

Misleading Invoices

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15 May 2018

Webinar Overview

- 1. What is a misleading invoice**
- 2. The Anti-Scam Policy of the European Union Intellectual Property Office ('EUIPO')**
- 3. Practical tips for users**

Part A – Definition and examples of misleading invoices

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Definition:

A misleading invoice is an unsolicited letter sent to the applicant or the owner of a European Union Trade Mark (EUTM) or Registered Community Design (RCD) by a private business entity, in which the sender:

- misrepresents itself or its service as being associated with the EUIPO or another official body and
- demands payment of a certain amount of money in consideration for services related to the said rights.

Part A – Definition and examples of misleading invoices

Impact:

The business activity of sending out misleading invoices (also called '*scamming*') is a form of parasitism, which:

- is based upon fraud, namely the intended deception of the addressee of the invoice regarding the implied association of the scammer or the offered service with the EUIPO;
- causes financial loss to the addressee (if he/she is actually misled and pays) and, in some cases, may also lead to the loss of legal rights; and
- is of an international scale, may affect users around the world.

Part A – Definition and examples of misleading invoices

Misleading patterns:

A misleading invoice may cause deception through various methods and tricks (despite the use of explicit disclaimers), the most common fraudulent patterns being...

Part A – Definition and examples of misleading invoices

Main patterns:

Mimicking the *'look and feel'* of official communication originating from:

- the EUIPO and, particularly, imitating the official logo of the EUIPO (previously, 'OHIM') or
- institutions or bodies of the European Union and, particularly, imitating their logos, emblems or symbols.

Part A – Definition and examples of misleading invoices

Examples:



OHMI Office for international registration

-TRADEMARKS AND DESIGNS-

Part A – Definition and examples of misleading invoices

Examples:



Part A – Definition and examples of misleading invoices

Examples:



European Central Register of Brands and Patents

Registro central europeo de marcas y patentes

Part A – Definition and examples of misleading invoices

Examples:



Part A – Definition and examples of misleading invoices

Examples:



Part B – The EUIPO Anti-Scam Policy

PART B:

The Anti-Scam Policy of the

European Union Intellectual Property Office

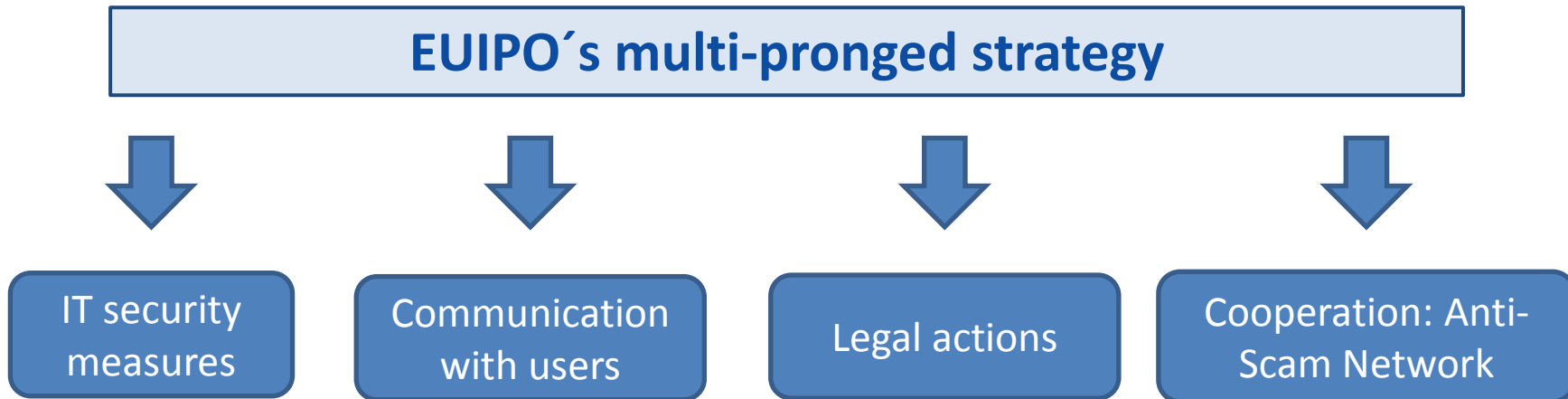
Part B – The EUIPO Anti-Scam Policy

Policy considerations:

