programme. As is the case for the first initiative (Cooperation Fund) the participation to the programme is on fully voluntary basis.

2.2. Convergence Programme Objectives

The programme's intention is to put common practices and common EU guidelines into place, for the benefits of the EU Offices and the users.

This is done by:

- Establishment of a process to develop common practices in areas where consensus among offices and users can be reached, eliminating unnecessary differences without such changes requiring legislative amendments. However, those offices that are bound by the legislation are still invited to participate. In this way they are fully embarked in the project, and can immediately join in on the Common Practice once the legislative constraint is eliminated.

- 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.

- Make such common practices available in all EU languages.

2.3. Project Background

Once the Convergence Programme was created the IP Offices and User Associations were invited to give more inputs on additional convergence projects. The European Trade Mark and Design Network 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 projects (besides the ongoing projects: Harmonisation of Classification and Convergence of Class Headings).

This means the following 5 projects will be engaged by the Convergence Programme:

- Harmonisation of classification
- Convergence of Class Headings
- Absolute Grounds – Figurative marks
- Scope of Protection B&W marks
- Relative Grounds – Likelihood of Confusion

This project brief concerns the project: Relative Grounds – Likelihood of Confusion

3. Project Definition

3.1.   Project scope and exclusions

▪ **Project objective:**

To converge the different interpretations on how to deal with non-distinctive/weak components of trademarks in the context of the examination of relative grounds for refusal. (Likelihood of confusion)

▪ .**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.
– Establishment of (reduced) work packages, the work package groups and the work packages work plan.
– Communication and Reporting to stakeholders.
– Creation of the Common Practice.
– Market studies / surveys / benchmarking.
– The implementation strategy plan of the Common Practices in the IP Offices.
– Analyse how the Common Practice can best be maintained and followed up once it has been adopted by the Offices.
– Identification of legislative limitations for this Convergence Project. (The Convergence Programme aims at convergence on subject matters that do not require legislative amendments. Still Offices can be bound to court decisions, which could limit them from being able to apply a Common Practice.
When this occurs, this project will record such limitations and by doing so could become a vehicle that triggers a legislative change. This legislative change could be addressed especially due to the new Directive that will come out and will lead to a number of legislative changes already).

▪ **Out of scope:**

– The implementation itself of the Common Practices in the IP Offices.
– Updating of the Offices guidelines and Manual; this will follow the Offices internal procedures. However, the definition of the new Common Practice will be provided in all languages and can be incorporated in the internal guidelines.
– Legislative changes. (The Convergence Programme aims at convergence on subject matters that do not require legislative amendments. Still Offices can be bound to court decisions, which could limit them from being able to apply a Common Practice.
When this occurs, this project will record such limitations and by doing so could become a vehicle that triggers a legislative change. This legislative change could be addressed especially due to the new Directive that will come out and will lead to a number of legislative changes already.)
– The outcome of the work package "continuity analysis", which is discussed in detail in a later chapter, is a listing of possible actions. This is only an analysis of the possibilities and their impact. In case it is decided that individual work is required it will need to be defined as a project on its own.

3.2. Project cost & resources requirements

The total estimated cost for this Project is **EUR 1,477,476 €**, which includes a 10% Management Reserve:
- 217,124 €for travel and accommodation costs
- 126,852 €for translations
- 75,000 €for market surveys
- 25,000€for licenses
- 342,000 €for NO employment cost
- 691,500 €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 and User Associations:**
  The Office will reimburse National Offices for the effort their staff will spend in the Projects, as will happen for the experts from the User Associations. The rate considered will be based on the specific actual cost of employment for the requested profiles.
  A fixed rate is estimated of 500€per day.

- **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 Project, 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.

The detailed project cost estimates are in the annex.
Note that the number of iterations of the individual work packages will be revised at their kick-off meetings.

3.3. Project result

The key deliverables in this Convergence Project are:
- Document on Common Practice, in all EU languages
- Implementation Plan
- Adherence Plan
- Communication Strategy
- Analysis on how best to follow up on the continuity of the Common Practice

3.4.   Project plan

The kick-off meeting will be at the beginning of February 2012. This will launch a pre-project work of "Surveys and analysis". This will allow getting a clear picture of the current situation.
Once this is available the actual Project will start.
The total duration of the Project is estimated to 21 months.
The estimated time of final presentation and endorsement of the Common Practice is in the AB/BC of 2014.

