

## CONDITIONS OF USE OF THE USER AREA

### 1) User Area

The User Area is the Office's principal means of electronic communication as defined in Decision No EX-19-1 of the Executive Director of the Office of 18 January 2019 on communication by electronic means.

The User Area can be accessed exclusively through the Office's website ([www.euipo.europa.eu](http://www.euipo.europa.eu)).

The User Area enables users to:

- submit applications and perform other actions related to EUTMs and RCDs;
- upload, view, print, save and send electronic documents and notifications to the Office;
- receive, view, download, print and save electronically generated documents and notifications sent to them by the Office;
- view a list of all their past and present files with the Office;
- manage all their personal information (address, phone, etc.);
- manage a personalised alert system;
- manage their current accounts with the Office.

### 2) Content of the User Area

#### a) Lists of files

In the User Area the user will find a list of all their past (closed) and present files in certain types of proceedings with the Office. This list will be provided with search facilities and will allow the user to enter into the detailed information of these files.

The list available in the User Area will only contain files in which the identified user is part of the procedure (party, representative, etc.).

#### b) Notification of decisions, communications and other documents by the Office

The User Area allows the Office to validly notify decisions, communications and other documents electronically.

The User Area allows the user to opt for electronic communication through the User Area or to choose any other valid means of communication. Where the user has opted for electronic communication through the User Area, the Office will notify them of all the decisions, communications and documents electronically via the User Area, unless this is impossible for technical reasons.

Users have the option of receiving an alert when a decision, communication or other document awaiting service is available in the User Area. The alert may consist of an email, SMS or any of the other technical means provided for that purpose. A similar alert appears as soon as the user logs in to the User Area. The alert has no legal effects. It serves for information purposes only.

A decision, communication or other document, however, is deemed to have been notified on the fifth calendar day following the day on which the decision, communication or document was placed by the Office in the user's inbox in the User Area. Users are advised to log in to their User Area at least once a week to consult the decisions, communications or other documents sent to them.

The date of notification of a decision, communication or other document is indicated in the User Area.

If users cannot access a decision, communication or other document, they should inform the Office immediately.

The user will have the possibility at any time to view, print or save these notifications.

### **c) Applications, communications or other documents sent to the Office**

The User Area allows the user to submit applications, communications or documents electronically. As a rule, once an application, communication or other document has been filed electronically, subsequent applications, communications or other documents in the same case should be submitted in the same way, unless this is impossible for technical reasons, in which case the user may use a different means of communication.

Within the User Area the 'Fax Alternative' button can also be used. It can only be used when one of the following two conditions are met.

1. No specific e-operation is available in the User Area.
2. A specific e-operation is available in the User Area, but this e-operation is temporarily not accessible due to technical malfunction. When this specific e-operation is either the e-filing of an EUTM application or the e-renewal of an EUTM registration, the conditions laid down in Article 4, paragraph 6 of Decision EX-19-1 of the Executive Director must be complied with, namely that the applicant for registration or renewal needs to resubmit the same request (same content) via the specific e-operation in the User Area within three working days of the original submission. For more details see Article 4, paragraph 6 of Decision EX-19-1 of the Executive Director.

An electronic receipt of the application, communication or document sent via the 'fax alternative' e-operation will be provided in the form of a 'sent confirmation' in the 'sent' items of the User Area.

Applications, communications or other documents sent to the Office are checked automatically to ensure that they are secure. If such checks reveal an anomaly, the documents concerned will be refused.

In the event of a malfunction during the submission of applications, communications or other documents electronically, they must be sent by one of the other accepted means of communication.

Confirmation of receipt stating, inter alia, the date of receipt will be sent to the user. The time of receipt of applications, communications or other documents is considered as the time when such receipt was validated and is in accordance with the local time in Spain.

Confirmation of receipt is without prejudice to the procedural admissibility of the application, communication or other document.

The user can view, print and/or save these applications, communications or other documents at any time.

#### **d) E-operations that can be carried out via the User Area**

A series of e-operations (e-filings, e-actions and other e-operations) can be carried out via the User Area.

The following operations are available via the User Area:

- **E-filings:**
  - application for an EUTM;
  - application for an RCD;
  - application for an international trade mark based on an EUTM(A);
  - renewal of an EUTM or an RCD;
  - opposition against an EUTM application;
  - cancellation of an EUTM;
  - application for a declaration of invalidity of an RCD;
  - appeal.
  
