

***GUIDELINES FOR EXAMINATION***

***EUROPEAN UNION  
INTELLECTUAL PROPERTY OFFICE  
(EUIPO)***

***PART A***

***GENERAL RULES***

***SECTION 3***

***PAYMENT OF FEES, COSTS AND CHARGES***

## Table of Contents

<b>1</b>	<b>Introduction.....</b>	<b>3</b>
<b>2</b>	<b>Means of Payment .....</b>	<b>4</b>
	<b>2.1 Payment by bank transfer .....</b>	<b>4</b>
	2.1.1 Bank accounts .....	4
	2.1.2 Details that must accompany the payment .....	4
	<b>2.2 Payment by debit or credit card .....</b>	<b>6</b>
	<b>2.3 Payment by the Office current account .....</b>	<b>7</b>
<b>3</b>	<b>Time of Payment.....</b>	<b>9</b>
<b>4</b>	<b>Date on which Payment is Deemed to be Made.....</b>	<b>9</b>
	<b>4.1 Payment by bank transfer .....</b>	<b>9</b>
	4.1.1 Late payment with or without surcharge.....	9
	4.1.2 Evidence of payment and of the date of payment .....	10
	<b>4.2 Payment by debit or credit card .....</b>	<b>11</b>
	<b>4.3 Payment by current account .....</b>	<b>11</b>
<b>5</b>	<b>Refund of Fees.....</b>	<b>12</b>
	<b>5.1 Refund of application fees.....</b>	<b>12</b>
	<b>5.2 Refund of the opposition fee .....</b>	<b>13</b>
	<b>5.3 Refund of the fee for an application for revocation or for a     declaration of invalidity.....</b>	<b>13</b>
	<b>5.4 Refund of fees for international marks .....</b>	<b>13</b>
	<b>5.5 Refund of appeal fees .....</b>	<b>13</b>
	<b>5.6 Refund of renewal fees .....</b>	<b>14</b>
	<b>5.7 Refund of insignificant amounts .....</b>	<b>14</b>
<b>6</b>	<b>Fee Reduction for an EUTM Application Filed by Electronic Means...</b>	<b>15</b>
<b>7</b>	<b>Decisions on Costs .....</b>	<b>15</b>
	<b>7.1 Fixing of costs .....</b>	<b>15</b>
	<b>7.2 Enforcement of the decision on costs .....</b>	<b>15</b>
	7.2.1 Conditions.....	16
	7.2.2 National authority.....	16
	7.2.3 Proceedings.....	16
	<b>7.3 Apportionment of costs .....</b>	<b>16</b>

## 1 Introduction

Articles 178 to 181 and Annex I EUTMR  
Article 6 CDIR  
Article 6 CDFR

The specific regulation on payment of fees and charges in European Union trade mark (EUTM) matters are laid down in Articles 178 to 181 and Annex I EUTMR. The full list of fees can be found on the Office website.

Similarly, for registered Community designs (RCD), in addition to the provisions contained in the basic CDR and in the CDIR, there is a specific regulation on the fees payable to the Office (CDFR). This regulation was amended in 2007 following the accession of the European Union to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs.

Finally, the Executive Director of the Office is empowered to lay down charges that may be payable to the Office for services it may render and to authorise methods of payments in addition to those explicitly provided for in the EUTMR and the CDFR.

The differences between fees, costs and charges are as follows.

- **Fees** must be paid to the Office by users for the filing and handling of trade mark and design proceedings; the fees regulations determine the amounts of the fees and the ways in which they must be paid. Most of the proceedings before the Office are subject to the payment of fees, such as the application fee for an EUTM or an RCD, a renewal fee, etc. Some fees have been reduced to zero (e.g. registration fees for EUTMs, transfers for EUTMs).

The amounts of the fees have to be fixed at such a level as to ensure that the revenue is in principle sufficient for the budget of the Office to be balanced (see Article 178 EUTMR), in order to guarantee the full autonomy and independence of the Office. The revenue of the Office comes principally from fees paid by the users of the system.

Rights of the Office to the payment of a fee shall be extinguished after four years from the end of the calendar year in which the fee fell due (Article 108 EUTMR).

