



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

PROJECT BRIEF

Convergence on Design Practices (CP7)

- Harmonisation of Product Indications

Version 1.0

Project	CP7. Convergence on Harmonisation of Product Indications		
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Revision History

version	Date	Author	Description
0.1	29/11/2013	JD + MD	Document Creation
0.2	05/12/2013	MC	Edits to grammar
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Quality Criteria (to be used by reviewers)

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Revision log

This log is to be filled in by each stakeholder when reviewing the Project Brief. The comments will be taken into account by the Project Manager in order to finalise the Project Brief to be presented to Presidency.

Date	Stakeholder	Description of the review	Person responsible of the review
14/02/2014	PMO	General presentation (format), content and cost table (time plan)	RF & EM
07/02/2014	OBIT	Outputs and benefits of the project and the link with the relevant indicators of the Balanced Scorecard of the Strategic Plan	ML & MC
	VM&SS	Cost table (internal in days and external in Euro, split per years)	
10/02/2014	Architecture Service	Alignment with the architecture roadmap and timing of the realisation in case of IT related projects	JC
	Applications and Maintenance Service	Availability of resources as well as alignment with area of expertise	
	Operations and Infrastructure Service	Availability of resources as well as alignment with area of expertise	
	Project/ Programme Board	General comments on content and assessment of strategic alignment and contribution to end benefits	
14/02/2014	Project Manager	Integration of all comments	LG

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1. Purpose of the Project Brief

This document has been produced to establish the scope, investment, dependencies, anticipated benefits, risks and timeline of CP7, Harmonisation of Product Indications, in order to seek prioritisation, funding and authorization for its initiation.

2. Background

2.1 Convergence Programme background

The Convergence Programme was established in June 2011. It embodies the shared determination of EU IP offices, OHIM and User Associations, to move towards a new era marked by the progressive achievements of an interoperable and collaborative European network of trade mark and design offices to create a stronger IP environment in Europe.

2.2 Convergence Programme Objective

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

This is done by:

- Establishing a process to develop common practices in areas where consensus among offices and users can be reached and eliminating unnecessary differences without requiring legislative amendments. Although these convergence principles are respected when the projects are launched, there may exist situations where a limited number of offices have legal constraints or where initially undetected legal constraints materialise as the common practice develops. These do not constitute an impediment for launching the convergence projects and achieving a common practice. Offices with legislative constraints are still invited to participate, in this way they are fully embarked in the project, and can immediately adopt the Common Practice once the legislative constraint is eliminated.
- Creating a set of common practices in the different project areas which upon endorsement will be put in practice by the participating national IP offices, BOIP and OHIM.
- Making the common practices available in all EU languages.

2.3 Project background

To this point, the Convergence Programme initiatives have focused on the convergence of practices in regards to trade marks. As several common practices on trade marks have now been agreed and endorsed, it is an ideal time to launch a harmonisation project aimed at converging design practices throughout the EU.

Additionally, Intellectual Property Rights (IPR)-intensive industries generate more than a quarter of employment activity and more than a third of economic activity in the EU. Its impact is well illustrated in the joint IP contribution study¹ conducted by the European Patent Office and OHIM. Specifically, design-intensive industries are only second to trade marks in their contribution to employment and gross domestic product. Unquestionably, designs play a considerable role in the commercial success of a product and overall economic success of the EU.

Today practices differ between National Offices. Harmonising in different aspects e.g. the representation of a design and the indication of products will bring benefits to both offices and users by increasing application decision predictability and legal certainty. By limiting the risk of being exposed to an objection based on mere formalities (which implies further costs for remedying the deficiency), such convergence would also reduce costs associated with the filing of design applications in different IP offices. Additionally, improvements of tools and practices used for design registrations would bring them up to par with the counterpart tools and practices available for trade marks. With this in mind, the Convergence Programme set forth in researching the feasibility and gauging the interest of a designs project.

This effort consisted of a preliminary analysis based on consultation with the national IP offices and OHIM experts, and a questionnaire on the legal framework of designs answered by 30 IP offices (EU and non-EU). The preliminary analysis reviewed the feasibility interest for various designs topics as well as the structuring of potential projects. The questionnaire asked about the procedures of IP offices in the area of designs and whether they are directed by national law and/or office practice. This information was viewed in light of the Convergence Programme principles, these being, projects not requiring legislative changes, achievable within a two-year time horizon and providing the maximum tangible benefits to offices and users.

After consulting EU IP offices and User Associations, “graphic representation of designs” and “harmonisation of product indications” were identified as the most important areas where convergence would bring clear benefits to national offices and users. This document focuses on CP7. Convergence on Harmonisation of Product Indications that will be launched in order to create a multilingual harmonised product indication database. The Locarno classification system does not bind countries to the nature and scope of the protection afforded to the community design. When a product indication does not appear in the alphabetical list, a set of rules are used by the offices to determine what a correct product indication is. As this is open to interpretation, different practices have developed by offices over the past decade, i.e. adding new product indications to the list; deleting ones deemed unnecessary, proceeding with substitution ex officio, accepting product indications which do not exist in the list of products of the Locarno Classification.

Accordingly to the survey conducted, all of the 30 IP offices use the Locarno classification system and of those 30, 27 use the 9th edition. Furthermore, of these 30 offices, 6 have their own database as seen below:

¹ <https://oami.europa.eu/ohimportal/en/web/observatory/ip-contribution-study>

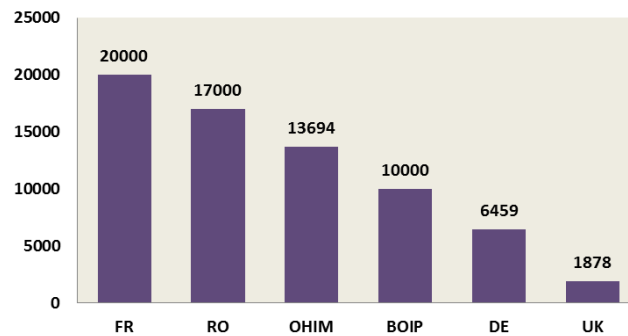


Figure 1 IP offices owning databases with no. of product indications

These differences lead to uncertainties as they are not user-friendly and do not allow applicants to have a unique list of product indications for the same design in various offices. The creation of a common list of product indications in EU would enhance and improve the ability to search product indications to predetermine whether a design is already protected.

Since applicants must indicate the product to which a design will be applied for and that the use of the Locarno classification is recommended but, in most IP offices is not mandatory, creating a harmonised product indication database and a harmonised practice by using a common list will bring benefits to the users as more updated indications will be added, filing and registration procedures will be simplified and costs for translations into all EU languages reduced.

