

Feedback form for comments on the draft Guidelines

User Association/National Office	MARQUES - The European Association of Trade Mark Owners
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Contributor (name & position)	MARQUES - European Trade Mark Law and Practice Team
Linguistic version the comments refer to	EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/>
Part/Section/Chapter of the Guidelines the comment(s) refer to	PART A, Section 5, item 2.3.4.
Page of the document	10 of the document with track changes
Issue(s) you wish to comment on	There appears to be a need to include the indication “of the EEA” after the expression “The experience must have been acquired in a member State”, the last line at page 10, just for reasons of consistency.
Suggestion for text	As above

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Part/Section/Chapter of the Guidelines the comment(s) refer to	PART A, Section 5, item 2.3.6.1.
Page of the document	11 of the document with track changes
Issue(s) you wish to comment on	There appears to be a need to include the indication “of the EEA” after the expression: “The entry of a professional representative in the Office’s list...will be deleted automatically b) where the professional representative is no longer a national of a Member State”,

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	at the last paragraph at page 11, just for reasons of consistency.
Suggestion for text	As above

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Part/Section/Chapter of the Guidelines the comment(s) refer to	PART A, Section 5, item 5.1.
Page of the document	22 of the document with track changes
Issue(s) you wish to comment on	The citation of article 93 (3) should read 93 (1) under the heading 5.1. Individual Authorizations, since it appears to refer to the form for the authorizations, not to the request for entry in the list of professional representatives which is what paragraph (3) deals with.
Suggestion for text	

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Part/Section/Chapter of the	

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Guidelines the comment(s) refer to	PART B, Section 1, item 2.1.
Page of the document	4 and 5 of the document with track changes
Issue(s) you wish to comment on	Guideline 2.2. refers to the amendment concerning the possibility of opting out of the search reports delivery but it does not however clarify, as it would however be convenient, when and how this can be done. At the time of filing? Only then? By means of a pre-determined box in the application form?
Suggestion for text	It would be advisable that the opting out may be declared by introducing a pre-determined box to tick at the time of filing. However, the applicant should also be entitled to opt out later on.

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Part/Section/Chapter of the Guidelines the comment(s) refer to	PART B, Section 1, item 2.2.
Page of the document	5 of the document with track changes
Issue(s) you wish to comment on	There appears to be no need to suppress the time limit for participating national offices to submit national search reports. If the search reports arrive too late, they might be of little use. There seems to be nothing in the Amending Regulation which prevents the term of two months from staying.
Suggestion for text	

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Part/Section/Chapter of the Guidelines the comment(s) refer to	PART B, Section 1, item 3.1.
Page of the document	6 of the document with track changes
Issue(s) you wish to comment on	It should perhaps be clarified in clearer terms that any third party observations are admissible and accepted if received <u>after the opposition period end</u> , only if any opposition against the EUTM applicant is pending, and the final decision on the opposition is not yet taken.
Suggestion for text	The Office accepts observations received within the opposition period (three months from the date of publication) or – <i>in cases where any opposition has been filed</i> - observations filed before the final decision on the opposition is taken.