- **Specific e-actions related to EUTMs:**
  - withdrawal;
  - surrender;
  - total or partial transfer;
  - third-party observations;
  - management of time limits (extension, suspension);
  - limitation of lists of goods and services;
  - submission of requests, communications or other documents (seniority, priority, translations, continuation of proceedings, *restitutio in integrum*);
  - request for conversion.
  
- **Specific e-actions related to RCDs:**
  - total transfer;
  - surrender;
  - submission of requests, communications or other documents (priority, deferred design).
  
- **Specific e-actions related to oppositions and cancellations:**
  - withdrawal of opposition or cancellation request;
  - management of joint requests;
  - management of time limits (extension, suspension);
  - management of admissibility (response to deficiencies, payment);

- submission of requests, communications or other documents (further facts, evidences and arguments, observations, proof of use, translations, response to limitations).
- **Specific e-actions related to appeals:**
  - withdrawal of appeal;
  - management of deficiency (response to deficiency);
  - management of time limits (extension);
  - submission of requests, communications or other documents (statement of grounds, observations, translations, replies).
- **Specific e-actions related to applications for a declaration of invalidity of RCDs:**
  - withdrawal of application;
  - management of admissibility (response to deficiencies, payment);
  - management of time limits (extension, suspension);
  - submission of requests, communications or other documents (statement of grounds, observations, translations, replies).
- **Other e-operations:**
  - appointment/transfer/deletion of representative;
  - update of representative's/owner's information;
  - update of representative's/owner's references;
  - requests for inspection of files;
  - requests for information;
  - requests for corrections of the information provided on the Office's website;
  - search requests;
  - complaints.

In addition, the User Area also allows users, in certain *inter partes* proceedings and when both parties are registered users of the User Area, to file joint requests that are validated (signed) electronically by the two parties.

*Disclaimer: the list of the operations may be modified at any time. An up-to-date version of this list can be consulted online. The Office cannot guarantee the availability of all these operations at all times.*

#### **e) Management of a personalised alert system**

When users are logged on, they can create online alerts. There are three types of alert:

- calendar alerts;
- monitoring alerts;
- watch alerts.

Alerts are notified in the User Area and can consist of emails, SMS or any other technical means provided for.

Alerts are merely of an informative nature and are not considered as notifications. If, for any reason, an alert is not sent or contains an error, neither the notification nor the relevant time limits, where applicable, are affected.

#### f) Access to information related to the user's current account with the Office

In the User Area registered current account holders will also find all the information related to their account: balance of payment, movements, pending debits.

### 3) Technical requirements

The detailed technical requirements for attachments to electronic filings and communication are set out in the technical requirements for attachments to electronic filing and communication in Annex 1.

### 4) The user account

#### a) Opening and use of the user account

The application to open an account must be made online.

Once the application has been validated by the Office, the user may choose by which means of communication they will receive their user identification and their personal password. The user must change that password when they first log on to the User Area and, thereafter, at least once every six months.

Users may open sub-accounts, which are dependent on the master account.

The user is responsible for proper use and maintenance of confidentiality as regards their account, passwords and, where appropriate, corresponding sub-accounts, irrespective of who uses the account or sub-accounts. The user must not inform anybody of their credentials for accessing the User Area. Any process carried out through the User Area using that user's credentials will be deemed to have been carried out by the registered account holder.

Users may at any time request the deactivation of their user account. The deactivation will be effected as soon as technically possible. Until the definitive deactivation of the user account, all provisions related to the User Area are valid and fully applicable.

A user account that remains unused for a period of three years will be deactivated automatically. In that event, in order to open an account a new application will be required.

Various standard actions that may be taken in the course of proceedings before the Office are available through the User Area. If a user opts for one of these standard actions, this will prevail over any other statement or observation made by the user. **For example:** if a user withdraws an EUTM application through the User Area by ticking the corresponding box, this action will prevail, irrespective of any contrary or further additional observation sent by the user, and the user will be deemed to have only filed a request to withdraw the EUTM application indicated.

## **b) Use of administrative and contact email addresses**

Users must inform the Office promptly of any change to the **administrative** email address they provided when opening their User Account. The administrative email address will not be published by the Office, nor made available to third parties.