3. Project Definition

3.1 Project phases

CP7. Convergence on Harmonisation of Product Indications will be divided into two phases that will consist of:

Phase 1:

A - Creation of a harmonised product indication database

B – Design and development of a search tool for the harmonised product indication database

C - Creation of a Common Practice on Product Indications

D - Implementation Strategy

E - Communication Strategy

Phase 2:

A - Taxonomisation of the harmonised product indications database

B - Continuity plan: creation of a harmonised workflow tool to propose, modify or delete product indications

Phase 1:

A - Creation of a harmonised product indication database

The creation of the harmonised product indication database will encompass the following steps:

1. The eight (*) existing product indications databases will be used as a starting point. Three of these are already in English (UK, Locarno and Eurolocarno which includes the latest Locarno list of product indications). The five others (FR, BOIP, DE, ES and RO) will need to be translated into English in order to be able to compare the databases. These translations will be obtained by:
 - Comparing the product indications of the five databases with the existing translations in Eurolocarno (Eurolocarno has translations in all EU languages). In case a product indication in one or more of the five databases is present in Eurolocarno, it can be translated to English using the Eurolocarno translations, reducing future translation costs.
 - If the translations of the remaining product indications are not found in Eurolocarno, a comparison should be done with the harmonised database of goods and services in order to find the correct translations. In case the product indication is not found, translations need to be sent to the Translation Centre for Bodies of the European Union (CDT).
2. An invitation will be made to User Associations to contribute product indications that they believe reflect applicant needs. These will be compared with Eurolocarno, as stated above, if product indication is not present, it will be translated by the CDT.
3. Once all product indications of all eight product indications databases and user association proposals are available in English they can be compared. The comparison will lead to the following groups:
 - Product indications will be reduced eliminating duplicates and cleaning-up process
 - Product indications will be analysed by the Work package group (working language English) for inclusion in the proposed harmonised database, those agreed upon will be included. Product indications not included will be reserved for a mapping exercise of existing registered designs.
4. The equivalent product indications of the English harmonised database will be grouped together, into “concepts”. A concept can consist of any number of equivalents. It has only one “master” that best represents the group.
5. For each of the English concepts the translation needs to be obtained into all EU languages. The first source for translations will be Eurolocarno.
 - In case the concept only has one translation into a particular language that translation is the “master” for that language.
 - In case several translations are found, a master will need to be selected, that best represents the concept in that language.
 - In case no translations are found, the concept is sent to CDT.
6. Once all product indications are grouped into concepts, and translations are available in all languages, OHIM will review and validate their quality. Once this has been done the National Offices will be asked to validate the translations in their language. This two-step validation not only reduces the workload for National Offices, but ensures that the data is of the highest quality.

7. At this stage, the harmonised database is a comprehensive listing of product indications available in all EU languages.

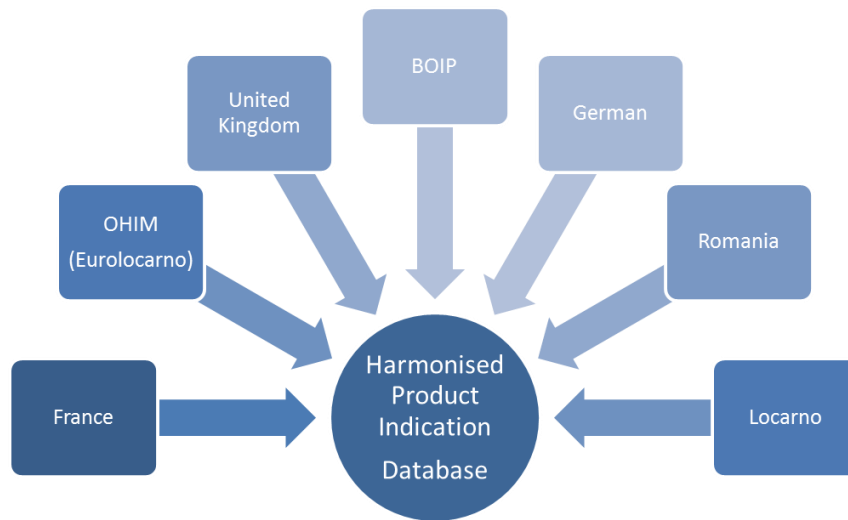


Figure 2 Databases to be included in harmonised product indication database

(*) After the kick-off a local Product Indication database from Spain Office was received

B – Design and development of a search tool for the harmonised product indication database

Similar to the search tool available for trade mark terms, TMclass, a search tool will be created to search the harmonised database of product indications and the databases of other IP offices. The software requirement specifications will be outlined based on the available technologies and desired functionalities of the search tool.

C - Creation of a Common Practice on product indications

The common practice will consist of two sets of guidelines covering the subsequent topics:

1. Technical database rules

The technical database rules will consist of technical rules (e.g. no use of asterisks; commas rather than brackets) that require adherence in order for a product indication to be included in the harmonised database.

2. Product indications

Guidelines will be established to help assess product indications suitability for inclusion into the harmonised database. These guidelines will help to identify and explain what is considered to be a clear product indication while also satisfying the requirements set by the Community Design Register and the Design Directive².

² Article 3 of the Community Design Regulation:

In order for a product indication to be included in the harmonised database, it must comply with both the technical database rules and the guidelines for the product indications.

D - Implementation Strategy

An implementation strategy will be developed that outlines the most effective and efficient method of incorporating the deliverables of the project into the current practices of EU IP offices. It will also analyse if and what actions should be made with regards to designs registered in the past. The action itself will remain out of the scope of this project.

E- Communication Strategy

A communication strategy will be created that delineates the best methods for communicating to the identified target audiences about the project deliverables, their impact on current practices and the benefits that will be realised upon their implementation.

Phase 2:

A - Taxonomisation of harmonised product indications database

The harmonised product indications will be taxonomised following a hierarchical structure based on Locarno Classification, from general to specific that groups product indications sharing similar characteristics. The work package group will merge synonymous product indications for categorising under the most relevant class. It is not an alternative to Locarno but instead an addition that follows the Locarno structure of 32 classes and gives a further structure to the content of each class.

B - Continuity plan: creation of a harmonised workflow tool to propose, modify or delete product indications

Mirroring the successful work that has been done in the realm of trade marks, a workflow and common tool will be created to help with the continued upkeep of the harmonised database. For trade marks, these are referred to as the harmonised workflow and the Terminology Maintenance Console (TMC). The harmonised workflow describes the process that participating offices will follow to

1. Products shall be classified in accordance with Article 1 of the Locarno Agreement, as amended and in force at the date of filing of the design.

2. The classification of products shall serve exclusively administrative purposes.

3. The indication of products shall be worded in such a way as to indicate clearly the nature of the products and to enable each product to be classified in only one class of the Locarno classification, preferably using the terms appearing in the list of products set out therein.

