

Commission Regulation (EC) No 2245/2002 of 21 October 2002  
implementing Council Regulation (EC) No 6/2002 on Community designs

CHAPTER XII

**REPRESENTATION**

*Article 61*

**Appointment of a common representative**

1 If there is more than one applicant and the application for a registered Community design does not name a common representative, the applicant first named in the application shall be considered to be the common representative.

However, if one of the applicants is obliged to appoint a professional representative, such representative shall be considered to be the common representative unless the applicant named first in the application has also appointed a professional representative.

The first and second subparagraphs shall apply *mutatis mutandis* to third parties acting in common in applying for a declaration of invalidity, and to joint holders of a registered Community design.

2 If, during the course of proceedings, transfer is made to more than one person, and such persons have not appointed a common representative, paragraph 1 shall apply.

If such application is not possible, the Office shall require such persons to appoint a common representative within two months. If this request is not complied with, the Office shall appoint the common representative.

*Article 62*

**Authorisations**

1 Legal practitioners and professional representatives entered on the lists maintained by the Office pursuant to Article 78(1)(b) or (c) of Regulation (EC) No 6/2002 may file with the Office a signed authorisation for inclusion in the files.

Such authorisation shall be filed if the Office expressly requires it or, where there are several parties to the proceedings in which the representative acts before the Office, one of the parties expressly request it.

2 Employees acting on behalf of natural or legal persons pursuant to Article 77(3) of Regulation (EC) No 6/2002 shall file with the Office a signed authorisation for insertion in the files.

3 The authorisation may be filed in any of the official languages of the Community. It may cover one or more applications or registered Community designs or may be in the form of a general authorisation allowing the representative to act in respect of all proceedings before the Office to which the person who has issued it is a party.

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*Status: Point in time view as at 25/07/2007.*

*Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 2245/2002. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

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4 Where, pursuant to paragraphs 1 or 2, an authorisation has to be filed, the Office shall specify a time limit within which such authorisation shall be filed. If the authorisation is not filed in due time, proceedings shall be continued with the represented person. Any procedural steps other than the filing of the application taken by the representative shall be deemed not to have been taken if the represented person does not approve them. The application of Article 77(2) of Regulation (EC) No 6/2002 shall remain unaffected.

5 Paragraphs 1, 2 and 3 shall apply *mutatis mutandis* to a document withdrawing an authorisation.

6 Any representative who has ceased to be authorised shall continue to be regarded as the representative until the termination of his/her authorisation has been communicated to the Office.

7 Subject to any provisions to the contrary contained therein, an authorisation shall not terminate vis-à-vis the Office upon the death of the person who gave it.

8 Where several representatives are appointed by the same party, they may, notwithstanding any provisions to the contrary in their authorisations, act either collectively or individually.

9 The authorisation of an association of representatives shall be deemed to be an authorisation of any representative who can establish that he/she practises within that association.

### *Article 63*

#### **Representation**

Any notification or other communication addressed by the Office to the duly authorised representative shall have the same effect as if it had been addressed to the represented person.

Any communication addressed to the Office by the duly authorised representative shall have the same effect as if it originated from the represented person.

### *Article 64*

#### **Amendment of the special list of professional representatives for design matters**

1 The entry of a professional representative in the special list of professional representatives for design matters, as referred to in Article 78(4) of Regulation (EC) No 6/2002, shall be deleted at his/her request.

- 2 The entry of a professional representative shall be deleted automatically:
- a in the event of the death or legal incapacity of the professional representative;
  - b where the professional representative is no longer a national of a Member State, unless the President of the Office has granted an exemption pursuant to Article 78(6)(a) of Regulation (EC) No 6/2002;
  - c where the professional representative no longer has his/her place of business or employment in the Community;
  - d where the professional representative no longer possesses the entitlement referred to in the first sentence of Article 78(4)(c) of Regulation (EC) No 6/2002.

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3 The entry of a professional representative shall be suspended of the Office's own motion where his/her entitlement to represent natural or legal persons before the Benelux Design Office or the central industrial property office of the Member State as referred to in the first sentence of Article 78(4)(c) of Regulation (EC) No 6/2002 has been suspended.

4 A person whose entry has been deleted shall, upon request pursuant to Article 78(5) of Regulation (EC) No 6/2002, be reinstated in the list of professional representatives if the conditions for deletion no longer exist.

5 The Benelux Design Office and the central industrial property offices of the Member States concerned shall, where they are aware thereof, promptly inform the Office of any relevant events referred to in paragraphs 2 and 3.

6 The amendments of the special list of professional representatives for design matters shall be published in the Official Journal of the Office.

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