- **Costs** refer to the costs of the parties in *inter partes* proceedings before the Office in particular for professional representation (for trade marks see Article 109 EUTMR and Article 18 and Article 27 EUTMR; for designs see Articles 70 to 71 CDR and Article 79 CDIR). Decisions in *inter partes* cases can contain, where necessary, a decision on fees and costs of the professional representatives and must fix the amount. The decision on costs may be enforced once the decision has become final, pursuant to Article 110 EUTMR.
- **Charges** are fixed by the Executive Director of the Office for any services rendered by the Office other than those specified in Annex I EUTMR (Article 178 EUTMR). The amounts of the charges laid down by the Executive Director will be published in the Official Journal of the Office and can be found on the website under decisions of the Executive Director. Examples are the charges for mediation in Brussels or for certain publications issued by the Office.

## 2 Means of Payment

Article 179(1) EUTMR  
Article 5 CDFR  
Communication No 2/97 of the President of the Office of 03/07/1997

All fees and charges must be paid in euros. Payments in other currencies are not valid, do not create rights and will be reimbursed.

Fees payable to the Office may not be paid to or via national offices.

The admissible means of payment are, in most cases, bank transfers, debits from the current accounts held at the Office, and (for certain online services only) debit or credit cards. Cash payments at the Office's premises and cheques are no longer accepted (decision of 03/09/2008, R 524/2008-1, Teamstar / TeamStar).

The Office cannot issue invoices. However, the Office will provide a receipt when requested to do so by the user.

### 2.1 Payment by bank transfer

Money may be sent to the Office by means of transfer. A fee is not deemed to be paid if the order to transfer is given after the end of the time limit. If the fee is sent before the time limit but arrives after its expiry, under specific conditions the Office may consider the fee has been duly paid (see paragraph 4.1 below).

#### 2.1.1 Bank accounts

Payment by bank transfer can only be made to one of the Office's bank accounts. For details on these accounts, refer to the 'Fees and Payment' section of the Office's website (<https://euipo.europa.eu/ohimportal/en/fees-and-payments>).

Concerning bank charges, it is important to make sure that the entire amount reaches the Office without any deductions.

#### 2.1.2 Details that must accompany the payment

Article 179(2) and (3) EUTMR  
Article 6 CDFR

The payment of a fee and indication of the nature of the fee and the procedure to which it refers does not substitute the other remaining formal requirements of the procedural act concerned. For example, the payment of the appeal fee and the indication of the number of the contested decision is not sufficient for filing a valid notice of appeal (judgments of 31/05/2005, T-373/03, Parmitalia, EU:T:2005:191, § 58; 09/09/2010, T-70/08, Etrax, EU:T:2010:375, § 23-25).

When the information supplied is insufficient to enable the allocation of the payment properly, the Office will specify a time limit within which the missing information must be

provided, failing which the payment will be considered not to have been made and the sum will be reimbursed. The Office receives thousands of payments a day and the incorrect or insufficient identification of the file can lead to considerable delays in processing procedural acts.

The following data must be included in the transfer form with the payment:

- number of the proceedings (e.g. EUTM number, opposition number, RCD number etc.);
- payer's name and address or Office ID number;
- nature of the fee, preferably in its abbreviated form.

In order to deal with payments swiftly with regard to bank transfers, and bearing in mind that only a limited number of characters may be used in the 'sender' and 'description' fields, filling in these fields as follows is highly recommended.

If the user selects bank transfer as the payment method, the system will provide an identifier for the payment in the receipt. It is recommended to indicate the application number and the identifier of the payment (e.g. 1639EDH2) in the bank transfer to help the Office identify the payment. This will help ensure that applications are treated in a timely manner.

### Description field

- Use the codes listed in the tables below, e.g. EUTM instead of: 'Application Fee for a European Union Trade Mark'.
- Remove initial zeros in numbers and do not use spaces or dashes since they use up space unnecessarily.
- Always start with the EUTM or RCD number, e.g. EUTM 3558961.
- If the payment is for more than one trade mark or design, only specify the first and last one, e.g. EUTM 3558961-3558969, and then send a fax with the full details of the trade marks or designs concerned.