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 at a high level. It also indicates the dependencies and parallel scheduling of the work packages:
- Kick-off: February 2012
- Start pre-project work: Q1 2012
- Start Work Package 1: Q4 2012
- Start Work package 2: Q2 2013
- End Work package 1: Q4 2013
- End Work Package 2: Q4 2013
- Start Work package 3: Q4 2013
- Start Work package 4: Q2 2014
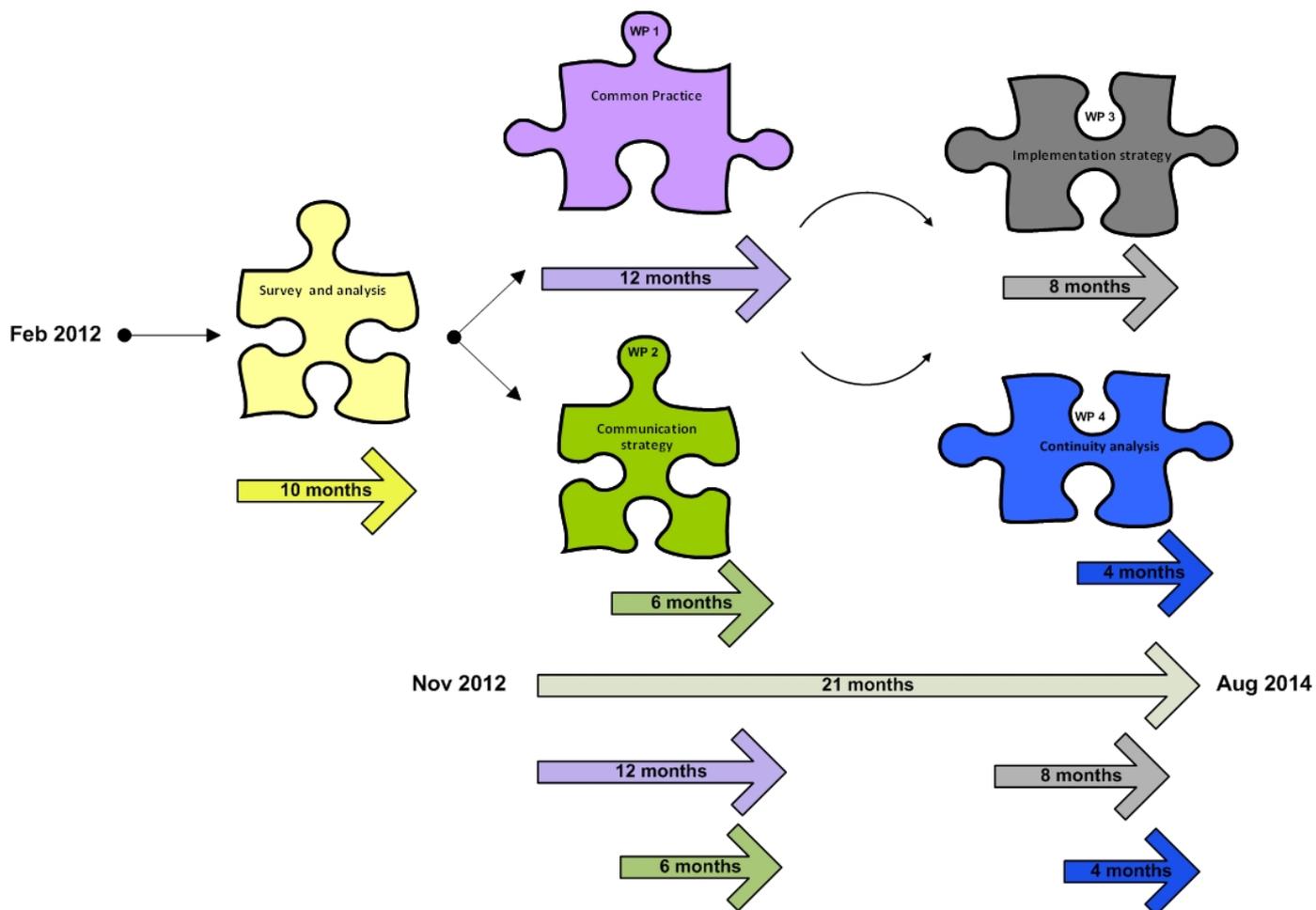- End Project: Q3 2014

Figure 2 – Project time plan

3.5.   Constraints

The Project will be facing a number of constraints, as detailed below:

- The development of the new Common Practice will not take into consideration all legislative constraints. Offices that are bound by the legislation are still invited to participate. In this way they are fully embarked in the project, and can immediately join in on the Common Practice once the legislative constraint is no longer present.

- Resources: offices and users associations are already involved in several cooperation and convergence initiatives. The lack of resources is the main reason why 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.

- Time: it is important for the project 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.

- Simplification: the project should look for 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).

4. Interdependencies

The project is closely related to the other Convergence Projects. Success in one project should lead to a momentum and break initial reserves in others. Failure in other Convergence Projects will quite likely also have a negative impact on this project.

