



*Protecting representatives:
combatting misuse of User Area credentials
and misrepresentation*

Liina MAKS
Antje SÖDER
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PROGRAMME

Presentation

Chapter 1: Representation

Chapter 2: Misuse of user area credentials

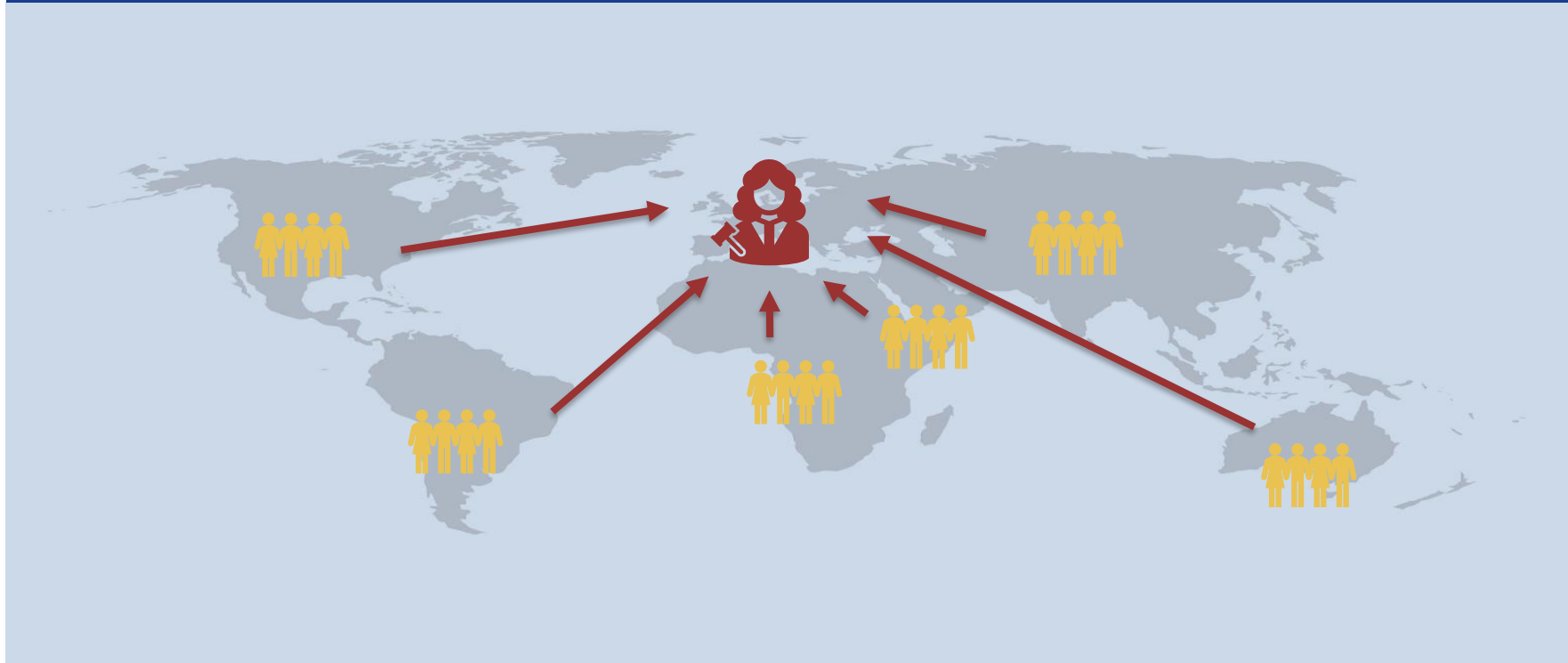
Chapter : Misrepresentation

Questions and answers

1

Mandatory representation

Representation Art. 119 EUTMR / Art. 77 RCD





2

Misuse of user area credentials

Misuse of user area credentials



Misuse of user area credentials: How does the Office become aware?

