

Feedback form for comments on the draft Guidelines

User Association/National Office	MARQUES - The European Association of Trade Mark Owners
----------------------------------	--

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 E, Section 4 Renewal, 5.5. Fees, 5.5.1. Fees payable
Page of the document	page 10
Issue(s) you wish to comment on	The basic fee for the renewal of a <u>certification</u> mark is missing.
Suggestion for text	<p>An indication should be added in Draft Guidelines within the WP Legal Reform, "Part_E_register_operations, Section_4_Renewal" under point 5.5.1 of this section:</p> <p>The basic fee is:</p> <p><input checked="" type="checkbox"/> for an individual mark: EUR 1 000/EUR 850 in the event of e-renewal and <input checked="" type="checkbox"/> for a collective mark or certification mark: EUR 1 800/EUR 1 500 in the event of e-renewal.</p>

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 M – International Marks, Paragraph 3.4 Absolute grounds for refusal
Page of the document	Page 23
Issue(s) you wish to comment on	<p>The wording in the draft Guidelines is:</p> <p><i>"Where no provisional refusal has been issued by the EUIPO before the start of the opposition period (one month after republication), an interim status of the mark will be issued automatically."</i></p>

Feedback form for comments on the draft Guidelines

	<p><i>However, the Office still has the possibility of reopening the examination of absolute grounds on its own initiative at any time before the final statement of grant of protection."</i></p> <p>The provision of new Article 154(7) EUTMR, as introduced by the Amending Regulation, reads:</p> <p>"7. Where, as of the start of the opposition period referred to in Article 156(2), the Office has not issued an <i>ex officio</i> provisional notification of refusal pursuant to paragraph 2 of this Article, it shall send a statement to the International Bureau, indicating that the examination of absolute grounds of refusal pursuant to Article 37 has been completed but that the international registration is still subject to oppositions or observations of third parties. This interim statement shall be without prejudice to the right of the Office to re-open the examination of absolute grounds on its own initiative any time before the final statement of grant of protection has been issued".</p>
<p>Suggestion for text</p>	<p>Rewording of the guideline to reflect more precisely the contents of the new provision, including as regards the obligation of the Office to send the interim statement to the International Bureau.</p>

<p>Contributor (name & position)</p>	
<p>Linguistic version the comments refer to</p>	<p>EN <input checked="" type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/></p>
<p>Part/Section/Chapter of the Guidelines the comment(s) refer to</p>	<p>Part M – International Marks, Paragraph 3.5 Absolute grounds for refusal</p>
<p>Page of the document</p>	<p>Page 24</p>
<p>Issue(s) you wish to comment on</p>	<p>The treatment of third-party observations in respect of international registrations designating the Union – including as regards the identification of the relevant time limit for filing them – should be consistent with the conditions applied to EUTM applications according to Article 40 EUTMR and the Communication No. 2/09 of the President of the Office [Draft Guidelines WP Legal Reform, Examination in the Office, Part B, Examination, page 6].</p> <p>Accordingly, any third-party observations may be validly filed until at least the end of the opposition period and, if received <u>after the opposition period end</u>, they may be accepted only when any opposition has been filed, as long as the opposition is still pending and the final decision on the opposition has not yet been taken.</p> <p>It is thus questioned that any third-party observations may be validly accepted after said relevant period of time, even if they were received not beyond the 18-</p>

Feedback form for comments on the draft Guidelines

	<p>month period.</p> <p>In the case that any third-party observations are filed after an interim status of the mark has been issued, and when no opposition has been filed, they should be received by the Office by no later than the end of the opposition period, as it is noted that the provision of the new article 154(7) should be interpreted to provide the right of the Office to re-open the examination of absolute grounds, any time before the final statement of grant of protection has been issued, only on the Office's own initiative and not further to third-party observations.</p>
<p>Suggestion for text</p>	

<p>Contributor (name & position)</p>	
<p>Linguistic version the comments refer to</p>	<p>EN <input type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> IT <input type="checkbox"/></p>
<p>Part/Section/Chapter of the Guidelines the comment(s) refer to</p>	
<p>Page of the document</p>	
<p>Issue(s) you wish to comment on</p>	
<p>Suggestion for text</p>	