4. The products shall be grouped according to the classes of the Locarno classification, each group being preceded by the number of the class to which that group of products belongs and presented in the order of the classes and subclasses under that classification.

propose product indications for addition, modification or deletion (see Figure 3). The TMC is the platform where this process is carried out. It is based on predefined periods where offices review product indications for addition, modification or deletion and vote on whether these product indications should be treated as proposed.

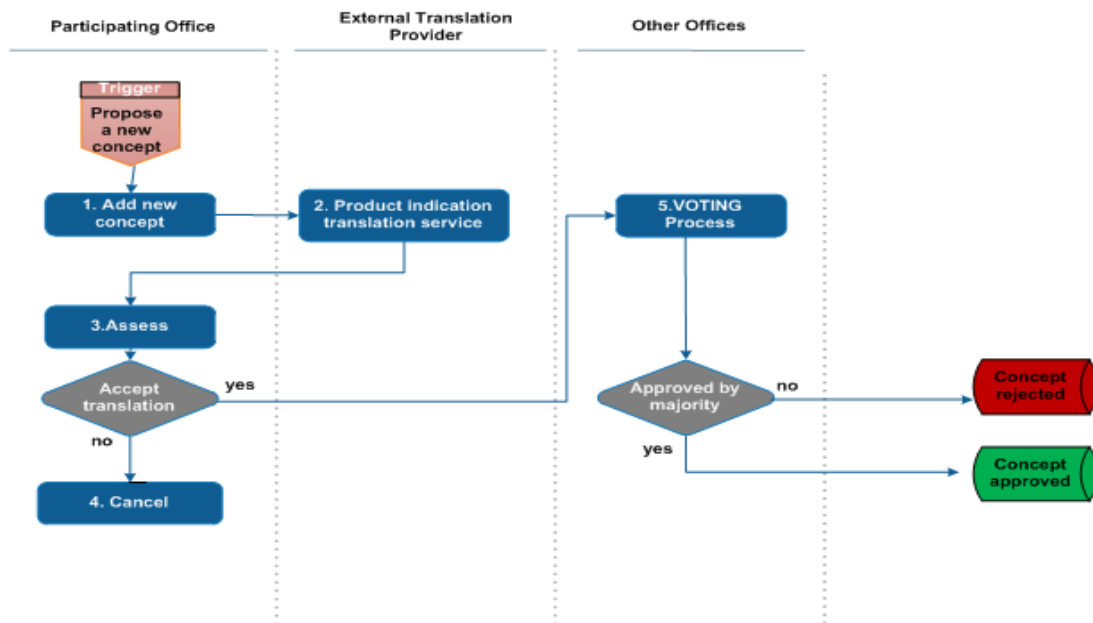


Figure 3 Harmonised workflow

3.2 Project scope and exclusions

In Scope:

- Creation of a harmonised product indication database
- Creation of common practice on product indications
- Creation of common practice on technical database rules
- Adoption and definition of a detailed process description for the population and maintenance of the database.
- Creation of a harmonised workflow and platform to propose, modify or delete product indications
- Creation of a taxonomy for the harmonised product indications
- Conceptualisation of the product indications (grouping of equivalent product indications)
- Launch of harmonised product indications database search tool
- Establishment of Working Groups and work package groups in collaboration with National Offices
- Establishment of work packages and work plans
- Creation of the following documents:
 - Implementation strategy
 - Communication strategy
- Market studies and surveys on practices
- Translation of any text or documents necessary to support the working group
- Communication and reporting to stakeholders

- Identification of legislative limitations
- Analysis of new common practice's impact on past practices, if applicable

Out of scope:

- Integration with different systems such as e.g. Designview, Search Image
- Integration with IT tools at the IP offices e.g. designs e-filing and designs core management system/back office
- Updating of the guidelines; this will follow the Offices internal procedures.
- Legislative changes on behalf of IP Offices (if required)
- The Common Practice and Common Communication(s) will only explain the Common Practice created and approved by the working group. The description of legal constraints preventing implementations will not be included. The practices of those offices that don't adhere to the common practice will not be described in the documents mentioned above.
- Execution of Implementation Strategy and Communication Strategy. (e.g. actions with regards to the designs registered in the past)
- Continued maintenance of harmonised database

3.3 Project results

The key deliverables in this Convergence Project are:



Figure 4 Deliverables of CP7

3.4 Project plan

TASKS	START	END
Preparatory work		
Creation of a list of proposals for a new convergence project on designs	March 2013	
Preparation of a study on the feasibility of the proposals taking into account: <ul style="list-style-type: none"> • High level of improvement for the users; • Simplicity and manageability of the time frame (maximum 2 years); • No legislation change. 	May 2013	October 2013
Draft Project Brief	October 2013	January 2014
Project Proposal	Design Liaison Meeting November 2013	
Internal Team Establishment	January 2014	
Working Groups Establishment	January 2014	
Project Execution		
Project Kick-Off Meeting	29th January 2014	
Project Work		
Phase 1		
WP 1 – Creation of common practice		
WP 2 - Implementation Strategy		
WP 3 - Communication Strategy		
WP 4- Creation of a harmonised product indication database	February 2014	November 2015
Phase 2		
WP 5 - Continuity Plan: creation of a harmonised workflow and tool		
WP 6 - Taxonomisation of harmonised product indications database	November 2015	November 2016
Working Group Meeting (2 meetings)	To be determined	

Work Package Group Meetings (3 meetings)	To be determined	
Monitoring and Control		
Project progress reports	Design Liaison Meetings (2013-14-15-16)	
Closure		
Principles presented at Liaison Meeting	Design Liaison Meeting (2015 - 2016)	
Principles endorsed at AB	November 2016	
Close-Out report produced (Benefit-Realisation Analysis)	Moment of endorsement	4 months after endorsement