Usually through communications submitted by 3rd parties

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This supposedly "legal representative" acts in the following manner:

1. The professional authorizes a non-EEA IP Agency to use his account to file EU applications, including design applications, trademarks, renewals, etc.
2. The non-EEA IP Agency need to submit applications by themselves, download all documents by themselves, and pay via their own card (a credit card from outside the EU)
3. The non EEA-IP Agency pays the service fees to him at the end of each month.

This is not a token case. We have proofs showing that at least two of our clients have received proposals for this kind of fraudulent collaboration.

Misuse of user area credentials: What does the Office do with the Information received?



- Registering the case in the **internal Repository**
- Conducting thorough **investigations** (incl extraction of logs of filings and other actions completed in the user area)
- **Analyzing the findings and applying sanctions** if necessary

This is the internal workflow

Misuse of user area credentials: state of play



- Since mid-2021 –10 cases investigated based on the communications received from 3rd parties.



- Between Dec 2022 and May 2023 – 7 cases have been followed up by contacting the Representative(s) directly and enquiring about their filing activity as regards to Non- EEA applicants.

Misuse of user area credentials: current conditions of use of user area



- determines that the account holder is responsible for the proper use of the account;
- defines what ‘prohibited disclosure’ of credentials is
- identifies that the Office will further investigate the relevant facts and invite the account holder to comment when a case is brought to its attention

[Annex I: Conditions of Use of the User Area](#) to Decision [EX-20-9](#) of the Executive Director of the Office of 3 November 2020

Misuse of user area credentials: sanctions



- temporary or permanent suspension of the User Area account;
- asking the account holder to submit authorisations for the parties represented;
- informing the competent national authorities; and/or
- informing the competent data protection supervisory authorities.

[Annex I: Conditions of Use of the User Area](#) to Decision [EX-20-9](#) of the Executive Director of the Office of 3 November 2020

Misuse of user area credentials: How can I report a suspicious activity?

