OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)

The President

Communication No 2/06 of the President of the Office

of 19 June 2006

concerning the enlargement of the European Union in 2007

I. Two new Member States

On 1st January 2007, the European Union will be enlarged for the sixth time since the establishment of the European Community in 1957. The Treaty of Accession was signed with Bulgaria and Romania on 25 April 2005.

This event follows the accession of ten Member States in May 2004, a challenge which the Office successfully met while bringing enhanced benefits to users of the Community Trade Mark and Design systems with the minimal of disruption.

Based on the experience gained in relation to that, the Office launched in July 2004 the implementation of the necessary internal preparations ("the road map towards the 2007 enlargement") to prepare for the changes anticipated as a result of the forthcoming accession, notably the impact of the new languages (in particular, Bulgarian which has a Cyrillic alphabet).

The present communication refers to the main consequences of enlargement on both the CTM and CD systems, as well as the additional preparations made by the Office to cope with this new enlargement round.

II. Consequences for holders of Community trade marks and Community designs

The results of the negotiations with Bulgaria and Romania as regards the Community Trade Mark and Designs systems are the same as the ones agreed with the ten Member States which joined in May 2004, notably the automatic extension of CTMs and CDs and the grandfathering of earlier rights. From a technical point of view, this has been achieved by amending the list of Member States provided by Article 159a(1) CTMR and 110a(1) CDR, leaving the rest of the provisions as they were.

Therefore, the consequences explained in detail in the Communication No 05/03 of the President of the Office of 16 October 2003 concerning the enlargement of the European Union in 2004 (http://oami.europa.eu/en/office/aspects/communications/05-03.htm) apply *mutatis mutandi* to the 2007 accession. The text of the relevant provisions can be found at the Office's website, in its enlargement section (http://oami.europa.eu/en/enlargement/enlargement2007.htm).

In particular, the exceptional right of opposition will also exist on this occasion; CTM applications filed between 1st July 2006 and 31 December 2006 can be subject to oppositions based on earlier rights in the new Member States, pursuant to Article 159a(3) CTMR.

The Office has reviewed the guidelines on examination and on opposition in order to accommodate this new round of accession. Extended CTMs and CDs will be neither translated nor published in the new official languages of the European Community. Applications filed on 1st January 2007 and onwards may be filed in Bulgarian and Romanian.

III. Preparations of the Office

The Office maintains its commitment of ensuring that enlargement does not contribute to slowing down trade mark and design procedures. Based on the preparations made for the 2004 enlargement, additional preparatory measures have been taken to allow this goal to be achieved. The main preparations of the Office include the translation of Office documents and data bases (forms, Euronice, EuroAce, Eurolocarno) into the new official languages and the recruitment of staff from new Member States. Among the more technical preparations, the impact of the new language requirements in the IT systems (Euromarc, Eurodesign) has been tackled.

Both the Bulgarian and Romanian offices have benefited from the different preparatory activities of the previous accession exercise (e.g. Head of offices meetings, preparatory meetings, etc.) and have been invited as observers in the meetings of the governing bodies of the Office since May 2005.

Wubbo de Boer
President