The 5 Convergence Projects are:

- Harmonisation of classification
- Convergence of Class Headings (Common Scopes)
- Absolute Grounds – Figurative marks
- Scope of Protection B&W marks
- Relative Grounds – Likelihood of Confusion

5. Benefits

5.1.   OHIM strategic plan benefits

OHIM Strategic goals [1. Build a strong, vibrant and creative Organisation; 2. Increase Quality and Optimise Timeliness of Operations; 3. Promote Convergence of Practice]	Benefit [Free text of benefit of project and how it contributes to the strategic objective]	Strategic Objective [Nº of strategic objective as per strategic map]	Measurement [List of measurement or index as approved by BSC team]
3	This project will establish a common practice on the scope of protection of B&W marks. Therefore it will directly lead to an increase in the convergence of practices	3 Increase convergence of practice	3.1.1 Number of office partipations in Convergence Programme projects 3.1.2 % of harmonised offices per area 3.1.4 % of multi-office users expressing perception of increased convergence 3.2 Estimation of aggregate user gain from convergence
3	The common practice will be established by exchanging knowledge and experience on this issue between all partners involved in the project.	The common practice will be established by exchanging knowledge and experience on this issue between all partners involved in the project.	11.2.3 Number of IP offices participation in training This project will contribute to this with a reduced extent.
2	This project will establish a common that addresses the question as to when the	2 Improve timeliness, predictability, consistence and additional dimensions of	2.1. Timeliness index 2.2. Predictability index 2.3. Consistency index

	figurative element can carry the trade mark distinctiveness.. This will lead to an increase in consistency and predictability of the decisions.	quality as perceived per users	This project will contribute to this with a reduced extent

Table 2 – Strategic Plan benefits

5.2. Business benefits

Elimination of unnecessary differences in the practices of EU offices will bring several benefits to the Programme stakeholders. The main benefits could be summarised as follows:

For users:

- Easier, more effective and more efficient access to the protection offered by the EU trade mark and design national and regional registration systems.

- Costs saving: users, both SMEs and larger companies, would be able to save substantial costs if coherence of practices among offices could be further enhanced.

- Enhanced legal security for national/regional users: the convergence of practices will greatly limit, if not eliminate, situations where similar cases are treated in a dissimilar manner in the different offices.

- With the creation of the European Trademark and Design Network and consequently the convergence of practices the user can finally base the election of one or another system solely on strategic decisions and not be conditioned by divergence in practices or tools that may hamper those decisions. This will also provide the users with a consistently high-quality experience regardless of the level (national or regional) at which they choose to protect their IP rights.

For offices

- The adaptation of Common Practices between the different IP Offices will allow an increased consistency in those Practices.

- By sharing Practices also the maintenance that is involved can be shared, and this means that the maintenance effort per office will be reduced.

- By having Common Practices on European scale the International weight of Europe will also increase compared with the other International Organisations.

- By working according to the same Practices also quality management in particular quality control can be done together and increase efficiency and service level.

6. Project Tolerance

Due to the large amount of external stakeholders that will be closely involved in the project there is a tolerance of 10% foreseen on both time and cost of the project.
With this 10 % management reserve the tolerated cost for this Project is EUR 1,625,224 €
Taking the 10% tolerance on time into account the tolerated time of the project is 23 months.

7. Quality Expectations

The deliverables of the project will be translated into all EU languages and spread out all over the European Trade Mark and Design Network. This means it will be read and analysed by National Offices, User Associations, End Users, Judges …
Because it will be so widely available for any interested party the deliverables should be of very high quality and understandable and accessible for all. Therefore the quality of the deliverables needs to be verified and assured.

8. Project Approach

8.1.   Working Methodology

1) Creation of the working group
All offices will be invited to participate to the project. The offices participating in the projects will form the working group.

Apart from the representatives of the offices, the composition of the group will be completed by Users Associations.

2) Definition of the work packages
The work will be split into work packages. These work packages then will be developed by the members of the working group. In the event the working group is too big (there should be not more than 8-10 members per work package) the working group members will be assigned to the different work packages based on the declaration of interest, the correct representation of the different practices and the composition of the other work package groups.

In the first meeting of the working group the work packages of the project will be identified. Already now we have identified the following areas that will be addressed in work packages:
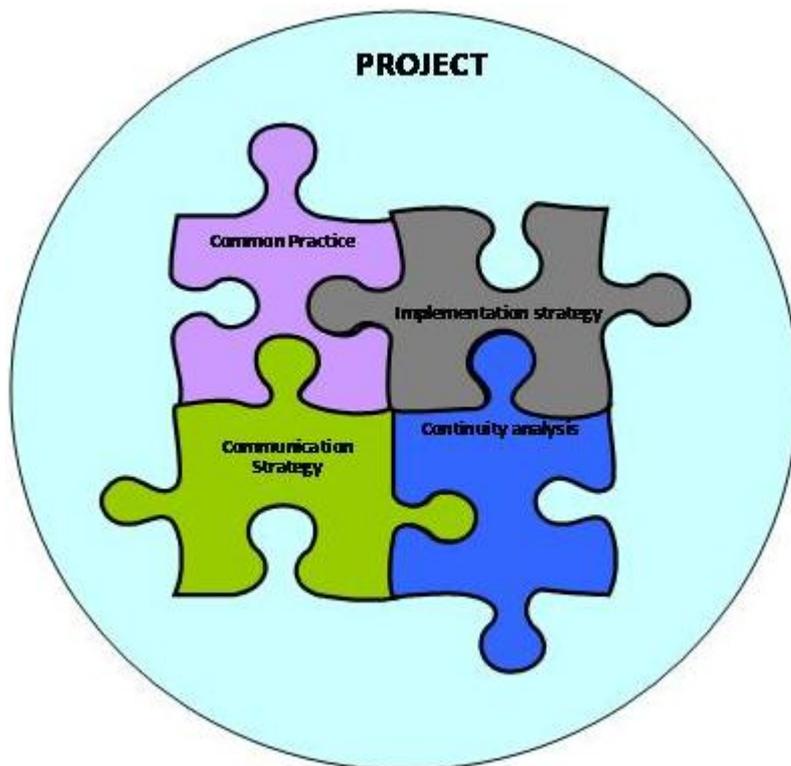
Figure 3 – Definition of the work packages

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 AB/BC meeting.

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 work package is considered to be finalised when the whole working group agrees on one particular solution. In case there is no consensus the specific work package will enter into a next iteration.

4) Presentation to the liaison meeting
The trademark liaison meeting will play a special role in the Convergence Programme. It will become a forum where the progress will be discussed involving all National Offices, also Offices that do not actively participate.

For practical reasons and to ensure a progress of the work we suggest that the TM liaison meeting will meet twice per year. Inline with the practice of having user associations participating in the projects, we also suggest to invite the User Associations to participate as observer. The participation in the meetings will be ruled by the same principles applied to the participation of user observers in the AB/BC meetings.

5) Presentation to the AB/BC meeting
In a final step the common practice is communicated in the AB/BC meeting.

The common practice written down in the form of a guideline will then be spread to all participating and interested parties (in first instance the EU Offices).

6) Implementation strategy
The implementation strategy is one of the work packages of each project.

It will define the steps to take and the timelines to implement the common practice upon their endorsement of the AB/BC.

The implementation of the convergence of the practices by the other EU offices that will join at a later stage will follow an implementation plan that is set up by the working group.

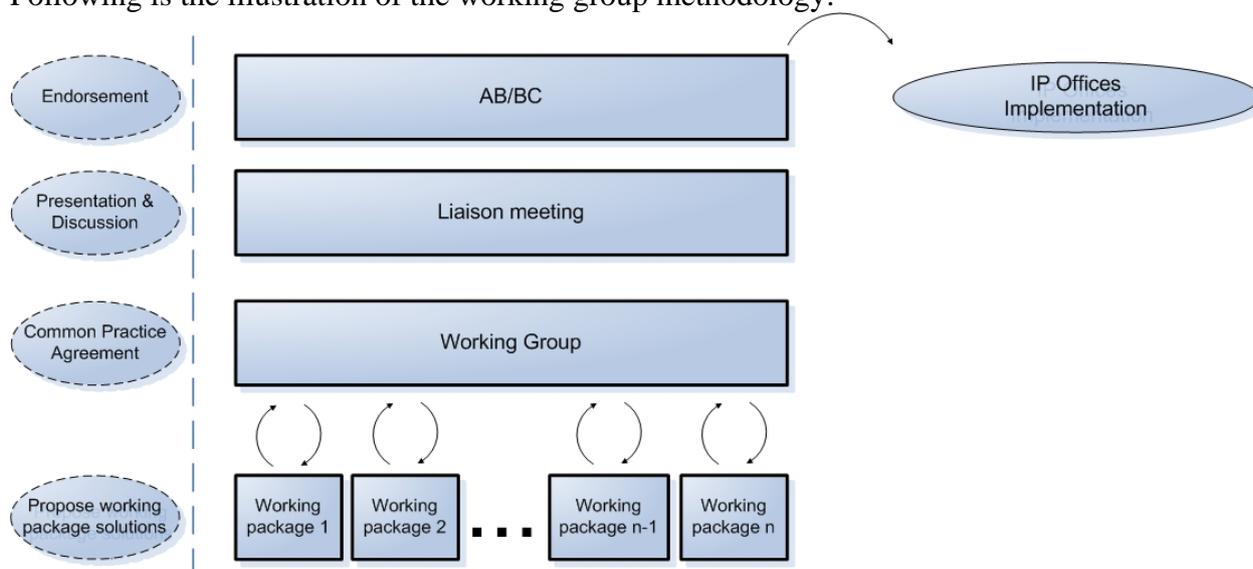Following is the illustration of the working group methodology:

Figure 4– Working Methodology of Convergence Projects

Roles and responsibilities:

Working group: The working group evaluates the proposals that come out of the work packages. In case the proposal is not sufficient, the work packages undergo further iterations. When the proposal is accepted the work 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.