Table 1 Project Plan

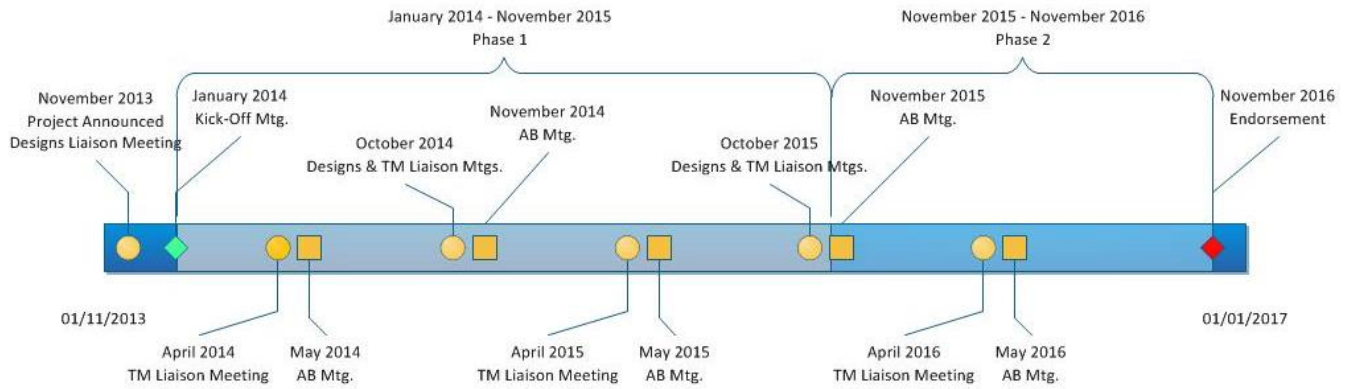


Figure 5 Project Timeline

3.5 Constraints

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

- According to our analyses there should be no or a minimum amount of legal constraints for the project, but it is possible a legal constraint may materialise as the common practice develops.
- Time: it is important for the project to produce visible results in a not too long timeframe. A timeline has been established, assuming the resources are available as requested. Any delay in phase 1 could impact the start of phase 2 and the overall completion date of project.

- 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 at the filing and examination stages).

4. Interdependencies

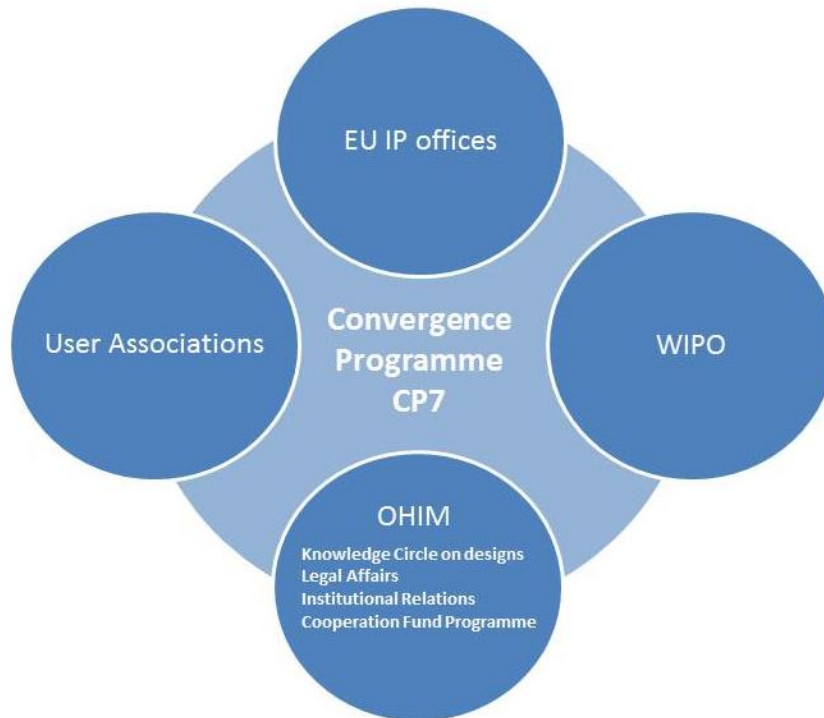


Figure 6 Project Interdependencies

➤ EU IP Offices

EU IP offices will be the main decision-makers in developing the core-objective of the project, common practices. Their commitment and cooperation will directly influence the project's success. EU IP offices will be required to communicate their current practices in relation to the project and possibly compromise for the greater good of harmonising IP practices.

➤ WIPO

The Geneva Act of the Hague Agreement is an agreement relating to the international registration of industrial designs administered by WIPO. OHIM along with 45 contracting parties have signed the Hague Agreement. Since it is possible to apply for design protection for the entire EU through the international system by designating OHIM, WIPO is an important stakeholder in this project.

➤ User Associations

As observers, the participating User Associations will provide feedback and insight from the user perspective. Considering that the project will have a direct impact on these users, it is imperative that they are represented during the advancement of the project.

➤ **OHIM**

Results from this project will directly affect OHIM. Therefore the OHIM departments have representatives both in the OHIM Knowledge Circle as in the project working group.

• **Knowledge Circle on designs**

The resulting principles of CP7 will require incorporation into the OHIM Guidelines. By having the Knowledge Circle work closely with the project, its absorption into the Guidelines update cycle can be as seamless as possible.

• **Legal Affairs**

The involvement of Legal Affairs is always necessary in Convergence Programme projects to ensure OHIM remains in good legal standing.

• **Institutional Relations**

Institutional Relations will always be fully informed on all activities, as this will help to manage the relationships with all stakeholders and to continue to strive and maintain a cooperative spirit with those stakeholders, and to address possible difficulties in the most diplomatic manner possible.

• **Cooperation Fund Programme**

CP7 project will contribute to the efficiency of Cooperation Fund tools, especially:

- Search Image – decrease unwanted search results by helping users conduct more intuitive and focused searches
- Designview - by combining image search with products indications which have exact equivalents in all official languages
- Design e-filing - simplifies classification of product indications at the application stage

5. Benefits

5.1 Benefits for offices and users

Harmonisation in the practices of EU IP Offices will bring numerous benefits. The main benefits could be summarised as follows:

For offices:

- Creates a unified and consistent classification system in all IP offices
- Simplifies the examination of design applications
- Reduce the objections by IP offices based on deficiencies on wrong classification or unacceptable product indications
- Reduces NOs work effort with the creation of a common maintenance tool
- Increases efficiency of Cooperation fund tool e.g. improves searches in Designview by combining image search with product indications which have exact equivalents in all official languages
- Contributes to a greater, more economically sound European Union (greater weight & influence in the global IP community)
- Shared costs regarding quality control management to increase efficiency and improve service levels
- Strengthen relationship among IP offices, facilitates knowledge and best practices exchange

For users:

- Simplifies filing requirements
- User-friendly
- Improves accuracy and efficiency
- Reduce translation costs when claiming priority of a previous application filed in Europe
- Helps to classify product indications more easily when making a design application
- Helps to find the right product indications within each category without prior knowledge - intuitive search
- More comprehensive and deeper structure of product indications will give a better overview of what the database contains
- Improves and enhances search tools to help predetermine if a design is already protected
- Flexible: based on market reality because of the ability to frequently update

5.2 OHIM Strategic Plan Benefits

OHIM Strategic goals	Benefit	Strategic Objective [N° of strategic objective as per strategic map]	Measurement [List of measurement or index as approved by BSC team]
Promote Convergence of Practice	This project aims at creating a harmonised product indication database and harmonised practice by using a common classification list that will simplify the registration procedure and reduce translation costs by having same Product Indications in all EU languages	3. Increase convergence of practice on classification of product indications	3.1.1 Number of office participants 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
	The common practice will be established by exchanging knowledge and experiences on this issue between all partners through the Working Group and Work Package Group meetings	11. 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.
Increase Quality and Optimise Timeliness and Operations	The common practice will also lead to an increase in consistency and predictability of OHIM decisions.	2 Improve predictability, consistency and additional dimensions of quality as perceived per users	2.2.6 Level of predictability as perceived by users 2.3. Consistency index This project will contribute to this with a

			reduced extent.
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Table 2 OHIM Strategic Plan benefits

6. Project Cost & Resources Requirements

6.1 Project cost estimates

The total estimated cost for this Project is 5,380,854 € over a time period of 3 years, which includes 830,370 € for the work expected from the National Offices, 52,000 € for IT Services, 10,000 € for Hardware, 881,712 € for the translations of main deliverables and communications, 522,368 € for the revision of the terminology database in all languages by OSD, 15,000 € for market research and data run, 237,888 € for travel and accommodation and 2,751,516 € for external resources.

