

Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs

TITLE XI

SUPPLEMENTARY PROVISIONS CONCERNING THE OFFICE

Section 1

General provisions

Article 97

General provision

Unless otherwise provided in this Title, Title XII of the Regulation on the Community trade mark shall apply to the Office with regard to its tasks under this Regulation.

Article 98

Language of proceedings

1 The application for a registered Community design shall be filed in one of the official languages of the Community.

2 The applicant must indicate a second language which shall be a language of the Office the use of which he accepts as a possible language of proceedings before the Office.

If the application was filed in a language which is not one of the languages of the Office, the Office shall arrange to have the application translated into the language indicated by the applicant.

3 Where the applicant for a registered Community design is the sole party to proceedings before the Office, the language of proceedings shall be the language used for filing the application. If the application was made in a language other than the languages of the Office, the Office may send written communications to the applicant in the second language indicated by the applicant in his application.

4 In the case of invalidity proceedings, the language of proceedings shall be the language used for filing the application for a registered Community design if this is one of the languages of the Office. If the application was made in a language other than the languages of the Office, the language of proceedings shall be the second language indicated in the application.

The application for a declaration of invalidity shall be filed in the language of proceedings.

Where the language of proceedings is not the language used for filing the application for a registered Community design, the right holder of the Community design may file observations in the language of filing. The Office shall arrange to have those observations translated into the language of proceedings.

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 6/2002, TITLE XI. (See end of Document for details)

The implementing regulation may provide that the translation expenses to be borne by the Office may not, subject to a derogation granted by the Office where justified by the complexity of the case, exceed an amount to be fixed for each category of proceedings on the basis of the average size of statements of case received by the Office. Expenditure in excess of this amount may be allocated to the losing party in accordance with Article 70.

5 Parties to invalidity proceedings may agree that a different official language of the Community is to be the language of the proceedings.

Article 99

Publication and register

1 All information the publication of which is prescribed by this Regulation or the implementing regulation shall be published in all the official languages of the Community.

2 All entries in the Register of Community designs shall be made in all the official languages of the Community.

3 In cases of doubt, the text in the language of the Office in which the application for a registered Community design was filed shall be authentic. If the application was filed in an official language of the Community other than one of the languages of the Office, the text in the second language indicated by the applicant shall be authentic.

Article 100

Supplementary powers of the President

In addition to the functions and powers conferred on the President of the Office by Article 119 of the Regulation on the Community trade mark, the President may place before the Commission any proposal to amend this Regulation, the implementing regulation, the fees regulation and any other rule to the extent that they apply to registered Community designs, after consulting the Administrative Board and, in the case of the fees regulation, the Budget Committee.

Article 101

Supplementary powers of the Administrative Board

In addition to the powers conferred on it by Article 121 *et seq* of the Regulation on the Community trade mark or by other provisions of this Regulation, the Administrative Board;

- (a) shall set the date for the first filing of applications for registered Community designs pursuant to Article 111(2);
- (b) shall be consulted before adoption of the guidelines for examination as to formal requirements, examination as to grounds for refusal of registration and invalidity proceedings in the Office and in the other cases provided for in this Regulation.

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 6/2002, TITLE XI. (See end of Document for details)

Section 2

Procedures

Article 102

Competence

For taking decisions in connection with the procedures laid down in this Regulation the following shall be competent:

- (a) examiners;
- (b) the Administration of Trade Marks and Designs and Legal Division;
- (c) Invalidation Divisions;
- (d) Boards of Appeal.

Article 103

Examiners

An examiner shall be responsible for taking decisions on behalf of the Office in relation to an application for a registered Community design.

Article 104

The Administration of Trade Marks and Designs and Legal Division

1 The Administration of Trade Marks and Legal Division provided for by Article 128 of the Regulation on the Community trade mark shall become the Administration of Trade Marks and Designs and Legal Division.

2 In addition to the powers conferred upon it by the Regulation on the Community trade mark, it shall be responsible for taking those decisions required by this Regulation which do not fall within the competence of an examiner or an Invalidation Division. It shall in particular be responsible for decisions in respect of entries in the register.

Article 105

Invalidation Divisions

1 An Invalidation Division shall be responsible for taking decisions in relation to applications for declarations of invalidity of registered Community designs.

2 An Invalidation Division shall consist of three members. At least one of the members must be legally qualified.

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 6/2002, TITLE XI. (See end of Document for details)

Article 106

Boards of Appeal

In addition to the powers conferred upon it by Article 131 of the Regulation on the Community trade mark, the Boards of Appeal instituted by that Regulation shall be responsible for deciding on appeals from decisions of the examiners, the Invalidity Divisions and from the decisions of the Administration of Trade Marks and Designs and Legal Division as regards their decisions concerning Community designs.

Status:

Point in time view as at 31/01/2020.

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 6/2002, TITLE XI.