Information can be sent to: customer care@euipo.europa.eu

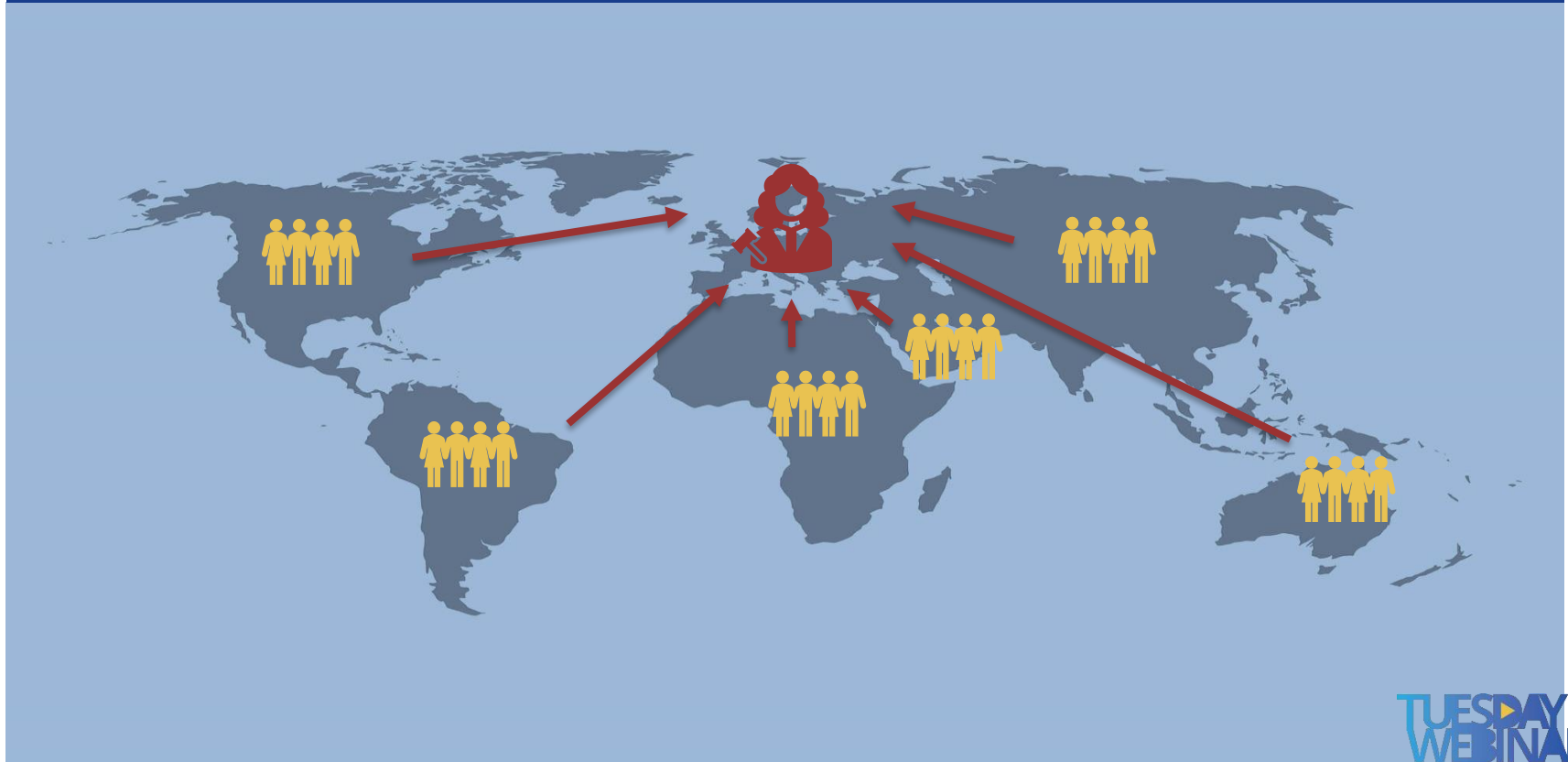
The Office guarantees the anonymity

Due to the confidential nature of investigations the Office cannot disclose all the details



3 misrepresentation

Representation Art. 119 EUTMR / Art. 73 EUTMDR / XXX RCD



Actions



Technical solutions



Inform co-owner / representative earlier



Link user areas

Actions



Legal actions



Object to and refuse EUTM/RCD application:



Signature (Art. 41(1)(b), 31 (3) EUTMR, 2(1)(k) EUTMIR; Art. 1(1)(i) CDIR)




Lack of representation (Art. 119 EUTMR, Art. 77 CDR)

Legal basis



Legal basis

 Revocation (Art. 103
EUTMR/general principal)

