

Notes on the Appeal Form

1 General remarks

1.1 Use of the form

The form may be obtained free of charge from the Office and downloaded from its website (<http://www.euipo.europa.eu>). It may also be copied freely.

Appellants or their representatives may use forms of a similar structure or format as the one provided by the Office, such as those generated by computers.

Where such electronically generated forms are used, attachments can be avoided by simply extending the electronic version where further space is required.

The correct completion of the appeal form provided by the Office ensures that it meets the formal requirements set forth in the applicable regulations. The use of that form is therefore recommended. However, appellants may use their own form.

It is recommended that the form be as detailed as possible, and include all supporting documentation. This will facilitate and expedite the handling of the appeal.

For any further information, contact the Office on the following telephone number:

+34 965139100

1.2 Sending forms

Completed forms (as well as any other related communication) should be sent directly to the Office in Alicante at the following address:

European Union Intellectual Property Office
Receiving Unit
Avenida de Europa, 4
E-03008 Alicante, Spain

Communications by fax should be sent to the following fax number:

+34 965131344

1.3 Time limit for filing the notice of appeal

The appellant must file the notice of appeal within two months from the date of receipt of the notification of the contested decision. This time limit cannot be extended.

1.4 Language

The notice of appeal must be filed in the language of the proceedings in which the contested decision was taken.

Notwithstanding the foregoing, the notice of appeal may be filed in any of the Office's five languages (English, French, German, Italian and Spanish). However, if the chosen language is not the language of the proceedings (i.e. the proceedings' language in which the contested decision was taken), a translation into that language must be filed within one month from the submission date of the original notice of appeal.

2 The form

2.1 Number of pages

In order to ensure the form's completeness, the appellant is strongly advised to number the pages of all supporting documents attached to the notice of appeal and statement of grounds, as well as to indicate the total number of pages sent in the appropriate box.

2.2 Appellant/representative reference

Appellants or representatives may indicate their own reference with a maximum of 20 characters in the space provided (e.g. initials, string of letters, etc.).

2.3 Confirmation copy

Where communications are sent by fax, confirmation copies are unnecessary and not recommended. The Office will request further information should the communication sent by fax prove to be insufficient.

If, despite the foregoing recommendation, confirmation copies are sent, they should be identified as such by ticking the appropriate box.

2.4 Appellant

As the appellant was party to the proceedings in which the contested decision was taken, the Office will, generally, already have all the required indications relating to the appellant on record. If the appellant has previously been allocated an ID number by the Office it is sufficient to indicate that ID number together with their name. If not, all the required indications (name, address, etc.) must be given. Where there are changes as regards the details corresponding to the ID number, these must be justified. In addition, supporting documentation must be enclosed that shows the link between the previous information on record and the new information relating to the appellant.

2.5 Representative

Representation is mandatory for all appellants, either natural or legal persons that neither have their domicile or principal place of business, nor a real and effective industrial or commercial establishment in the EEA for EUTM appeals, and in the European Union for designs appeals. All other persons may represent themselves or choose to appoint a representative.

The representatives must indicate their name and the ID number attributed to them by the Office. Where such an ID number is unavailable, the appropriate information relating to the existing/newly appointed representative must also be stated in the appeal form.

Representation before the Office may be exercised by professional representatives, which fall into one of the two following categories:

- legal practitioners qualified in a Member State, who are entitled to act in that same country as representatives in trade mark or design matters, as the case may be, and who have their place of business in the European Union;
- or professional representatives entered on the list maintained by the Office. These professionals, entered on the list for European Union trade mark matters, may also act for design matters. On the other hand, a professional representative entered on the list for Community design matters may not act for trade mark matters.

The appellant may also act through an employee. Where an employee is appointed, their name must be indicated in the 'representative' box. Employees of legal entities with their domicile, principal place of business or real and effective industrial or commercial establishment within the European Union may represent other legal entities if (and only if) economic connections exist between the two legal persons, such as common ownership or control. This also applies when the appellant is a legal entity from outside the European Union. In these cases, information relating to the legal entity whose employee acts on behalf of the appellant and the basis of economic connections (parent company, subsidiary, branch etc.) must be provided in an attachment.

The Office will communicate with the professional representative, if appointed.

2.6 Identification of the contested decision

The contested decision must be identified clearly. The appellant should preferably indicate the exact Office's reference number of the contested decision (i.e. 'EUTM' or 'RCD', as the case may be, for decisions by trade mark or design examiners, 'B' for opposition, 'C' for EUTM cancellation or 'D' for design invalidity), the date of the contested decision, and the service which handled it.

2.7 Grounds of appeal

The appellant must file the statement of grounds of appeal either with the notice of appeal, or, separately, within four months after the date of receipt of the contested decision's notification. This time limit cannot be extended.

The statement of grounds must be filed in the language of the proceedings. Notwithstanding the foregoing, the statement of grounds may be filed in any of the Office's five languages (English, French, German, Italian and Spanish). However, if the chosen language is not the one used in the proceedings (i.e. the language of the proceedings in which the contested decision was taken), a translation into that language must be filed within one month from the date of submission of the original statement of grounds.

In *inter partes* cases, if a large amount of material (or material that is difficult to photocopy) is sent, the Office would very much appreciate receiving two copies of this material (one for the appeal file and the other to be sent to the respondent). For *inter partes* appeals on European Union trade marks, Rule 79(a) EUTMIR states that documents or items of evidence, including annexes, submitted by post or by personal delivery at the Office will have to contain as many copies as there are parties to the proceedings.

2.8 Extent of appeal

The appellant must indicate to what extent an amendment or cancellation of the contested decision is requested. In particular, the appellant must specify whether the decision is entirely or partially contested by ticking the appropriate box. In the latter case, the contested part must be specified.

2.9 Payment of fee

The appeal fee is EUR 720 for EUTM related appeals and EUR 800 for RCD related appeals. The appeal fee must be paid to the Office within two months from the date of receipt of the contested decision's notification.

2.9.1 Appeal fee related to European Union Trade Mark matters

Payment (all bank charges are to be met by the payer who should instruct the bank accordingly) can be effected by:

- Debiting a current account held with the Office and indicating the number of that account;
- Making a transfer, in euro, to one of the Office's bank accounts, indicating the appellant or representative's name, address and reference number, the purpose of the payment and the date on which the transfer was made.

2.9.2 Appeal fee related to Community Design matters

Payment (all bank charges are to be met by the payer who should instruct the bank accordingly) can be effected by:

- Debiting a current account held with the Office and indicating the number of that account;
- Making a transfer, in euro, to one of the Office's bank accounts, indicating the appellant or representative's name, address and reference number, the purpose of the payment and the date on which the transfer was made.

Current accounts may be opened by applying in writing to the Office at the following address:

European Union Intellectual Property Office
Finance Department
Avenida de Europa, 4
E-03008 Alicante, Spain
Telephone: +34 965139340
Fax: +34 965139113

Transfers should be made to one of the following Office bank accounts:

Banco Bilbao Vizcaya Argentaria
0182-5596-90-0092222222 — Swift code (BIC): BBVAESMM XXX
IBAN: ES88 0182 5596 9000 9222 2222

La Caixa
2100-2353-01-0700000888 — Swift code (BIC): CAIXESBB XXX
IBAN: ES03 2100 2353 0107 0000 0888

2.10 Signature

The appeal form must be signed, preferably dated, and the signatory's name must be indicated. This requirement is not so strict for appeals on European Union trade marks. In accordance with Rule 80(3) EUTMIR, when the appeal form has been sent electronically by telecopy, the indication of the sender's name will be equivalent to the signature.