### Description codes

The following codes (or a combination thereof) are to be used, along with the payment identifier code, to assist in identifying the payment:

Description	Code	Example
Payment to current account	CC + account number	CC1361
If the owner or the representative has an ID number	OWN + ID number, REP + ID number	REP10711
Number of the trade mark or the design	EUTM, RCD + number	EUTM 5104422 RCD 1698
A short nickname of the EUTM or RCD		'XYZABC' or 'bottle shape'

Description	Code	Example
The payment identifier		1632EDH2
<b>Operation code:</b> Application fee for EUTM or RCD International application fee Renewal fee Opposition fee Cancellation fee Appeal Recordal Transfer Conversion Inspection of files Certified Copies	EUTM, RCD INT RENEWAL OPP CANC APP REC TRANSF CONV INSP COPIES	OPP, REC, RENEWAL, INSP, INT, TRANSF, CANC, CONV, COPIES, APP

### Examples

Payment Object	Example of Payment Description
Application fee (EUTM = <b>European Union trade mark</b> )	EUTM 5104422 XYZABC; 1632EDH2
Renewal (EUTM)	EUTM 509936 RENEWAL; 1632EDH2
Payment to current account No 1361	CC1361
Recordal of a licence for an EUTM	EUTM 4325047 REC LICENCE OWN10711

### Sender field

#### Examples for address

Address	Example
Payer's name Payer's address Payer's city and postcode	John Smith 58 Long Drive London, ED5 6V8

- Use a name that can be identified as a payer, applicant (owner or representative) or opponent.
- For the payer's name, use only the name **without abbreviations**, like DIPL.-ING. PHYS., DR, etc.
- Use the same form of identification for future payments.

## 2.2 Payment by debit or credit card

Decision No EX-17-7 of the Executive Director of the Office concerning methods of payment of fees and charges and determining the insignificant amount of fees and charges  
 Annex I A EUTMR  
 Article 5(2) CDFR

Payment by debit or credit card is not yet available for all of the Office's fees. Only certain online services can be paid by debit or credit card, provided that payment is made in the context of an act performed via the User Area. The relevant online tool (e.g. e-filing) will indicate when a fee can be paid by credit or debit card. In particular, debit or credit cards cannot be used to pay charges referred to in Article 178(1) EUTMR and Article 3 CDFR or for the filling up of a current account.

Debit or credit card payments allow the Office to make the best use of its own automatic internal systems, so that work can start on the file more quickly.

Debit or credit card payments are immediate (see paragraph 4.2 below) and are therefore not allowed for making delayed payments (payments to be made within 1 month from the filing date).

Debit or credit card payments require some essential information. The information disclosed will not be stored by the Office in any permanent database. It will only be kept until it is sent to the bank. Any record of the form will only include the debit or credit card type plus the last four digits of the debit or credit card number. The entire debit or credit card number can safely be entered via a secure server, which encrypts all information submitted.

## **2.3 Payment by the Office current account**

Decision No EX-17-7 of the Executive Director of the Office concerning methods of payment of fees and charges and determining the insignificant amount of fees and charges

It is advisable to open a current account at the Office, as for any request that is subject to time limits, such as filing oppositions or appeals, the payment will be deemed to have been made on time, even if the relevant documentation for which the payment was made (e.g. a notice of opposition) is submitted on the last day of the deadline, provided that the current account has sufficient funds (see paragraph 4.3 below) (decision of 07/09/2012, R 2596/2011-3, Stair Gates, § 13-14). The date on which the current account is actually debited will usually be later, but payment will be deemed to have been made on the date on which the request for a procedural act is received by the Office, or as otherwise convenient for the party to the proceedings, in accordance with Article 8 of Decision No EX-17-7.

If the person (either party to the proceedings or their representative) that has filed the application or the respective procedural act is the holder of a current account with the Office, the Office will automatically debit the current account, unless instructions to the contrary are given in any individual case. In order for the account to be correctly identified, the Office recommends clearly indicating the Office ID number of the holder of the current account with the Office.

The system of current accounts is an automatic debiting system, meaning that upon identification of such an account, the Office may debit, according to the development of the procedures concerned and insofar as there are sufficient funds in the account, all fees and charges due within the limits of the aforementioned procedures, and a payment date will be accorded each time without any further instructions. The only exception to this rule is made when the holder of a current account who wishes to exclude the use of their current account for a particular fee or charge informs the Office

thereof in writing. In this scenario, however, the owner of the account may change the method of payment back to payment by current account at any time before the expiry of the payment deadline.