Users may also provide a **contact** email address to the Office which can be different from the administrative email address. When a user indicates their contact email address, they will have the choice to opt out if they do not wish to authorise the Office to send them IP-related information by email, such as news on trade marks or designs, or invitations to seminars and workshops.

The purpose of the above information is strictly to inform and update users on IP-related topics and news, including general or specific surveys.

## **c) Managing the public profile in the user account**

The user's contact email address, phone and fax numbers will not be made publicly available or searchable via eSearch plus, TMView and DesignView unless they have given their express consent (opt-in) in the User Area options menu.

## **5) Disclaimers**

The Office is not liable for any loss or damage arising from interference, omissions, interruptions, computer viruses, telephone faults or disconnections in the operational functioning of this electronic system brought about by causes beyond the Office's control. These include any delays or blockages in the use of the system caused by faults in or overloading of the Office's communication lines or servers, the internet system or other electronic systems, or any damage caused by third parties as a result of unlawful intrusion beyond the Office's control.

Any action performed via the User Area must comply with the applicable rules. Where, due to a technical malfunction or any other equivalent reason, the User Area allows actions that do not comply with the applicable rules to be performed, such actions may be invalidated by the Office. In such a case the user will be informed accordingly.

## **6) Encryption and non-repudiation**

The Office has advanced and secure systems for guaranteeing the identity of users when connected and for certifying the content of messages sent. It also guarantees the authenticity of the server to which users are connected, thus preventing the server being supplanted by third parties. The Office's server has been certified by an international certifying authority (Verisign Inc.), which guarantees that users have in fact connected to the Office. All information transmitted via the internet is encrypted using SSL protocol.

## Annex 1

### Technical requirements for attachments to electronic filing and communication

#### 1. European Union trade mark application e-filing

##### ***File size restrictions:***

- maximum size per attachment: 2 MB (20 MB for MP4, OBJ, STL and X3D);
- maximum total size of attachments: 20 MB;
- name length restriction for attachment files: 25 characters.

Only two priority documents can be included, only one seniority document and one exhibition priority document (in addition to the other attachments).

Only one collective/certification mark regulations of use document can be included (in addition to the other attachments).

##### ***Accepted file types:***

##### ***JPEG***

Standard file type must be used for representing the mark(s) applied for (all except for word and multimedia marks) that conforms to the following standards:

- maximum image size: 2835 x 2010 pixels;
- printing resolution: min 96, max 300 DPI;
- colour mode: RGB, Grayscale, BW or CMYK.

Images are automatically scaled to 250 x 250 pixels. The uploaded image will be displayed as it will appear later in the registration certificate.

CMYK images will be converted before being displayed into RGB images using specific software for the conversion. In some CMYK images converted to RGB, certain colours might look different from the original. Therefore, it is advisable to change the colour mode before uploading the image in order to keep its original colours.

##### ***PDF***

To be used for additional information only, not to represent the mark(s) applied for.

Only standard, static PDF files are supported, PDF fillable forms are not accepted. Including added objects (such as rectangles, arrows, highlighted text, etc.) that are not present in the original PDF file must be avoided.

### **MP3**

Is available only when registering sound marks (together with JPEG) and should conform to the following requirements:

- sampling rate: 8 kHz for voice only, 11.025 kHz for sound effects, 22.05 kHz or 44.1 kHz for music;
- bit depth: 8 or 16 bits;
- channels: 1=Mono; 2=Stereo.

### **OBJ, STL and X3D**

These formats can be used when applying for the registration of a shape mark.

X3D cannot be uploaded using Internet Explorer under version 11.

### **MP4**

Can be used only to represent motion, multimedia and hologram marks and should conform to the following requirements:

- ISO standard: ISO/IEC 14496-14:2003 (MPEG-4 Part 14);
- video codecs: MP4 accepts different video codecs (MPEG-1, MPEG-2, MPEG-4, VP6, VP5, H.263, etc), but the recommended codec to use is H.264;
- audio codecs: MP4 accepts different audio codecs (MP3, MP2, WMA, WMA Pro, PCM, WAV) but the recommended codec to use is AAC-LC;
- frame rate of 24 (23.98), 25, or 30 (29.97) fps;
- a bit rate between 1 200 and 8 000 Kbps;
- media types: video/MP4, audio/MP4, application/MP4.