 Right to be heard

4 Recap

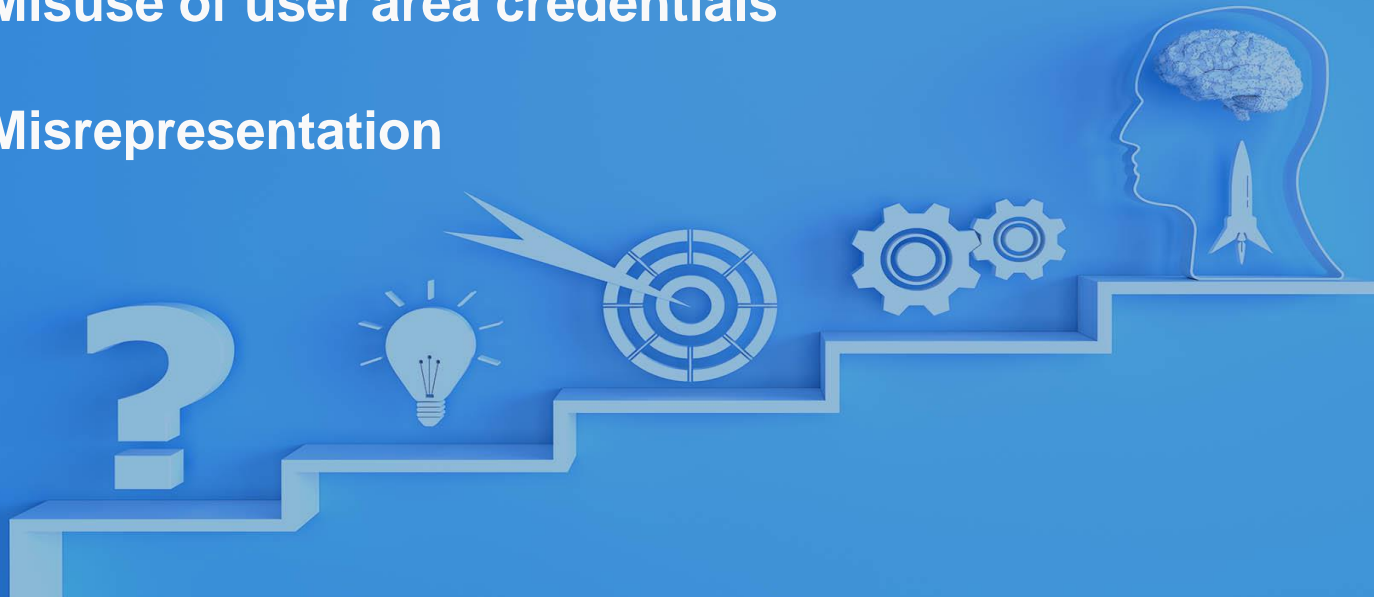


Summary

Representation requirement

Misuse of user área credentials

Misrepresentation





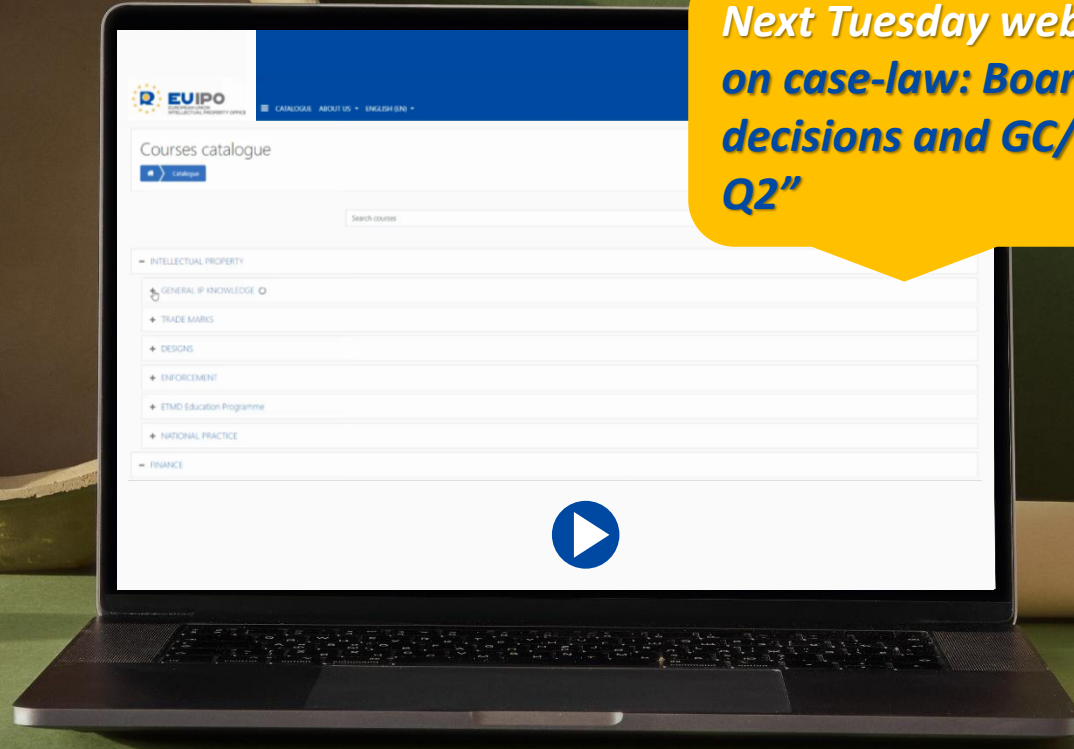
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Next Tuesday webinar on “Track on case-law: Boards of Appeal decisions and GC/CJ judgments Q2”



Liina MAKS
Legal Department



Antje SÖDER
Legal Department



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