- The phenomenon of scamming undermines the relationship of trust between the EUIPO and the users of EUIPO's services.
- The EUIPO is committed to undertake multiple activities aimed at protecting the public / users.

Part B – The EUIPO Anti-Scam Policy

EUIPO's activities are currently classified under four main categories:



Part B – The EUIPO Anti-Scam Policy

1. Information Technology (IT) security measures

- The EUIPO implements several IT measures aimed at detecting and preventing scamming attempts.
- IT measures include advanced monitoring and firewall tools for detecting and blocking malicious activity, such as *'web scraping'* (automated massive copying of data from EUIPO's databases).

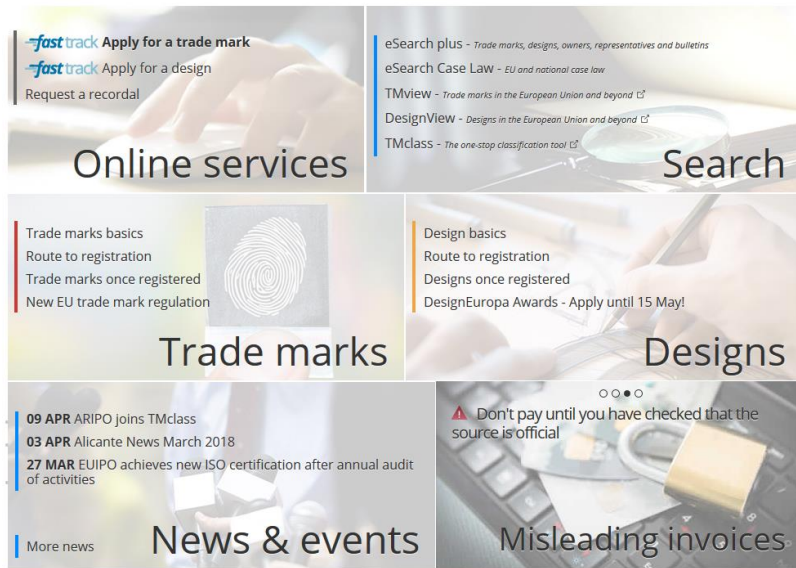
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2. Communication

- The EUIPO implements several actions and initiatives aimed at raising awareness of the public regarding the phenomenon of scamming.
- Communication is primarily based on extensive information and warnings that are available on the Office' communications, website and on social media.
- To ensure visibility, a home page banner leads to a dedicated anti-scam site.

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2. Communication (EUIPO homepage)

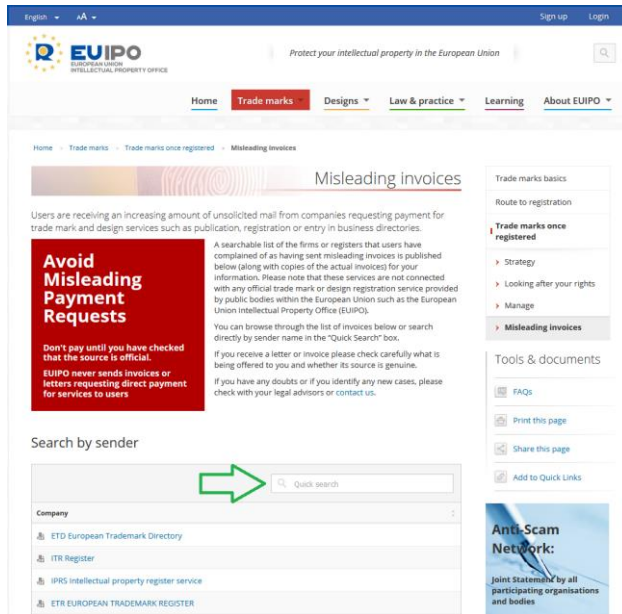


Main website of the
EUIPO at
<https://euipo.europa.eu/ohimportal/en>

Dedicated entry
point to the
online hub

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2. Communication (dedicated web page)