Type of cost	Details and explanations of the cost		2014 Cost (euros)	2015 Cost (euros)	2016 Cost (euros)	Total Cost (euros)
National Office Work Effort	Initial Survey	Initial Survey about the Practice for each IP Office (All 26 EU IP Offices) 26 offices x depending on the Office Daily rate of each IP Office).	13,884 €	0 €	0 €	13,884 €
	Working Group Effort	Estimated Participants: 31 (26 EU IPOs, 3 Non EU and 2 UAs).				
		Additional survey Survey about the Practice for each IP Office (All 26 EU IP Offices) 26 offices x depending on the Office Daily rate of each IP Office).	13,884 €	0 €	0 €	13,884 €
		Preparatory days per meeting 2 depending on the Office Daily rate of each IP Office (All 26 EU IP Offices). (Average daily rate 267 € *26*2)	13,884 €	13,884 €	13,884 €	41,652 €
		Validation of documents: 3 for 2014 depending on the Office Daily rate of each IP Office and 6 for 2015 and 2016. (Average daily rate 267 € *26 *3 &*6)	20,826 €	41,652 €	41,652 €	104,130 €

		Validation from IPOs** - Terminology Database estimated up to 18,000 terms, 30 terms/hour = 600 hrs =75 man days per office (by 23 IPOs) (Average daily rate 267 €) splitted into 2 years	230,288 €	230,288 €	0 €	460,575 €
		Validation from IPOs** - Taxonomy Structure estimated 25 man days per office (by 23 IPOs) (Average daily rate 267 €)	0 €	0 €	153,525 €	153,525 €
	Work Package Effort	Estimated Participants: 10 (only EU IPOs).				
		Preparatory days per meeting 2 depending on the Office Daily rate of each IP Office (10 EU IP Offices) (Average daily rate 267 € *10 *4)	10,680 €	10,680 €	0 €	21,360 €
		Validation of documents: 4 depending on the Office Daily rate of each IP Office,(Average daily rate 267 € *10 *4)	10,680 €	10,680 €	0 €	21,360 €
	Total National Office Work Effort Cost		314,126 €	307,184 €	209,061 €	830,370 €
Translation Cost	Common Practice Document	Estimated pages: 20 Number of languages: 22 Cost per page: 93 €	0 €	40,920 €	0 €	40,920 €
	Fill up Exercise**	Terminology Translation of 6,000 terms * 22 languages* 5€ just for 2014.	660,000 €	0 €	0 €	660,000 €
	Other Documents	Letter of President 4 different letter (2 pages each) Language translations: 4 Cost per page: 93 €	2,976 €	2,976 €	2,976 €	8,928 €
	Label and Content Translation	1. Help file translation (estimated average of 35 pages)	0 €	85,932 €	85,932 €	171,864 €
		2. Labels (estimated average of 7 pages)				
42 pages * 22 per page: 93 €						
	Total Translation Cost		662,976 €	129,828 €	88,908 €	881,712 €
IT Services	Software Quality Control	(25% of Development Effort) 165 days/ 3 years (envisaged 55 days per year * daily rate of 400 €)	0 €	22,000 €	22,000 €	44,000 €

	Installation	(envisaged 10 days per year * daily rate of 400 €)	0 €	4,000 €	4,000 €	8,000 €
	Total IT Services		0 €	26,000 €	26,000 €	52,000 €
Hardware	Server		0 €	10,000 €	0 €	10,000 €
	Total Hardware		0 €	10,000 €	0 €	10,000 €
Other Costs	Market Surveys	Development , conduct & analysis of market (stake holders beyond EU IP offices) research	5,000 €	5,000 €	5,000 €	15,000 €
	OSD Revision of terminology database	Database revision of 18,000 terms Target 170 terms per day 106 working days per language ADECCO agent for an 8-hour day is EUR 224 the estimated cost for revision of 1 language is 224 x 106 = EUR 23 744 the estimated cost for revisers for 22 languages is 22 x 23 744 = EUR 522 368	0 €	522,368 €	0 €	522,368 €
	ESTeam	Data run	80,000 €	0 €	0 €	80,000 €
	Total Other Costs		85,000 €	527,368 €	5,000 €	617,368 €
Travel and Accommodation	Working Group	Estimated Number of Meetings 1 (1,176 € per meeting)* 31	36,456 €	36,456 €	36,456 €	109,368 €
	Work Package	Estimated Number of Meetings 2 (1,176 € per meeting)* 10 (2 meetings in 2014, 3 in 2015 and 1 in 2016)	23,520 €	35,280 €	11,760 €	70,560 €
	Conferences/missions/Workshops costs	4 Designs missions/workshops per year for 3 people (mainly to go to WIPO). (1,176 € per meeting), 3 days for each conference	19,320 €	19,320 €	19,320 €	57,960 €
	Total Other Costs		79,296 €	91,056 €	67,536 €	237,888 €
External Resources	Programme Manager - OHIM External staff (envisaged 44 days per year * daily rate of 763 €)		33,572 €	33,572 €	33,572 €	100,716 €