## **2. Registered Community design e-filing**

### **File size restrictions:**

- maximum size per attachment: 2 MB (20 MB for OBJ, STL and X3D);
- maximum total size of attachments: 20 MB;
- name length restriction for attachment files: 25 characters.

### **Accepted file types:**

### **JPEG**

Standard file type must be used for representing the design(s) applied for that conforms to the following standards:

- maximum image size: 5000 x 5000 pixels;
- printing resolution: min 72, max 300 DPI;
- colour modes: CMYK (which will be converted to RGB), Grayscale, BW or RGB;
- JPEG progressive images will be converted to baseline images;
- uploading of 3D dynamic views AND other static views is restricted.



## **PDF**

To be used for additional information only, not to represent the design(s) applied for.

Only standard, static PDF files are supported, PDF fillable forms are not accepted. Including added objects (such as rectangles, arrows, highlighted text, etc.) that are not present in the original PDF file must be avoided.

## **OBJ, STL and X3D**

These formats can be used to upload one 3D dynamic view for additional information and as a source for static images when registering designs.

X3D cannot be uploaded using Internet Explorer under version 11.

### **3. Opposition and cancellation e-filing**

#### **File size restrictions:**

- maximum size per attachment: 5 MB;
- maximum total size for attachments: 20 MB;
- name length restriction for attachment files: 150 characters.

#### **Accepted file types:**

##### **JPEG**

Standard file type must be used that conforms to the following standards:

- maximum image size: 2008 x 2835 pixels;
- printing resolution: min 96, max 300 DPI;
- only RGB 8b (not CMYK);
- JPEG progressive images are not supported.

##### **PDF**

Only standard, static PDF files are supported, PDF fillable forms are not accepted. Including added objects (such as rectangles, arrows, highlighted text, etc.) that are not present in the original PDF file must be avoided.

##### **MP3**

To be used only to represent earlier sound marks and should conform to the following requirements:

- sampling rate: 8 kHz for voice only, 11.025 kHz for sound effects, 22.05 kHz or 44.1 kHz for music;
- bit depth: 8 or 16 bits;
- channels: 1=Mono; 2=Stereo.

**4. Other e-filing (for filing a request for recordal, renewal, conversion, inspection, international application based on an EUTM(A) or an appeal)**

***File size restrictions:***

- maximum size per attachment: 2 MB (20 MB for eAppeal);
- maximum total size of attachments: 20 MB.

***Accepted file types:***

***JPEG***

Standard file type must be used that conforms to the following standards:

- printing resolution: min 96, max 300 DPI;
- only RGB 8b (not CMYK);
- JPEG progressive images are not supported.

***PDF***

Only standard, static PDF files are supported, PDF fillable forms are not accepted. Including added objects (such as rectangles, arrows, highlighted text, etc.) that are not present in the original PDF file must be avoided.

***MP3***

To be used only to represent sound marks and should conform to the following requirements:

- sampling rate: 8 kHz for voice only, 11.025 kHz for sound effects, 22.05 kHz or 44.1 kHz for music;
- bit depth: 8 or 16 bits;
- channels: 1=Mono; 2=Stereo.

**5. Other electronic communication and actions**

***File size restrictions:***

- maximum size per attachment: 20 MB;
- maximum total size of attachments: 1 GB (100 MB for opposition, cancellation and appeal communications);
- name length restriction for attachment files: 20 characters.

If the total size of the communication with attachments is larger than 20 MB, the attachments will still be received by the Office but only the communication will be displayed in the preview and the final receipt.

**Accepted file types:**

**JPEG**

Standard file type must be used that conforms to the following standards:

- printing resolution: min 96, max 300 DPI;
- only RGB 8b (not CMYK);
- JPEG progressive images are not supported.

**PDF**

Only standard, static PDF files are supported, PDF fillable forms are not accepted. Including added objects (such as rectangles, arrows, highlighted text, etc.) that are not present in the original PDF file must be avoided.

**MP3**

Can be used only to represent sound marks and should conform to the following requirements:

- sampling rate: 8 kHz for voice only, 11.025 kHz for sound effects, 22.05 kHz or 44.1 kHz for music;
- bit depth: 8 or 16 bits;
- channels: 1=Mono; 2=Stereo.