



# Part I: Overview of the 2022 Edition of the EUIPO Guidelines

**LEGAL PRACTICE SERVICE**  
**LEGAL DEPARTMENT**  
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## EUIPO Guidelines – RECAP

### PART A : General Rules

- Section 5 renamed: All general information on parties in one place
- Employee representatives: Broader definition of real and effective industrial or commercial establishment in the EEA (also for International Applications)
- Obvious errors in the dictum of a decision – Possible correction instead of revocation



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### PART A : General Rules

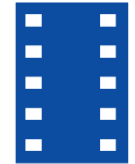
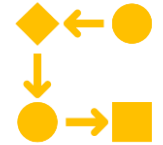
- AG decisions will be publicly available irrespective of whether they become final
- Reminder on Data carriers: No encrypted files
- New scenarios where the submission of duplicate copies is now a remediable deficiency
- Implementation of sanctions in case of misuse of User Area credentials



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### PART B: Examination

- Further guidance on how unclear or imprecise terms can be amended or reclassified
- Update of the Section on Absolute Grounds for Refusal to reflect CP11
- Having ‘a certain resonance’ becomes a key factor in the assessment of distinctiveness for sound marks



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### PART C: Opposition

#### ❖ Under the Section on Likelihood of Confusion:

- ✓ Update of the text to reflect CP11, namely the particularities concerning the comparison of motion, multimedia and sound marks
- ✓ Development of guidance on the conceptual comparison of signs with common elements perceived as personal names or consisting of single letters and the global assessment of LOC in those scenarios
- ✓ Additional clarifications concerning aesthetic complementarity



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### PART C: Opposition

- ❖ Under the Section on Unauthorised filing by agents of the TM proprietor :
  - ✓ in line with MINERAL MAGIC case, the application of Article 8(3) EUTMR is not limited to “identical marks and identical G&S” cases => Further clarification on the relationship between the marks and between the goods and services.
  - ✓ Article 8(3) EUTMR may still apply when the agreement between the parties concerns only a territory outside the European Union



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### PART E : Register Operations

- New paragraph on Entitlement proceedings for RCD
- Clarification on when a transfer resulting from the implementation of a national authority becomes relevant before the EUIPO



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### DESIGNS:

- The filing date of an invalidity application is no longer determined by the date of payment of the fee
- The edition of the Locarno classification and the number of classes are no longer referred to in product indications
- Clarification of the facts, evidence and arguments that must be submitted with the application for it to be deemed admissible





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### Geographical Indications (GIs):

- Simplification and flexibility on the wording of limitations when the goods applied for are covered by a protected GI
- Clarification on how GIs can appear in the lists of goods and services – never as generic terms



Do not miss the Webinar **2022 Edition of EUIPO Guidelines: Q&A live session** on 12 April.

Remember: Send your questions when registering or now through the Q&A box.



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Legal Department - EUIPO