Project Manager - OHIM External staff (envisaged 220 days per year * daily rate of 680 €) starting January 2014.	149,600 €	149,600 €	149,600 €	448,800 €
Senior Project Support - OHIM External staff (envisaged 44 days per year * daily rate of 680 €)	29,920 €	29,920 €	29,920 €	89,760 €
Project Support - OHIM External staff (envisaged 220 days per year * daily rate of 440 €) starting May 2014	57,200 €	96,800 €	96,800 €	250,800 €
2 x Designs Experts - 1 x OHIM External staff (envisaged 220 days per year * daily rate of 440 €) Starting in May 2014 1 x OHIM internal staff	57,200 €	96,800 €	96,800 €	250,800 €
Technical Senior Consultant (DB) - OHIM External staff (envisaged 220 days per year * daily rate of 520 €)	114,400 €	114,400 €	114,400 €	343,200 €
Project Technical Writer - OHIM External staff (envisaged 44 days per year * daily rate of 620 €)	27,280 €	27,280 €	27,280 €	81,840 €
Business Analyst - OHIM External staff (envisaged 220 days per year * daily rate of 520 €) starting in May 2014	67,600 €	114,400 €	114,400 €	296,400 €
Technical Lead - OHIM External staff (envisaged 220 days per year * daily rate of 680 €) starting in May 2014	88,400 €	149,600 €	149,600 €	387,600 €
Back End Developers Senior - OHIM External staff (envisaged 220 days per year * daily rate of 440 €) Starting 2015	57,200 €	96,800 €	96,800 €	250,800 €
GUI Expert Junior - OHIM External staff (envisaged 220 days per year * daily rate of 440 €) Starting May 2014	57,200 €	96,800 €	96,800 €	250,800 €
Total External Resources	739,572 €	1,005,972 €	1,005,972 €	2,751,516 €
Total Cost	1,880,970 €	2,097,408 €	1,402,477 €	5,380,854 €

Table 3 Cost estimates

The detailed analysis of all the terms that will be merged (filtering duplicates, spelling errors, etc.) to create the Harmonised Designs Database, will provide an exact number of terms to be sent for translation.

The assumption is that after comparing and merging the existing databases the Harmonised Designs Database will have the size of roughly 18,000 terms. Therefore, there will be a translation of 5,000 terms x 22 languages x 5€ just for 2014. For the validation of each IP office -Terminology Database estimated up to 18,000 terms, 30 terms/hour = 600 hrs = 75 man days per office (by 23 IPOs) (Average daily rate 267 €)

In addition to the resources stated in the budget, the project will require the full-time support of the expertise of a seconded national expert, specialised in designs.

7. Project Tolerance

A 10% management reserve will be added to the project budget to bring the project total (phase 1 and phase 2 together) to 5,918,939.40 €.

8. Quality Expectations

This project is directly related to the core-service of OHIM and EU IP Offices and therefore must be undertaken with an emphasis on meeting or exceeding the project result expectations of stakeholders. The initiation of the project will involve an assessment of these expectations which will become the acceptance criteria for which stakeholders can use to base their endorsement of final project results on. This will lead to the development of metrics in order to measure the success of the project based on established high quality standards. The Project Team’s performance will be evaluated by Quality Service team at OHIM to measure its contribution to Strategic Plan goals.

9. Project Approach

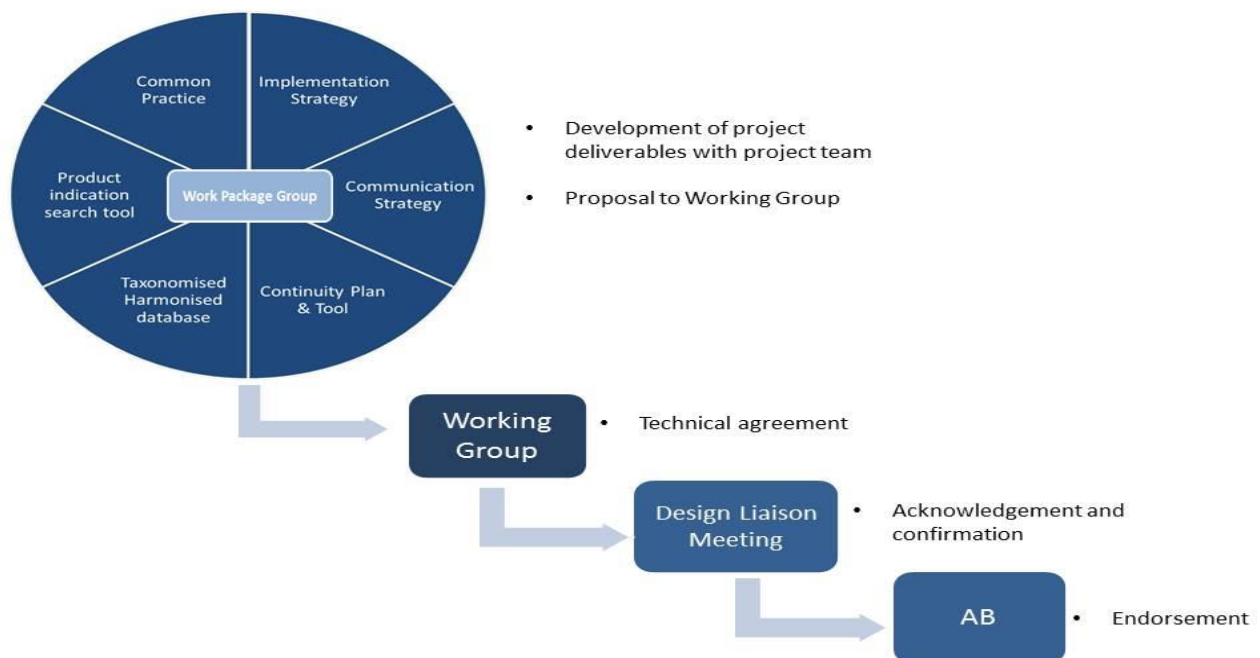


Figure 7 Work package structure and approval process

1) Creation of the working group

The working group will consist of OHIM staff, WIPO, any EU IP office or non-EU IP office wishing to participate, and two User Associations. The roles and responsibilities of each participant are elaborated in the Project Team section.

It should be made clear that participation in the working group is absolutely voluntary; therefore, joining and opting out of participating is within the rights of every EU IP office. Agreement to join the working group is also viewed as a commitment to provide input and feedback in a timely manner to allow the project to advance without needless delays. This assumption of responsibility is viewed as essential to cooperating in the most efficient manner.

Offices which decline to participate, either initially or entirely, will be kept abreast of project progress via the Design Liaison Meetings. If an EU IP office desires to join the working group after work has commenced, this is possible, provided the new participant office is willing to accept previously adopted decisions. There is no restriction on the number of EU IP offices allowed to participate.

User Associations and non EU IP offices will be invited to participate in a limited capacity as observers. While their opinions and input are valuable, the ultimate outcome will be decided upon by the working group members. It is envisaged that two user associations will participate.

2) Definition of work package group & work packages

CP7 work effort will be undertaken by one working group and one work package group. The working group will be the body that reaches the technical agreement of CP7, which is the establishment of a harmonised database and common practice.

The **work package group** will be responsible for the work effort required to complete the due diligence required to allow the working group to reach that technical agreement for the best interest of a harmonised EU IP network. The work package group will also make proposals for the implementation strategy, communication strategy and continuity plan. The proposals will be evaluated by the working group.