Average of 3,200 visits per month. Searchable list of the senders for which the EUIPO has received complaints by users, along with PDF copies of the anonymised invoices reported as misleading (more than 100 examples listed).

<https://euiipo.europa.eu/ohimportal/en/misleading-invoices>

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2. Communication (social media)



EUIPO @EU_IPO · Apr 6

Have you received this same invoice before? Do not pay it ⚠ Misleading invoices contain a logo that is very similar to that of EUIPO. See more examples: ow.ly/fybd30iYReI



ETD EUROPEAN TRADEMARK DIRECTORY

ETD MARK: BELA 02, 12, 13, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

Registration Number	
Registration Type	
Application Number	
Application Date	3/5/2018
Nice Classification	35

TRADEMARK REGISTRATION

REPRODUCTION OF MARK:



EUIPO
1w

Have you ever come across a misleading invoice? We never send letters requesting fees for trade mark or design registration services. Take a look at the list of misleading invoices on our website: <https://lnkd.in/dSV-jVj>



EU IPO European Union Intellectual Property Office

Date: 2017-09-19
Reference number: [REDACTED]

The following trademark has been registered for legal protection in the European Union Intellectual Property Office.

We hereby inform you that the sign has been classified as suitable for registration in the European Union Intellectual Property Directory.

TRADE MARK INFORMATION

Application Type: Figurative	Nice class(es): 29, 30, 31
Application No: [REDACTED]	Trade mark status: Application under examination
Filing date: 2017-09-11	[REDACTED]
Reference: [REDACTED]	[REDACTED]

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2. Communication (press and awareness raising campaigns)



Expansión | Ediciones - | f | t | in | Buscar... | Iniciar sesión

MERCADOS | AHORRO | EMPRESAS | ECONOMÍA | EMPRENDEDORES/EMPL. | JURÍDICO | TECNOLOGÍA | OPINIÓN | DIRECTIVOS | ECONOMÍA DIGITAL

Jurídico | Actualidad y Tendencias | Fichajes | Sentencias | Opinión

ESTAFAS

Alerta por el envío de facturas falsas a los titulares de marcas

ULTIMA HORA 

LO MÁS LEIDO 

- 1 El 'procés' hundió un 35% el comercio textil catalán
- 2 El juez ordena prisión eludible bajo fianza de 150.000 euros para Forcadell tras renegar de la DUI
- 3 Esta independencia es una ruina
- 4 El IDEX 35 se desinfla otro 0,86% en su séptima caída consecutiva
- 5 Barcelona queda fuera de la carrera por la Agencia Europea del Medicamento, según FT

Imagen de la sede de la Euiipo, ubicada en Alicante.

POR V. MORENO | MADRID
Actualizado: 09/11/2017 19:06 horas

0 comentarios

World Trademark Review

My Account

HOME NEWS TOPIC SECTOR REGIONS ANALYSIS INSIGHT RESEARCH TOP TM

< More analysis

 Analysis

18 APR 2016

Call for action as evidence suggests nearly 10% of targets fall for trademark solicitation campaigns

Part B – The EUIPO Anti-Scam Policy

2. Communication (direct interaction with users)

Users can interact directly with the EUIPO on any misleading invoice they receive by:

- using the contact form at <https://euipo.europa.eu/ohimportal/en/contact-us> or
- sending an email, attaching the suspicious invoice in PDF format, to information@euipo.europa.eu



Part B – The EUIPO Anti-Scam Policy

3. Legal Actions

The EUIPO undertakes various types of legal action across the European Union aimed at combating malicious scamming practices, such as:

- lodging criminal complaints;
- supporting the national enforcement, investigative, prosecution and judicial authorities; and
- participating in criminal litigation proceedings.