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

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

- *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 Trade Mark Liaison meeting.

- *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.

- *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 on common practices established by the different working groups. Also for the participating working group Offices or associations there is no obligation to adopt the reached consensus straight away.

8.2.　　Project Interaction Strategy

When undertaking the Convergence project it is of utmost importance to keep an open mind and to get as much feedback as possible from different sources in order to extract fresh ideas and use them to mould new common practices in the different areas.

There are many sources from where we can gain this valuable feedback:

- National Offices

The national offices are the main stakeholders in the convergence programme. They will actively collaborate to gather all necessary information to facilitate the development of the common practices.

- Industry

Industry itself is the party that suffers most from the legal uncertainties that come from the lack of consistency in IP practices across Europe and should therefore be involved and consulted.

- Representatives of Industry

Representatives of industry are very much in tune with the problems that arise from the lack of consistency and are in the perfect position to assist in finding solutions.

- IP User Associations

The IP User Associations represent the combination of the industry and the representatives of that industry and will be closely involved by their participation as observers in the working groups.

- Legislative bodies:

The legal texts that exist on the subject matter in the different countries of this project should be carefully examined for view points and criteria that could be very useful when creating a

new common practice. Also interaction with the legislative bodies is needed to create awareness of this programme on the common practice that is being developed.

- Universities / Schools

New ideas and a fresh approach are always welcome in such ambitious projects. Schools and universities are the best source of such assets. Therefore, we would welcome their collaboration to share their ideas and thoughts on this programme.

- Consumer associations

Consumer associations are very frequently confronted with problems that arise in day-to-day life due to lack of consistency in IP matters. They can clearly point out when and how this creates problems which would be very helpful input in order to avoid this in the new common practice.

- Consumers

"The man in the street" knows often very little about the intricate details of IP policy and regulations. This means that the consumer has a very fresh and straightforward look to how he perceives trade marks and how he feels about this particular subject. By using market surveys, a good representation of these viewpoints can be attained.

The figure below represents all the interactions in this project:
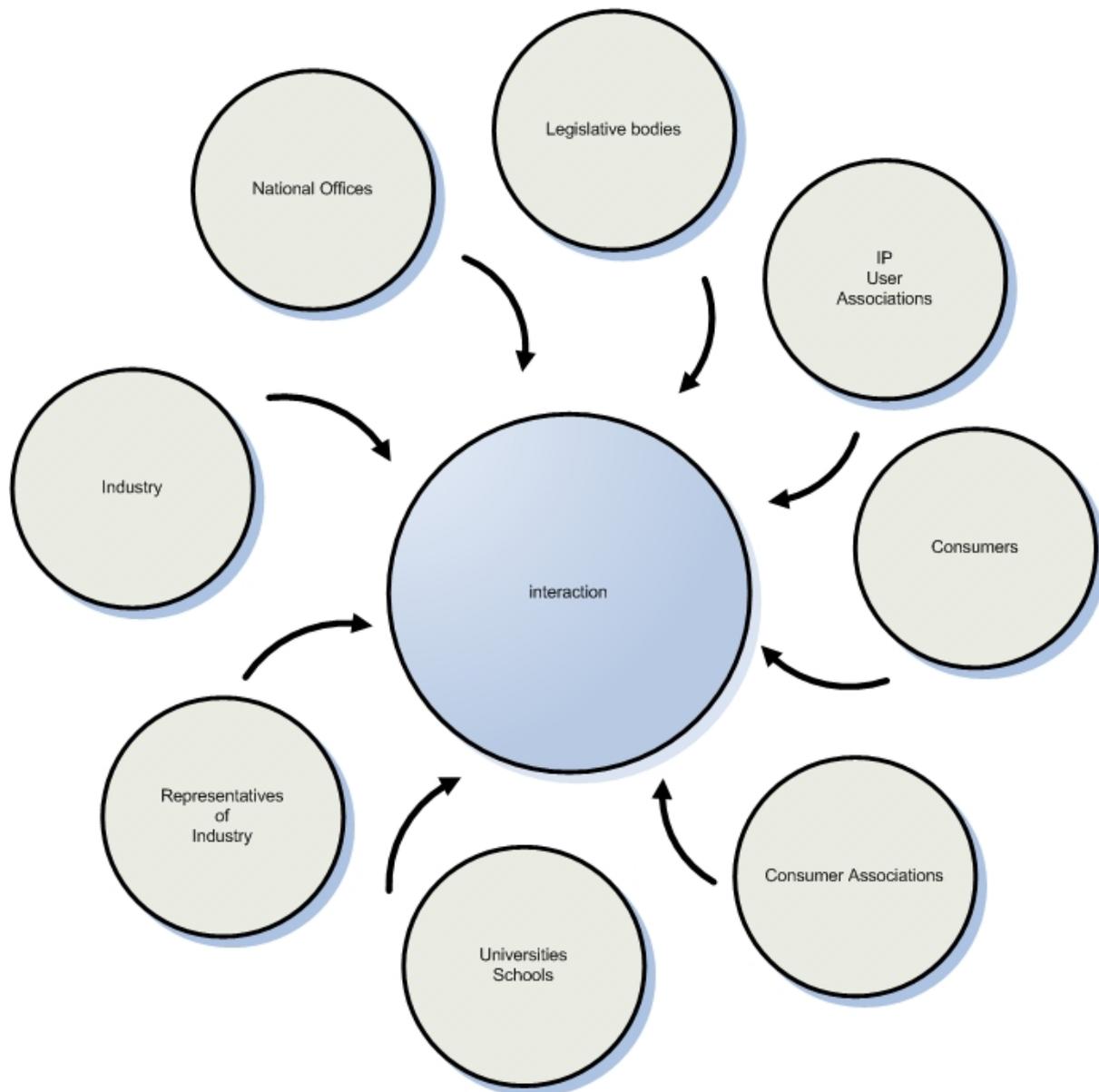
Figure 5 – project interactions

- Opinions will be asked on general viewpoints, but also on very particular cases (surveys). All this input is gathered from all these different sources, and then it is analysed and categorised. This should help to define the characteristics of what the new (best) Common Practice should look like. It is a continuous and intense interaction throughout the whole project.
- Interactions can happen sporadically but also on a continuous basis, and this could be different for each source.
- Interactions could last only during the project, or they could convert into long term collaborations when entering into the maintenance phase of the Common Practices. Again, these collaborations could be different for each source.

Tools can be identified to help to gather and manage information during the project, but also to maintain the Common Practice long after the project has been closed.

9. Acceptance Criteria

The objectives of the project are accomplished when the deliverables have been accepted by the AB/BC and the Common Practice has been endorsed.

10. Preliminary Risk Assessment:

This preliminary risk matrix lists possible areas of risks.

Risk	Description	Possible mitigation
Objectives Low ▼ (Low = requirements, objectives, scope, benefits are reasonable, clearly defined, measurable, and verifiable; High = not reasonable, clearly defined, measurable or verifiable)	The main objective is to define a Common Practice. This objective is clear and unambiguous. The requirements for this Common Practice have to be defined from scratch, where different stakeholders will have different priorities	The study on the current practices should be started as soon as possible, in order to set up the framework where the Common Practice will fit in. Once this is set up a clear strategy and work plan has to be agreed upon
Sponsorship Medium ▼ (Low = sponsorship is clearly identified and committed; High = not identified or committed)	There is a clear commitment on all the projects in the Convergence Programme	Extensive communication in order to keep management informed on the progress and the milestones in the project.
Funding Medium ▼ (Low = available without constraints; High = not yet allocated)	Budget has been estimated and made available well before many project factors were known	Budget Control by PM and Budget responsibles
Resource Availability High ▼ (Low = resources are available and external resources are not needed; High = uncertain, requires external resources)	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.	Get clear agreements with all parties on the amount of resources that should be made available in order to guarantee the size and quality of the Project.
Interdependencies High ▼ (Low = not dependent on other projects; High = dependencies exist)	The project is closely related to the other Convergence Projects. Success in one project should lead to a momentum and break initial reserves in others. Failure in other Convergence Projects will quite likely also have a negative impact on this project.	Keep a close eye on what happens in the other projects and identify possible conflicts even before they come to the surface. Keep a very close communication with all stakeholders in the project in order to get their feedback at all times.
Technical	The Convergence Programme has just	Use the experience from other international Cooperation Projects

High ▼ (Low = technology is proven, no new internal or external is needed; High = technology unproved, requires external expertise)	started, and there is no project yet that has gone through the whole project lifecycle	and learn from their lessons learnt.
Human Interface Low ▼ (Low = well-defined UI; High = poorly-defined)	There is no detailed description of what the deliverables should look like.	Currently existing guidelines can be used to inherit the structure and way of describing Practices
Organizational Culture High ▼ (Low = requires little change to organizational culture, business processes, procedures, or policies; High = requires major changes)	The Convergence Projects will lead to changes in the way of working of the NOs, this will cause a lot of scepticism and critics	Very strongly involve all NOs in the definition of the new Common Practice. Use the Liaison meeting as a forum to inform and discuss.
Supportability High ▼ (Low = easy to support in the future; minor updating likely; High = major updating likely making support difficult)	Once the Common Practice has been defined and endorsed, there needs to be a continuous follow up on the implementation, training, the evolvement of the Practice, communications, guidance on the interpretations of the practice…	The creation of a European Trade Mark and Design Network Centre that will take ownership over the Common Practice once the project finishes.
Implementation High ▼ (Low = minor uncertainties in implementation effort and user acceptance; High = major uncertainties)	One of the work packages that will be elaborated in the project is the Implementation Strategy. This work package should define clearly what the steps are for an Office to implement the new Common Practice	The European Trade Mark and Design Network Centre will closely work together with the Offices that implement the Common Practice and assist with any doubts that might occur.
Flexibility High ▼ (Low = not dependent on current practices, easily adaptable; High = highly dependent on today's practices, future modification difficult)	The Convergence Projects have a direct impact on the way of working of the Offices, for which changes in the practice lead to a great burden for the Offices	Very strongly involve all NOs in the definition of the new Common Practice. Use the Trade Mark Liaison meeting as a forum to inform and discuss.

Table 2 – Preliminary Risk Assessment

11. Project Communication Plan

In the Convergence Projects communication is crucial, as there are many stakeholders and they all need to be closely involved:

11.1. National Offices

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 AB/BC 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 work package.

- **Continuous contacts**, by the use of various tools described.

- **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 brainstorms and workshops. It will always be tried to combine these meetings with other events such as e.g. liaison meetings.

- **Surveys:** as specified in the chapter on the Project Strategy the Offices will be asked to participate in surveys. These surveys will help to get a clear picture on everybody's general viewpoints, but also the viewpoints on very particular cases.

11.2. User Associations

- **User associations will be represented in the working group (as an observer). 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.

- **User associations will be represented in the liaison meetings (as an observer).** The liaison meetings 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.

- **Specific User Associations meetings:** we should take advantage of these meetings in order to communicate to the widest audience possible on this Convergence Project.

> ▪ **Surveys:** as specified in the chapter on the Project Strategy the User Associations will be asked to participate in surveys. These surveys will help to get a clear picture on everybody's general viewpoints, but also the viewpoints on very particular cases.

11.3. Judges

> ▪ **Judges Symposiums:** it is crucial that there is also an awareness created amongst the judges on the Convergence Projects. Therefore we will suggest to the organizers to take advantage of these meetings in order to communicate and also inform them.

> ▪ **Surveys:** also judges will be invited to participate and give their opinions by means of surveys.

12. Project team

In order to carry out these activities, intensive interaction and coordination with the NOs and UAs, BOIP, OHIM 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 and the Programme Support Office.

12.1. Roles and Responsibilities

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

Roles	Responsibilities
Convergence Programme Manager	Sets up the proposal of work plan and defines the main stages and activities of the Programme.
	Revises plans, monitors and reports on the Programme to the Programme Stakeholders.
	Ensures the implementation of processes intended to ensure the achievement of the Programme Goals and manages the resources assigned to the Programme.
	Acts as a central point of Programme communication
	Is responsible to the European Trade Mark and Design Network Management Board for the operations, overall planning, and leading the development and implementation of the Project portfolio.
Project Manager	Manages the lifecycle of the Project and the quality of its products delivered within the specified constraints of time and cost.
	Revises plans, monitors and reports on the Project and reports to the Programme Manager.
	Is responsible for presenting the Project to external stakeholders.
Project Support	Performs tasks delegated by the Project Manager.

Roles	Responsibilities
	Provides administrative services (e.g. collection of data). Provides a repository for lessons learned. Provides a central source of expertise in specialist support tools. Provides configuration management.
Project Legal Expert	Provides support and knowledge on the legal matters at stake under the coordination of the Programme Legal Coordinator.
Project Operations Expert	Provides support and knowledge on the operation matters at stake.
Working group	Consists of National IP Offices and User Associations and is responsible to validate the outcome of the different work 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). 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. Also stands in for the validation of the translations of the practices. Is responsible to implement the Converged Practices. Will present the common practice to the liaison meeting and the AB/BC meeting.
Work package group	The work 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 work package is considered to be finalised when the whole work group agrees on one particular solution.
Convergence Programme Support Office	Supports the Project Manager. Aids those involved in the Project by provision of technical and administrative capacity, and quality assurance. Manages assets (products) to make the project effective and efficient: • Specialist products (specific to this project) • Management products (PRINCE2 project management documents). • Financial control of the Project • Assistance to the request for resources Provides configuration management to identify, track and protect the project's products.

Table 3 - Roles and responsibilities within the Convergence Project

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

Roles	Responsibilities
European Trade Mark and Design	Ensures that all internal OHIM issues are addressed by the Programme Manager.