Once these proposals have been agreed upon by the whole working group, these results will be presented at the Design Liaison Meeting.

3) Presentation to the Design Liaison Meeting

The Design Liaison Meeting will serve as the forum for project progress reports and the presentation finalised common practice. Active and inactive EU IP offices and User Associations (as observers) will have the opportunity to review the project and provide feedback. Once the common practice guidelines are established, the Design Liaison Meeting participants will be the deciding body on whether they are suitable for endorsement by the AB.

4) Presentation to the AB

The final task of the working group will be the presentation to the AB to seek endorsement of the all the deliverables. After endorsement, the deliverables shall be drafted into guidelines, translated and disseminated to EU IP offices and other stakeholders.

10. Acceptance Criteria

The objectives of the project are accomplished when the deliverables have been accepted and endorsed by the AB.

11. Preliminary Risk Assessment

This preliminary risk matrix lists possible areas of risks.

Risk	Description	Possible mitigation
<p>Objectives</p> <p>Low <input type="button" value="▼"/></p> <p>(Low = requirements, objectives, scope, benefits are reasonable, clearly defined, measurable, and verifiable; High = not reasonable, clearly defined, measurable or verifiable)</p>	<p>This objective is clear and unambiguous. The project benefits are numerous and measurable.</p>	<p>There is no mitigation required as the objective of the project is clear.</p>
<p>Sponsorship</p> <p>Low <input type="button" value="▼"/></p> <p>(Low = sponsorship is clearly identified and committed; High = not identified or committed)</p>	<p>There is demonstrated interest in commencing the project as soon as practicable.</p>	<p>Lack of sponsorship does not pose a risk for the success of the project as there is clear interest in bringing the project before the Liaison Meeting and AB at their next meetings.</p>
<p>Funding</p> <p>High <input type="button" value="▼"/></p> <p>(Low = available without constraints; High = not yet allocated)</p>	<p>Budget approved until 2015 following the Strategic Plan directives. Phase 2 (2016) pending of approval</p>	<p>Phase 2 should be approved through a new Strategic</p>
<p>Resource Availability</p> <p>Medium <input type="button" value="▼"/></p> <p>(Low = resources are available and external resources are not needed; High = uncertain, requires external resources)</p>	<p>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 IP Offices and users associations, especially since Designs has few experts available. In particular NOs will be a key to the success of this project</p>	<p>Get clear agreements with all parties on the amount of resources that should be made available in order to guarantee the quality of the project.</p>
<p>Interdependencies</p> <p>Medium <input type="button" value="▼"/></p> <p>(Low = not dependent on other projects; High = dependencies exist)</p>	<p>The project relies heavily on EU IP offices for quality results.</p> <p>WIPO plays an important role in terms</p>	<p>Identify possible conflicts before they impact project quality. Keep close communication with all stakeholders in the project.</p> <p>With regards to WIPO, currently, there are no on-going meetings of the Pilot Group of</p>

	of classification issues, and interdependencies should be carefully monitored.	the ad-hoc Working group of the Locarno Union that will conflict with the projects objectives.
Technical <input type="text" value="Low"/> (Low = technology is proven, no new internal or external is needed; High = technology unproved, requires external expertise)	CP7 does not rely heavily on exceptional technologies. Technology used in CP1 project will be used for CP7 project to the extent possible.	No mitigation required. Technologies used will be standard office technologies already present in the CP1 project. Reuse of existing solutions in high degree. Work closely with IT to determine constraints in developing greater design search resources for users.
Human Interface <input type="text" value="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 <input type="text" value="High"/> (Low = requires little change to organizational culture, business processes, procedures, or policies; High = requires major changes)	As a result of CP7 EU IP Offices will require changes to their current procedures. Some of these changes could be met with resistance.	Very strongly involve of all EU IP Offices including OHIM internal stakeholders in the definition of the new guidelines to allow all stakeholders to feel ownership of the outcome and increase willingness to adopt these changes.
Supportability <input type="text" value="Medium"/> (Low = easy to support in the future; minor updating likely; High = major updating likely making support difficult)	Once the common practice has been endorsed and implemented, maintenance is required based on future changes to legislation or best practices.	The Convergence Central Team will coordinate the implementation and the continuity of the guidelines based on the continuity plan, as well as further expand the ETMDN network by establishing a continuous multi-directional communication and information flow between all the partners
Implementation <input type="text" value="Low"/> (Low = minor uncertainties in implementation effort and user acceptance; High = major uncertainties)	Implementing the common practice will require translations and updates to the existing guidelines of EU IP offices and OHIM.	The Convergence Central Team will coordinate the translations of the guidelines. The Central Team will be available for clarification and to give support to each participating European Intellectual Property Office to amend or create guidelines.
Flexibility <input type="text" value="Medium"/> (Low = not dependent on current practices, easily adaptable; High = highly dependent on today's practices, future modification difficult)	While the project closely examines current practices, the future modification of the resulting common practice is expected.	Heavily involve all EU IP Offices in the maintenance of the common practices. A coordinated effort will increase efficiency and quality.

Table 4 Preliminary risk assessment

12. Project Communication Strategy

Open communication is essential during all project stages, to build awareness of project intentions, obtain feedback to evaluate, update stakeholders on project status, and understand the impact of the project on EU IP Offices.

With this in mind, the working group will strive to create channels of communication among the various stakeholders using a variety of methods. The stakeholders and communication methodologies are described below.

EU IP Offices

- Working Group Meetings
- Work package meetings
- Liaison Meetings
- AB Meetings
- European Trade Mark and Design Network - www.tmdn.org
- As-needed Communications (E-mail, Telephone, Video/Conference Calls, Surveys)

User Associations

- Working Group Meetings
- Liaison Meetings
- AB Meetings
- User Association Meetings/IP Conferences
- European Trade Mark and Design Network - www.tmdn.org
- As-needed Communications (E-mail, Telephone, Video/Conference Calls, Surveys)

International IP Organisations (e.g. WIPO) and Non-EU IP Offices

- Liaison Meetings
- AB Meetings
- European Trade Mark and Design Network - www.tmdn.org
- As-needed Communications (E-mail, Telephone, Video/Conference Calls, Surveys)

Judges/Legislative bodies

- Judges Seminars and Symposiums
- European Trade Mark and Design Network - www.tmdn.org
- As-needed Communications (E-mail, Telephone, Video/Conference Calls, Surveys)

Representatives of Industry & Consumer Associations

- User Association Meetings/IP Conferences
- Websites/Newsletters/Reports
- European Trade Mark and Design Network - www.tmdn.org
- As-needed Communications (E-mail, Telephone, Video/Conference Calls, Surveys)

IP Professionals

- User Association Meetings/IP Conferences
- Websites/Newsletters/Reports
- European Trade Mark and Design Network - www.tmdn.org

Universities/Schools

- User Association Meetings/IP Conferences
- Websites/Newsletters/Reports
- European Trade Mark and Design Network - www.tmdn.org
- As-needed Communications (E-mail, Telephone, Video/Conference Calls, Surveys)
- Participation as speakers for lectures or seminars

13. Project Team

13.1 Project Team Roles and Responsibilities

The exact composition of the working groups will be determined at a later date. The project team will be managed by the Convergence Programme at OHIM. The working groups will be composed of OHIM staff, Seconded National Experts, any EU IP Office interested in participating, and two User Associations as observers.

