

The Executive Director

**DECISION No EX-22-7 of the Executive Director of the Office of 29 November 2022 on technical specifications for annexes submitted on data carriers**

The Executive Director of the European Union Intellectual Property Office (the 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<sup>(1)</sup> (EUTMR) and in particular Article 157(4)(a) thereof, pursuant to which the Executive Director must take all necessary steps, including the adoption of internal administrative instructions and the publication of notices, to ensure the functioning of the Office,

Having regard to Commission Delegated Regulation (EU) 2018/625 of 5 March 2018 supplementing Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark, and repealing Delegated Regulation (EU) 2017/1430<sup>(2)</sup>, (EUTMDR),

Having regard to Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs, as amended<sup>(3)</sup> (CDR) and to Commission Regulation (EC) No 2245/2002 of 21 October 2002 implementing the Council Regulation, as amended<sup>(4)</sup>, (CDIR),

Whereas:

- (1) the Executive Director shall lay down the technical specifications relating to annexes that are submitted on data carriers according to Article 64(1) EUTMDR;
- (2) a party that relies on the submission of an annex on a data carrier should be placed in a comparable position with a party submitting an annex by electronic means under Article 100(1) EUTMR, Article 63(1)(a) EUTMDR and Article 67(1) and (2) CDIR in conjunction with Decision No EX-20-9 of the Executive Director of the Office of 3 November 2020 on communication by electronic means;
- (3) where a communication received by electronic means is incomplete or illegible or where the Office has reasonable doubts as to the accuracy of the transmission according to Article 63(3) EUTMDR and Article 67(3) CDIR and Article 66(2) CDIR, the Office shall invite the sender, within a period to be specified by the Office, to submit the original;
- (4) the Office shall keep files concerning EUTMs and RCDs in electronic format according to Article 115 EUTMR and Article 76 CDIR in conjunction with Article 2

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<sup>(1)</sup> OJ L 154, 16.6.2017, p. 1.

<sup>(2)</sup> OJ L 104, 24.4.2018, p. 1.

<sup>(3)</sup> OJ L 386, 29.12.2006, p. 14.

<sup>(4)</sup> OJ L 193, 25.7.2007, p. 13.

of Decision No EX-20-5 of the Executive Director of the Office; the content of the data carrier shall therefore be uploaded into the electronic file;

- (5) the Executive Director shall determine a period after which the Office shall dispose of the original documents once uploaded into the electronic files according to Article 115 EUTMR and Article 76 CDIR.

HAS ADOPTED THE FOLLOWING DECISION:

*Article 1*  
**Subject matter**

This Decision determines:

- (a) which types of data carriers are accepted by the Office;
- (b) the technical specifications required for annexes that are submitted on data carriers;
- (c) the consequences of non-compliance with these technical specifications;
- (d) the manner in which the data carrier shall be disposed of once it has been fully uploaded into the electronic files.

*Article 2*  
**Types of data carriers**

1. The Office accepts the following data carriers: small portable storage drives such as USB flash drives, pen drives or similar memory units.
2. The Office does not accept external hard drives, memory cards, CD-ROMs, DVDs, other optical discs or magnetic data carriers of any kind.

*Article 3*  
**File formats of annexes submitted on data carriers**

1. The Office accepts annexes submitted on data carriers in the following formats:
  - (a) graphic representations, images and photographs in JPEG format complying with the following requirements:
    - maximum image size: 2 008 x 2 835 pixels;
    - printing resolution: minimum 96 dpi, maximum 300 dpi;
    - colour mode: RGB 8b;
  - (b) sound files in MP3 format, complying with 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;

- (c) video files in MP4 format, complying with 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); the recommended codec is H.264;
  - audio codecs: MP4 accepts different audio codecs (MP3, MP2, WMA, WMA Pro, PCM, WAV); the recommended codec is AAC LC;
  - frame rate between 24 and 30 fps;
  - a bit rate between 1 200 and 8 000 Kbps;
  - media types: video/MP4, audio/MP4, application/MP4;

- (d) 3D models in the following format:

- STL;
- OBJ;
- X3D;

- (e) TIFF files;

- (f) standard, static PDF files.

2. The Office does not accept annexes submitted on data carriers in formats other than those listed under paragraph 1 of this Article. In particular the following are not accepted:

- (a) executable, compressed or encrypted file formats, even if the resulting executed, decompressed or unencrypted file is in one of the acceptable file formats under paragraph 1 of this Article;
- (b) graphic representations, images and photographs in CMYK colour mode or JPEG progressive images;
- (c) fillable PDF forms and PDF files that include added objects such as redacted (blacked-out) or added text, highlighted text or arrows.

#### *Article 4*

#### **File size of annexes submitted on data carriers**

The maximum size of each individual file saved on the data carrier is restricted to 20 Mb.

#### *Article 5*

#### **Illegible annexes**

1. Where a file submitted on a data carrier that complies with the technical specifications under Articles 3 and 4 is illegible (the file is corrupt or unreadable), the Office shall invite the sender to resubmit it within a period specified by the Office.
2. If the party submits the file again on a data carrier, it shall resubmit as many copies of the data carrier as there are parties to the proceedings.

*Article 6*  
**Consequences of non-compliance**

The Office will deem an annex or part of an annex not to have been filed without inviting the party to overcome the deficiency if:

- (a) it does not comply with the acceptable type of data carriers under Article 2(1) or the technical specifications under Articles 3 and 4 of this Decision; or
- (b) it is illegible and has not been resubmitted in accordance with Article 5 of this Decision.

*Article 7*  
**Keeping of files and disposal of originals**

- 1. Where an annex submitted on a data carrier complies with the requirements of this Decision, the Office shall upload it into the electronic file (DAS). If the combined size of all files on the data carrier exceeds 1 GB, the Office need not upload the data carrier into the electronic file (DAS).
- 2. The data carrier may be disposed of 5 years after the Office received it, provided that its content has been fully uploaded onto the electronic file.

*Article 8*  
**Repeal of previous decision**

Decision No EX-20-10 of the Executive Director of the Office of 22 December 2020 on technical specifications for annexes submitted on data carriers is repealed as from the date of entry into force of the present Decision.

*Article 9*  
**Entry into force**

This Decision will enter into force on 1 February 2023 and will be published in the Official Journal of the Office.

Done at Alicante, 29 November 2022.



Christian Archambeau  
Executive Director