Part B – The EUIPO Anti-Scam Policy

3. Legal Action in Sweden

- The EUIPO, together with user association MARQUES, actively supported a criminal proceeding in Sweden.
- The case involved large-scale sending to owners of EUTMs of misleading invoices under the deceptive letterhead “**OMIH**”.
- On 20 December 2017, the Stockholm Court of Appeal handed down the final judgment in this case. The charges for completed gross fraud were confirmed and the main accused individuals were sentenced to imprisonment.
- EUIPO press release dated 19 January 2018 can be found [here](#).

Part B – The EUIPO Anti-Scam Policy

4. Cooperation - The Anti-Scam Network

The Anti-Scam Network gathered for the third time at the EUIPO on 19 April 2018. It represents a coordinated institutional effort to combat misleading invoices for the benefit of all users, comprising:

- representatives from National IP Offices of the EU Member States and the EFTA countries;
- the European Patent Office (EPO) and the World Intellectual Property Organization (WIPO);
- the European Union Agency for Law Enforcement (EUROPOL) and
- several user associations.

In parallel, EUIPO cooperates with TM5 Offices of Korea, China, Japan & USA.

Part C – Practical Tips for Users

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Experience shows that:

- smaller or medium sized businesses are more likely to be misled, due to lower degree of familiarity with EUIPO and its official communication methods, but...
- the most common forms of fraudulent attempts can be recognized and avoided, if each user bears in mind a few simple practical tips...

Part C – Practical Tips for Users

Tip No. 1 – The Office has only one acronym “EUIPO”

- The Office has the same acronym “EUIPO” in all official languages of the European Union.
- Although the verbal name of the Office (*European Union Intellectual Property Office*) is translated into all languages, the acronym EUIPO is **not** translated and remains **always** the same.
- All official logos of the Office can be easily consulted at its official website <https://euipo.europa.eu/>.
- All legitimate ways of presentation of the Office’s logo (text + image) can be consulted at the official document titled ‘*Visual Identity Guidelines*’.

Part C – Practical Tips for Users

Tip No. 1 – The Office has only one acronym “EUIPO” – Official Logos I



Part C – Practical Tips for Users

Tip No. 1 – The Office has only one acronym “EUIPO” – Official Logos II



Part C – Practical Tips for Users

Tip No. 1 – The Office has only one acronym “EUIPO” – Conclusions

- Any modification of the acronym “EUIPO” is **suspicious!**
- Any version of EUIPO logo not complying with the official presentation guidelines is **suspicious!**

Part C – Practical Tips for Users

Tip No. 2 – The Office never sends invoices requesting direct payment

The EUIPO **never** sends to users any invoices requesting direct payment for its services.

- An invoice sent under the name of EUIPO or confusingly similar names in any form (original letter, email attachment, fax transmission, etc.), requesting payment of a certain amount to a given bank account, is **suspicious!**

Part C – Practical Tips for Users

Tip No. 3 – No separate ‘registration’ fees apply for EUTMs

- The fees directly payable to the EUIPO are prescribed by the law. The full list of fees can be easily consulted at the Office’s dedicated web pages for [EUTMs](#) and [RCDs](#).
- Users can easily calculate the exact total fees applicable to their own [EUTM application](#) and [RCD application](#) using the Office’s dedicated tools:

Fee calculator

Number of classes:

EU trade mark filing method:
 Online Paper form

Total fee 850

List of fees

Online registration	€850
Second class	€50
3 classes or more	€150
Paper registration	€1 000
Second class	€50
3 classes or more	€150

[Apply online](#)