The table below summarises the key roles of the working group members and project stakeholders as well as their main responsibilities within OHIM and the Convergence Programme.

CP7 Project Team		
Organisation	Role	Responsibilities
OHIM	Convergence Programme Manager	<p>Reports on the Programme to the OHIM Department leadership and Programme Stakeholders.</p> <p>Ensures the implementation of processes intended to ensure the achievement of the Programme Goals and manages the resources assigned to the Programme.</p> <p>Acts as a communication conduit for Programme related information.</p> <p>Reviews and approves project work plans for projects within the Programme.</p> <p>Oversees the implementation of the project portfolio.</p>
OHIM	Project Manager	<p>Reports on the project to the Programme Manager.</p> <p>Monitors project quality considering constraints of time and cost.</p> <p>Represents the project to external stakeholders.</p> <p>Organizes, motivates, and controls project resources to implement project execution plan.</p>
OHIM	Project Legal Analyst (CP)	<p>Performs tasks delegated by the Project Manager.</p> <p>Provides a central source of expertise in the specialized legal area.</p> <p>Provides interpretation and summary of court judgments / legal texts relevant to the project.</p> <p>Liaise with related projects and departments to ensure efficiency</p>

		<p>and synergy maximization.</p> <p>Work with other project team members to achieve project goals within designated timeframes.</p>
OHIM	Project Legal Expert (Legal Affairs)	<p>Provides support on the legal matters under the coordination of the Programme Legal Coordinator.</p> <p>Assists in interpreting legislative statutes relevant to the project.</p> <p>Provides interpretation and summary of court judgments relevant to the project.</p> <p>Ensures project effort considers legal ramifications of harmonised practices and principles.</p> <p>Work with other legal representatives from EU IP Offices or other stakeholders as needed.</p>
OHIM	Project Technical Consultant	<p>The OHIM Technical Consultant is responsible for assisting the Project Manager in providing any technical clarifications.</p> <p>The Technical Consultant will assist the Project Manager with the work related to the analysis and the development of the creation of the harmonised product indications database.</p>
OHIM	Project Support	<p>Provide administrative support to the project as required</p> <p>Conferences:</p> <ul style="list-style-type: none"> - Organisation - Drafting agendas - Participation <p>Drafting proposals for communication on various aspects of the project to the different stakeholders.</p> <p>Contact National Offices and internal stakeholders:</p> <ul style="list-style-type: none"> - Gather and distribute survey results - Direct follow up with the National Offices to gather feedback - Timesheet control <p>Organisation and follow-up on progress of project activities carried out by the National Offices</p> <p>Assistance in the coordination of:</p> <ul style="list-style-type: none"> -Translations (mainly of legal documents) -Project web site content <p>Assistance in the project implementation related to:</p> <ul style="list-style-type: none"> -Updating of the project plan <p>Preparation of status reports/quality plan/other project documentation</p> <p>Support Risks and Issues management</p>
OHIM	Project Technical Writer	<p>Drafting of the documentation that reflects the technical agreements</p> <p>Drafting of minutes</p> <p>Uploading surveys into online platforms</p> <p>Draft executive communication with internal and external</p>

		<p>stakeholders</p> <p>Draft executive reports</p> <p>Drafting of letters</p> <p>Prepare presentations</p> <p>Drafting of Project Close out reports</p>
OHIM	Project Operations Expert	Responsible for ensuring that the project is on target to meet its goals and is in line with OHIM processes and quality measures.
EU IP offices	Working Group Members	<p>Respond to information requests vital to assessing current practices of EU IP Offices and identifying areas of divergence.</p> <p>Work with project team to define common practices.</p> <p>Validate translations of documents.</p> <p>Work towards achieving consensus on practices and or principles with the intent to implement once endorsed.</p> <p>Assist in reporting to Liaison Meeting members and AB about project progress.</p> <p>Voluntary participation in the working package group</p> <p>Attend meetings and/or participate as capable.</p> <p>Agree on final common practice, suitable for endorsement and implementation.</p>
User Associations	Working Group Members	<p>Provide feedback as necessary regarding project impacts on direct users and IP community.</p> <p>Update stakeholders on project progress.</p> <p>Attend meetings and/or participate as capable.</p>
OHIM	Convergence Programme Support Office	Provide support in regards to general administrative tasks. This includes, meeting coordination, human resource administration, and office resource support.
CP7 Stakeholders		
OHIM	AB	<p>Determine whether the project outcomes merit endorsement.</p> <p>Endorse common practices/principles</p>
OHIM	Head of Institutional Relations Service	Monitors project progress and its impacts on the Institutional Relations Service
OHIM	Programme Legal Coordinator (Legal Affairs)	<p>Responsible for helping Programme and Project Managers identify legal matters requiring analysis and advises on approaches to address them.</p> <p>Develops legal analysis and studies as deemed necessary and upon request of the working groups.</p> <p>Ensures that the solutions proposed by the working groups can be implemented in practice and are aligned with the current legal framework. If not, advises the Commission and the Member</p>

		States in the revision process that will bring to the amendment of the CD Regulation and the Design Directive.
OHIM	Legal Affairs Deputy Director	Monitors project progress and its impacts on OHIM operations and administration and the creation of a European Trade Mark and Design Network.
OHIM	International Cooperation Deputy Director	Monitors project progress and its impacts on OHIM operations and administration and the creation of a European Trade Mark and Design Network.
OHIM	Cooperation Fund Programme Manager	Monitors project progress and its impacts on the Cooperation Fund.

Table 5 CP7 Roles and responsibilities

13.2 Project Team Work Commitment

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

Role	2014 man days	2015 man days
Convergence Programme Manager	44	44
Project Manager	220	220
Project Legal Analyst	220	200
Project Support	44	44
Technical Consultant	220	220
Project Technical Writer	44	44
Project Legal Expert	15	15
Project Operations Expert	15	15
Head of Institutional Relations Service	6-7	5
Legal Affairs Deputy Director	3-4	3-4
International Cooperation Deputy Director	1-2	1-2

Table 6 Project team work commitment

14. Additional Comments

Project Executive/Sponsor:

Project Manager:

Approval:

Date: