



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

The President

**DECISION No EX-05-3 OF THE PRESIDENT OF THE OFFICE  
of 10 October 2005  
concerning electronic filing of sound marks**

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

Having regard to the Commission Regulation (EC) No 2868/95 of 13 December 1995 implementing Council Regulation (EC) No 40/94 on the Community trade mark (hereinafter referred to as “the Implementing Regulation”), as amended by Commission Regulation No 1041/2005 of 29.6.2005, in particular Rule 3 (6) thereof,

Whereas Decision No EX-02-2 of the President of the Office of 7 November 2002, as amended by Decision No EX-04-3 of 26 November 2004, has provided for the availability of electronic filing of Community trade mark applications through the Internet, and in particular laid down the admissible formats of annexes to electronically filed applications,

Whereas Rule 3 (6) of the Implementing Regulation, as amended, allows for the filing of sound files as representations of sound marks and empowers the President of the Office to determine the formats and maximum size of the electronic file,

Whereas it is appropriate to amend Decision No EX-02-2 of the President of the Office of 7 November 2002 accordingly,

HAS ADOPTED THE FOLLOWING DECISION:

**Article 1**

Article 4 of Decision No EX-02-2 of the President of the Office of 7 November 2002 (OJ OHIM 2003, 14), as amended by Decision No EX-04-3 of 26 November 2004 (OJ OHIM 2005, 314), shall be replaced by the following:

**“Article 4  
Attachments**

(1) Where the applicant does not wish to claim any special graphic feature or colour (Rule 3 (1) of the Implementing Regulation), the trade mark shall be indicated as a “word mark”, and the respective field in the electronic application form shall be

filled in. In all other cases, the graphic representation shall be filed as an attachment to the electronic application form. The graphic representation shall be in the .jpeg data format.

(2) Where registration of a sound mark is applied for, one sound file containing the sound may be filed as an attachment to the electronic application form. The sound file shall be in the .mp3 format. Its file size shall not exceed one Megabyte. It shall not allow loops or streaming.

(3) Documents in support of a priority claim or a seniority claim in accordance with Rule 6 (1) or Rule 8 (1) of the Implementing Regulation, also in conjunction with Decision No EX-03-5 of the President of the Office of 20.1.2003, regulations governing the use of a collective mark in accordance with Article 65 of the Community Trade Mark Regulation, and the indications referred to in Rule 124 of the Implementing Regulation, may be sent as attachments to the electronic application form. Such attachments shall be in the .pdf or .jpeg data format.

(4) Any other attachments, or any attachments that do not comply with paragraphs 1, 2 or 3, shall be deemed not to have been filed.”

## **Article 2** **Entry into force**

This decision shall enter into force on the day following its adoption. It shall be applicable as of 25 July 2005. It shall be published in the Official Journal of the Office.

Done at Alicante, 10 October 2005

Wubbo de Boer  
President