Network Management Board	
Head of Institutional Relations Service	Should be closely involved in the project, as the new Common Practices will have a direct impact on the OHIM organisation and relation with the Institutions and will also be a crucial intermediate step to the creation of a European Trademark and Design Network.
Programme 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 on how to approach them.
	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.
	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.~~
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 Trademark and Design Network.
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 Trademark and Design Network.
Cooperation Fund Programme Manager	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

12.2.   Assignments and commitments

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	2014 man days
Convergence Programme Manager	15	50	50	50
Project Manager	10	110	110	80
Project Support	20	220	220	180
Project Legal Expert	12	30	30	15
Project Operations Expert	8	15	15	10
Head of Institutional relations Service	8	15	15	10
Legal Affairs Deputy Director	1	4	4	3
International Cooperation Deputy Director	1	4	4	3

Table 5 – Assignments and commitment

13. Annex: project cost estimates

Budget

Cost type	Cost break down	Cost breakdown comment	Total Project Cost breakdown	Cost breakdown 2011	Cost breakdown 2012	Cost breakdown 2013	Cost breakdown 2014
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 of 5 iterations. The maximum total cost for working package 1 is 9 participants * 5 iterations * 1176€ per participant = 52,920€	52,920		26,460	26,460	0
	Working package 2 travel and accommodation cost	* Number of NO participants: 3 * Each iteration requires 1 meeting at OHIM, there is a maximum of 3 iterations. The maximum total cost for working package 2 is 3 participants * 3 iterations * 1176€ per participant = 10,584€	10,584	0	3,524	7,055	0
	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		0	14,111	7,049
	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		0	9,399	4,699
	Working group travel and accommodation cost	* Number of NO participants: 30 * Planned number of meetings: 3 iterations, once per year (assumption: The meeting of the different Convergence Projects can coincide). The estimated total cost for this is 30 participants * 3 iterations * 1176€ per participant = 105,840€	105,840	0	35,280	35,280	35,280
	Team building events	* 5 work package team building events, average cost 1000 euro * 3 working group team building events, average cost 2500 euro	12,500	0	4,166	4,166	4,166
			217,124	**0**	**69,431**	**96,471**	**51,194**
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	0	0	78,120	0
	Translations of internal procedures of the Nos	Translation of internal procedures of the Nos 500 pages * 93€ per page = 46,500€	46,500	0	0	46,500	0
	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	0	744	744	744
			126,852	**0**	**744**	**125,364**	**744**
Market surveys	Investigation of practice	Investigation of practices	50,000	0	30,000	20,000	0
	Database comparisons	Comparing existing databases of the Offices	25,000		25,000	0	0
			75,000	**0**	**55,000**	**20,000**	**0**
Licenses	License Darts IP	To be able to analyse jurisprudence	25,000	0	8,250	8,250	8,250
			25,000	**0**	**8,250**	**8,250**	**8,250**
Employment cost National Offices	Work on surveys	* Each NO will help to create an overview on the current situation by participation in surveys. Planned effort: 3 days * 25 NOs* 500€ per participant=	37,500	0	37,500	0	0
	Working package 1 employment cost	* Number of NO participants: 9 * Each iteration requires 1 meeting at OHIM, there is a maximum 5 iterations. * Each iteration requires 4 working days of preparation work The maximum total cost for working package 1 is 9 participants * (5 meetings * (4 days preparation + 1 day meeting)) * 500€ per participant = 54,000€	112,500	0	50,625	50,625	11,250
	Working package 2 employment cost	* Number of NO participants: 5 * 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 5 participants * (3 meetings * (3 days preparation + 1 day meeting)) * 500€ per participant = 18,000€	30,000	0	9,990	19,998	3,000
	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	0	0	23,998	11,999
	Working package 4 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 4 is 6 participants (3 meetings * (3 days preparation + 1 day meeting)) * 500€ per participant = 24,000€	36,000	0	0	24,000	11,988
	Working group employment cost	* Number of NO participants: 30 * Planned number of meetings: 3 iterations of a 2 working days effort The estimated total cost for this is 30 participants * 3 iterations * 2 days * 500€ per participant = 75,000€	90,000	0	29,997	29,970	29,997
			342,000	**0**	**128,112**	**148,590**	**68,234**
External resources cost	Programme Manager - OHIM external staff	* 2011: 15 days * 2012: 50 days * 2013: 50 days * 2014: 50 days	115,500	10,500	35,000	35,000	35,000
	Project Manager - OHIM external staff	* 2011: 20 days * 2012: 110 days * 2013: 110 days * 2014: 80 days	224,000	14,000	77,000	77,000	56,000
	Project Support - OHIM external staff	* 2011: 20 days * 2012: 220 days * 2013: 220 days * 2014: 180 days	352,000	11,000	121,000	121,000	99,000
			691,500	**35,500**	**233,000**	**233,000**	**190,000**
Total			**1,477,476**	**35,500**	**486,287**	**623,425**	**310,172**
Total		**Total with a 10 % management reserve**	**1,625,224**	**39,050**	**534,915**	**685,768**	**341,190**

Table 6 – Project cost estimates