The absence of an indication or incorrect indication of the amount of the fee does not have any negative effect, since the current account will be automatically debited with reference to the corresponding procedural act for which the payment is due.

If there are insufficient funds in a current account, the holder will be notified by the Office and given the possibility to replenish the account with sufficient funds to allow for the payment of the fees concerned and of the administrative charge, which is 20 % of the total of the late fee. The administrative charge must not in any event exceed the maximum of EUR 500 or the minimum of EUR 100.

If the holder does so, the payment of the fee will be deemed to have been received on the date the relevant document in relation to which the payment was made (for instance a notice of opposition) is received by the Office. If payment concerns the replenishment of a current account, it is sufficient to indicate the current account number.

Where the current account is replenished to cover only part of the amount due, the debit will be made, without exceptions, in the following order.

- (i) The administrative charges will be debited first; then,
- (ii) if there are several fees or charges pending, the debit will be made in chronological order taking into account the date when the fees were due, and only where the complete fee can be debited.

Where the current account is not replenished to cover all of the administrative charges and the fees concerned or charges on time, the payment will be deemed not to have been made and any rights depending on the timely payment will be lost.

The Office provides current account holders with access to their current account information over a secure internet connection. The account holder can view, save or print account movements and pending debits online via the User Area of the Office's website.

Payment of a fee by debiting a current account held by a third party requires an explicit written authorisation. Payment is considered effective on the date the Office receives the authorisation. The authorisation must be given by the holder of the current account and must state that their account can be debited for a specific fee. If the holder is neither the party nor their representative, the Office will check whether there is such an authorisation. If there is not, the Office will invite the party concerned to submit the authorisation to debit the third party's account where time permits before the time limit for payment expires, where the Office has reason to doubt the existence of such authorisation. The party requesting the payment of a fee by debiting a third party's current account must submit the authorisation to the Office in order to allow the account to be debited.

A current account can be opened at the Office either by emailing a request to [fee.information@euipo.europa.eu](mailto:fee.information@euipo.europa.eu), or by initiating an e-Action in the User Area.

The minimum amount required to open a current account is EUR 1 000.

Once an account has been opened, the Office reserves the right to close a current account by written notification to the holder, in particular where it deems that the use made of the current account was not in accordance with the terms and conditions laid down in Decision EX-17-7, or when it is determined that there has been a misuse of the account. Misuse could be considered in situations such as systematic lack of funds, repeated misuse of third-party authorisations or multiple accounts, non-payment of the administrative charges, or situations where the actions of the account holder have led to an excessive administrative burden on the Office. For more details on closure, reference is made to Article 13 of Decision EX-17-7.

### **3 Time of Payment**

Article 178(2) EUTMR Article 4 CDFR
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Fees must be paid on or before the date on which they become due.

If a time limit is specified for a payment to be made, then that payment must be made within that time limit.

Fees and charges for which the regulations do not specify a due date will be due on the date of receipt of the request for the service for which the fee or the charge is incurred, for example, a recordal application.

### **4 Date on which Payment is Deemed to be Made**

Article 180(1) and (3) EUTMR Article 7 CDFR Decision No EX-17-7 of the Executive Director of the Office concerning methods of payment of fees and charges and determining the insignificant amount of fees and charges
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The date on which a payment is deemed to be made will depend on the method of payment.

#### **4.1 Payment by bank transfer**

When the payment is made by transfer or payment to an Office bank account, the date on which payment is deemed to have been made is the date on which the amount is credited to the Office bank account.

##### **4.1.1 Late payment with or without surcharge**

A payment that is received by the Office after the expiry of the time limit will be considered to have been made in due time if evidence is submitted to the Office that the person who made the payment, (a) duly gave an order within the relevant period for payment, to a banking establishment to transfer the amount of the payment, and (b) paid a surcharge of 10 % of the total amount due (up to a maximum amount of

EUR 200). Both conditions must be fulfilled in accordance with judgment of 12/05/2011, T-488/09, Redtube, EU:T:2011:211, § 38, and decision of 10/10/2006, R 203/2005-1, Blue Cross.

The same is not true for the late payment of the surcharge. If the surcharge is late, the entire payment is late and cannot be remedied by the payment of a 'surcharge on the surcharge' (decision of 07/09/2012, R 1774/2011-1, LAGUIOLE (fig.), § 12-15).

The surcharge will not be due if the person submits proof that the payment was initiated more than 10 days before the expiry of the relevant time limit.

The Office may set a time limit for the person who made the payment after the expiry of the time limit to submit evidence that one of the above conditions was fulfilled.

For more information on the consequences of late payment in particular proceedings, see the relevant parts of the Guidelines. For example, the Guidelines, Part B, Examination, Section 2, Formalities, deals with the consequences of late payment of the application fee while the Guidelines, Part C, Opposition, Section 1, Procedural Matters, deals with the consequences of late payment of the opposition fee.

#### 4.1.2 Evidence of payment and of the date of payment

Article 180(4) EUTMR Article 63 CDR Article 7(4) CDFR
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Any means of evidence may be submitted, such as:

- a bank transfer order (e.g. SWIFT order) bearing stamps and date of receipt from the bank involved;
- an online payment order sent via the internet or a printout of an electronic transfer, provided it contains information on the date of the transfer, on the bank it was sent to, and an indication like 'transfer done'.

In addition, the following evidence may be submitted:

- acknowledgement of receipt of payment instructions by the bank;
- letters from the bank where the payment was effected, certifying the day on which the order was placed or the payment was made, indicating the procedure for which it was made;
- statements from the party or their representative in writing, sworn or affirmed or having a similar effect under the law of the State in which the statement is drawn up.

This additional evidence is only considered sufficient if supported by the initial evidence.

This list is not exhaustive.

If the evidence is not clear, the Office will send a request for further evidence.

If no evidence is submitted, the procedure for which the payment was made is deemed not to have been entered.

In the event of insufficient proof, or if the payer fails to comply with the Office's request for the missing information, the latter will consider that the time limit for payment has not been observed.

The Office may likewise, within the same time limit, request the person to pay the surcharge. In the event of non-payment of the surcharge, the deadline for payment will be considered not to have been observed.

The fee or charges or the part thereof that have been paid will be reimbursed since the payment is invalid.

Article 24 EUTMIR  
Article 81(2) CDIR

Language of the evidence: the documents may be filed in any official language of the EU. Where the language of the documents is not the language of the proceedings, the Office may require that a translation be supplied in any Office language.

## **4.2 Payment by debit or credit card**

Article 16 of Decision No EX-17-7 of the Executive Director of the Office concerning methods of payment of fees and charges and determining the insignificant amount of fees and charges

Payment by credit or debit card is deemed to have been made on the date on which the related filing or request it refers to is successfully completed via the User Area and if the money actually reaches the Office's account as a consequence of the credit or debit card transaction, and is not withdrawn at a later date. If, when the Office attempts to debit the credit or debit card, the transaction fails for some reason, payment is considered not to have been made. This applies even when the payer was not responsible for the failure of the transaction.

## **4.3 Payment by current account**

Article 8 of Decision No EX-17-7 of the Executive Director of the Office concerning methods of payment of fees and charges and determining the insignificant amount of fees and charges

If the payment is made through a current account held with the Office, Decision No EX-17-7 of the Executive Director ensures that the date on which the payment is deemed to be made is fixed in order to be convenient for the party to the proceedings. For example, for the application fee for an EUTM the fees will be debited from the current account on the day of receipt of the application. However, the account holder may instruct the Office to debit its account on the last day of the one-month time limit provided for payment. Likewise, upon renewal, the fees for renewal (including the class

fees) are debited on the day of receipt of the request, unless the account holder requests otherwise.

If a party withdraws its action (opposition, cancellation request, appeal, renewal application) before the end of the time limit to make the payment, fees due to be debited on expiry of the time limit to pay the fee will not be debited from the current account and the action will be deemed not to have been filed.

## 5 Refund of Fees

Article 108, Article 179(3) and Article 181 EUTMR Articles 6(2) and 8(1) CDR Article 30(2) CDIR
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The refund of fees is explicitly provided for in the Regulations. Refunds are given by means of bank transfers or through current accounts with the Office, even when the fees were paid by debit or credit card.

As a general rule, if a declaration that is subject to the payment of a fee has been withdrawn before or on the day the payment is deemed to have been made, the fee will be refunded.

### 5.1 Refund of application fees

Article 49(1) EUTMR Articles 10, 13 and 22 CDIR
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In the event of the withdrawal of an EUTM application, fees are not refunded except if a declaration of withdrawal reaches the Office:

- where payment has been made by **bank transfer**, before or at the latest on the same day as the amount actually entered the bank account of the Office;
- where payment has been made by debit or **credit card**, on the same day as the application containing the debit or credit card instructions/details;
- where payment is made by **current account**, and where the holder explicitly requested the application fee to be debited on the last day of the one-month time limit provided for payment or, where later written instruction has been given to immediately debit the current account, before or at the latest on the same day on which that instruction was received.

Where the basic application fee has to be refunded, any additional class fees paid will be refunded as well.

The Office will only refund additional class fees on their own where they have been paid in excess of the classes indicated by the applicant in the EUTM application and where such payment was not requested by the Office or where, upon examination of the classification, the Office concludes that additional classes have been included that

were not required in order to cover the goods and services contained within the original application.

As regards **designs**, if there are deficiencies that affect the filing date, that is, the filing date is not granted due to those deficiencies, and that are not remedied by the time limit granted by the Office, the design(s) will not be dealt with as a Community design and any fees paid will be refunded. On the contrary, under no circumstances will the fees be refunded if the design applied for has been registered.

## 5.2 Refund of the opposition fee

Articles 5(1), 6(5) and 7(1) EUTMDR

If an opposition is deemed not entered (because it was filed after the 3-month time limit), or if the opposition fee was not paid in full, or was paid after the expiry of the opposition period, or if the Office refuses protection of the mark *ex officio* pursuant to Article 45(3) EUTMR, the Office must refund the fee (see Guidelines, Part C, Opposition, Section 1, Procedural Matters, paragraph 5.4, Fee Refund).

## 5.3 Refund of the fee for an application for revocation or for a declaration of invalidity

Article 15(1) EUTMDR

If an application for revocation or for declaration of invalidity is deemed not to have been entered because the fee was not paid within the period specified by the Office, the Office must refund the fee, including the surcharge (see Guidelines, Part D, Cancellation, paragraph 2.3, Payment).

## 5.4 Refund of fees for international marks

Decision No ADM-11-98 of the President of the Office related to regularisation of certain reimbursement of fees

For information on the different scenarios where a refund may be applicable in processes relating to international applications and registrations where the EUIPO is the office of origin and/or designated office, see the Guidelines, Part M, International Marks.

## 5.5 Refund of appeal fees

Provisions regarding the refund of appeal fees are dealt with under Article 33 EUTMDR and Article 35(3) and Article 37 CDIR.

## 5.6 Refund of renewal fees

Article 53(8) EUTMR  
Article 22(5) CDIR

Fees that are paid **before** the start of the first 6-month time limit for renewal will not be taken into consideration and will be refunded.

Where the fees have been paid, but the registration is not renewed (i.e. where the fee has been paid only after the expiry of the additional time limit, or where the fee paid amounts to less than the basic fee and the fee for late payment/late submission of the request for renewal, or where certain other deficiencies have not been remedied), the fees will be refunded.

Where the owner has instructed the Office to renew the mark, and subsequently either totally or partially (in relation to some classes) withdraws their instruction to renew, the renewal fee will only be refunded:

- if, in the case of payment by **bank transfer**, the Office received the withdrawal before or at the latest on the same day as the amount actually entered the bank account of the Office;
- if, in the case of payment by **debit** or **credit card**, the Office received the withdrawal before or on the same day as receiving the debit or credit card payment;
- if, in the case of payment by **current account**, and where the holder explicitly requested the fee to be debited on the last day of the 6-month time limit provided for payment, and the Office received the withdrawal within the 6-month time limit for renewal or, where written instruction was given to debit the current account immediately, before or at the latest on the same day that the Office received the instruction.

For further information, see the Guidelines, Part E, Register Operations, Section 4, Renewal.

## 5.7 Refund of insignificant amounts

Article 181 EUTMR  
Article 9(1) CDFR  
Article 18 of Decision No EX-17-7 of the Executive Director of the Office concerning methods of payment of fees and charges and determining the insignificant amount of fees and charges

A fee will not be considered settled until it has been paid in full. If this is not the case, the amount already paid will be reimbursed after the expiry of the time limit allowed for payment, since in this case the fee no longer has any purpose.