EUTM fee calculator

RCD fee calculator

Fee calculator

Design registration: 230 €

Publication fee: 120 €

Deferment fee: 0 €

Total fee 350 €

List of fees

Registration	230 €
Additional from 2-10	115 €
Additional over 11	50 €
Publication fee	120 €
Additional from 2-10	60 €
Additional over 11	30 €
Deferment fee	40 €
Additional from 2-10	20 €
Additional over 11	10 €

Part C – Practical Tips for Users

Tip No. 3 – No separate ‘registration’ fees apply for EUTMs

EUTMs are subject to a single application fee only. No separate ‘registration’, ‘publication’ or ‘recordal’ fees apply.

- Any request for payment of a separate ‘**registration**’, ‘**publication**’ or ‘**recordal**’ fee, in addition to the application fee already paid to the EUIPO when filing the EUTM application, is **suspicious!**

Part C – Practical Tips for Users

Tip No. 4 – Access to the Register of EUTMs and RCDs is free

The official Register of EUTMs and RCDs is:

- administered by the EUIPO only;
- publicly available to anyone at <https://euipo.europa.eu/eSearch/#advanced/trademarks> ;
- accessible by anyone free-of-charge; and
- updated by the EUIPO ex officio in accordance with the provisions of the law.

Part C – Practical Tips for Users

Tip No. 4 – Access to the Register of EUTMs and RCDs is free



- Invoices, sent under the name of the EUIPO or confusingly similar names, requesting payment for the entry in an ‘official’ or ‘private’ database of EUTMs or RCDs or the entry in a related ‘business directory’, are **suspicious!**

Part C – Practical Tips for Users

Tip No. 5 – EUIPO has only two bank accounts for direct payments

Now, the EUIPO maintains bank accounts for direct payments only with **two** Spanish institutions, whose exact details can be easily consulted at any time on the dedicated [web page](#):

1. CaixaBank®
 2. Santander®
- 

Bank	Bank account (IBAN)	Address	SWIFT Code
 CaixaBank	ES03 2100 2353 0107 0000 0888	Alicante (Spain)	CAIXESBBXXX
 Santander	ES08 0049 6659 0121 1622 4792	Alicante (Spain)	BSCHEMMXXX

Part C – Practical Tips for Users

Tip No. 5 – EUIPO has only two bank accounts for direct payments

- Any invoice requesting payment in the name of the EUIPO to any financial **institution** other than CaixaBank[®] or Santander[®], or to another **account** in these two banks (other than the precise IBAN account numbers specified in the Office's website), is **suspicious!**

Part C – Practical Tips for Users

Please keep in mind:

- If you receive a letter or invoice, please check carefully what is being offered to you and whether its source is genuine;
- if you identify it as a potential scam attempt or if you have any doubts, we would suggest that you:
 - check with your legal advisors;
 - contact the EUIPO by using the contact form at <https://euipo.europa.eu/ohimportal/en/contact-us> or
 - send us an email, attaching the received invoice in PDF format, to information@euipo.europa.eu.

Part C – Practical Tips for Users

In case you fall victim of fraud by paying a misleading invoice, we would suggest that you:

- contact your bank to inquire about potential remedies (i.e. reversal of the transaction);
- report the committed fraud to the competent law enforcement authority in your country; and
- inform the EUIPO about the fraudulent incident by sending us an email attaching the misleading invoice in PDF format to information@euipo.europa.eu.

Part C – Practical Tips for Users

Please remember:

**Avoid
Misleading
Payment
Requests**

**Don't pay until you have checked
that the source is official.**

**EUIPO never sends invoices or
letters requesting direct payment
for services to users**

Any questions?





www.euipo.europa.eu



@EU_IPO



EUIPO

Thank you

Presentation	Misleading Invoices	
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Revision history			
Version	Date	Author	Description
0.1	15/05/2018	EM	Misleading Invoices Webinar - EUIPO
0.1	DD/MM/YYYY		
0.1	DD/MM/YYYY		