

The Executive Director

DECISION No EX-17-6 OF THE EXECUTIVE DIRECTOR OF THE OFFICE

of 22 September 2017

concerning technical specifications for annexes submitted on data carriers

THE EXECUTIVE DIRECTOR OF THE EUROPEAN UNION INTELLECTUAL PROPERTY OFFICE,

Having regard to Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (EUTMR)¹,

Having regard to Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs, as amended by Council Regulation No 1891/2006 of 18 December 2006 (CDR)²,

Having regard to Commission Delegated Regulation (EU) 2017/1430 of 18 May 2017 (EUTMDR)³,

Whereas:

- (1) pursuant to Article 64(1) EUTMDR, the Executive Director shall lay down the technical specifications relating to annexes that are submitted on data carriers;
- (2) it is pertinent to specify that in limited and well-defined circumstances use of data carriers as a means for submitting documents or other items of evidence may be used in any proceedings;
- (3) it is essential to maintain that parties that rely on the submission of annexes in electronic format on a data carrier should not be placed in a less favourable position than those submitting evidence by other means;
- (4) it is necessary to establish the conditions and the consequences of using specific file formats when using data carriers, including the consequences of non-compliance with these requirements;

¹ OJ L 154, 16.6.2017, p. 1.

² OJ L 1, 5.1.2002, p. 1.

³ OJ L 205, 8.8.2017, p. 1.

HAS ADOPTED THE FOLLOWING DECISION:

Article 1
Data carriers

1. The Office considers data carriers to be media such as CD ROMs, DVDs, and other small portable storage drives such as USB flash drives or similar memory units.
2. External hard drives, memory cards, other optical discs (other than those listed above in paragraph 1) and tapes of any kind are excluded.

Article 2
File formats and sizes

Annexes submitted on data carriers will be accepted in the formats and according to the size restrictions listed in Annex 1 to this decision.

Article 3
Incomplete or illegible annexes

1. Where an annex submitted by means of a data carrier, that complies with the requirements of Article 2 and Annex 1, is illegible or cannot be opened, the Office shall inform the sender accordingly and shall invite the sender, within a period to be specified by the Office, to retransmit the original.
2. Where multiple copies of the data carrier are submitted, if an annex or file is illegible in any of the copies submitted, the party must ensure that the retransmission consists of as many copies of the annex or file as originally submitted.

Article 4
Consequences of non-compliance

Any annexes that do not comply with the technical specifications laid down in Article 2 and Annex 1, or are not retransmitted as laid down in Article 3, shall be deemed not to have been filed.

DJIN: 0048906420

Article 5
Entry into force

This Decision shall enter into force on 1 October 2017. It shall be published in the Official Journal of the Office.

Done at Alicante, 22 September 2017



António Campinos
Executive Director

DIN: 0048906420

Annex 1

File formats and sizes

1. Annexes submitted on data carriers will be accepted in the following formats:
 - (a) graphic representations and photographs shall be in JPEG and JPG format;
 - (b) sound files shall be in MP3 format;
 - (c) video files shall be in MP4 format;
 - (d) other attachments, including written submissions shall be in PDF, JPEG and JPG format.

2. The maximum size of each individual attachment saved on the data carrier is restricted to 200 MB. This size is of the final uncompressed file.