However, insofar as it is possible, the Office may invite the person to complete payment within the time limit.

Where an excess sum is paid to cover a fee or a charge, the excess will not be refunded if the amount is insignificant and the party concerned has not expressly requested a refund. Insignificant amounts are fixed at EUR 15 by Decision No EX-17-7.

## **6 Fee Reduction for an EUTM Application Filed by Electronic Means**

Annex I A(2) EUTMR  
Decision No Ex-17-4 of the Executive Director of the Office concerning communication by electronic means

According to Annex I A(2) EUTMR, the basic fee for an application for an individual mark may benefit from a reduction if the application has been filed by electronic means. The applicable rules and procedure for such an electronic filing may be found in Decision No EX-17-4 of the Executive Director of the Office in conjunction with the Conditions of Use of the User Area as established in Decision No EX-17-4.

In order to be considered an application for an EUTM filed by electronic means in the sense of Annex I A(2) EUTMR, the applicant has to insert all the goods and/or services to be covered by the application directly into the Office tool. Consequently, the applicant must not include the goods and/or services in an annexed document or submit them by any other means of communication. If the goods and/or services are annexed in a document or submitted to the Office by any other means of communication, the application will not be considered as having been filed by electronic means and may not benefit from the corresponding fee reduction.

## **7 Decisions on Costs**

Article 109 EUTMR  
Article 1(k), Article 18 and 27 EUTMIR

### **7.1 Fixing of costs**

The decision fixing the amount of costs includes the lump sum provided in Article 27 EUTMIR for professional representation and fees (see above) incurred by the winning party, independently of whether they have actually been incurred. The fixing of the costs may be reviewed in specific proceedings pursuant to Article 109(7) EUTMR.

### **7.2 Enforcement of the decision on costs**

Article 110 EUTMR

The Office is not competent for enforcement procedures. These must be carried out by the competent national authorities.

### 7.2.1 Conditions

The winning party may enforce the decision on costs, provided that:

- the decision contains a decision fixing the costs in their favour;
- the decision has become final;
- the decision bears the order of the competent national authority.

### 7.2.2 National authority

Each Member State will designate a single national authority for the purpose of verifying the authenticity of the decision and for appending the order for the enforcement of Office decisions fixing costs. The Member State must communicate its contact details to the Office, to the Court of Justice and to the Commission (Article 110(2) EUTMR).

The Office publishes such designations in its Official Journal.

### 7.2.3 Proceedings

- a. The interested party must request the competent national authority to append the enforcement order to the decision. For the time being, the conditions on languages of the requests, translations of the relevant parts of the decision, fees and the need of a representative depend on the practice of the Member States and are not harmonised but are considered on a case-by-case basis.

The competent authority will append the order to the decision without any other formality beyond the verification of the authenticity of the decision. As to wrong decisions on costs or fixing of costs, see paragraphs 7.3 below.

- b. If the formalities have been completed, the party concerned may proceed to enforcement. Enforcement is governed by the rules of civil procedure in force in the territory where it is carried out (Article 110(2) EUTMR). The enforcement may be suspended only by a decision of the Court of Justice of the European Union. However, the courts of the country concerned have jurisdiction over complaints that enforcement is being carried out in an irregular manner (Article 110(4) EUTMR).

## 7.3 Apportionment of costs

In *inter partes* proceedings, the Opposition Division, the Cancellation Division and the Boards of Appeal take, where necessary, a decision on the apportionment of costs. Those costs include in particular the costs of the professional representatives, if any, and the corresponding fees. For further information relating to the apportionment of costs in opposition proceedings, see the Guidelines, Part C, Opposition, Section 1, Procedural Matters. Regarding cancellation proceedings, see the Guidelines, Part D, Cancellation, Section 1, Proceedings, paragraph 4.3.3, Decision on apportionment of costs. Where the decision contains obvious mistakes as regards the costs, the parties

may ask for a corrigendum (Article 102(1) EUTMR) or a revocation (Article 103 EUTMR), depending on the circumstances (see the Guidelines, Part A, General Rules, Section 6, Revocation of Decisions, Cancellation of Entries in the Register and Correction of Errors).