

GUIDELINES FOR EXAMINATION

EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE
(EUIPO)

PART E

REGISTER OPERATIONS

SECTION 4

RENEWAL

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1 Fraud Warning

1.1 Private companies sending misleading invoices

The Office is aware that users are receiving an increasing amount of unsolicited mail from companies requesting payment for trade mark and design services such as renewal.

A list of letters from firms or registers that users have complained are misleading is published on the Office website. These services are not connected with any official trade mark or design registration services provided by IP offices or other public bodies within the European Union such as the EUIPO.

If a user receives a letter or invoice, he or she should carefully check what is being offered, and its source. It must be pointed out that the **EUIPO never sends invoices to users or letters requesting direct payment for services** (see the Guidelines, Part A, General Rules, Section 3, Payment of Fees, Costs and Charges).

1.2 Renewal by unauthorised third persons

The Office is also aware that fraudsters have targeted the e-renewal module. If, upon filing a request for e-renewal, a user discovers that the mark is 'blocked', as renewal has already been requested, they should contact the Office.

2 Terms of Registration of European Union Trade Marks

Articles 31, 32, 52 and Article 41(5) and (8) EUTMR

The term of registration of a European Union trade mark (EUTM) is 10 years from the **filing date** of the application. For example, an EUTM with a filing date of 16/04/2006 will expire on 16/04/2016.

The filing date of the application is determined according to Articles 31 and 32 EUTMR and Article 41(5) and (8) EUTMR.

A registration may be renewed indefinitely for further periods of 10 years.

3 Terms of Protection of Registered Community Designs

Articles 12 and 38 CDR Article 10 CDIR

The term of protection of a registered Community design (RCD) is 5 years from the **date of filing** of the application (Article 12 CDR).

The date of filing of the application is determined according to Article 38 CDR and Article 10 CDIR (see the Guidelines for Examination of Registered Community Designs, Examination of Applications for Registered Community Designs, paragraph 3, Allocation of a Filing Date).

A registration may be renewed for periods of 5 years each, up to a total of 25 years from the date of filing.

4 Notification of Expiry of Registration

Article 53(2) EUTMR
Article 60(3) and Article 66 EUTMDR
Article 13(2) CDR
Articles 21 and 63 CDIR
Communication No 5/05 of the President of the Office of 27/07/2005

At least 6 months before the expiry of the registration, the Office will inform:

- the registered proprietor/holder of the EUTM/RCD, and
- any person having a registered right in respect of the EUTM/RCD

that the registration is approaching expiry. Persons having a registered right include the holders of a registered licence, the proprietors of a registered right *in rem*, the creditors of a registered levy of execution or the authority competent to act on behalf of the proprietor/holder in insolvency procedures.

Failure to give such information does not affect the expiry of the registration and does not involve the responsibility of the Office.

5 Renewal of an EUTM Application

Communications No 5/05 and No 8/05 of the President of the Office of 27/07/2005 and 21/12/2005
Annex I A(19) EUTMR

In the exceptional circumstance where an application has not yet matured to registration because of pending proceedings, the Office will not send the notice referred to in Article 53(2) EUTMR. The applicant is not obliged to renew its application during proceedings that last for more than 10 years and where the outcome of registration is uncertain. Only once the trade mark is registered will the Office invite the owner to renew the EUTM and pay the relevant renewal fees due. The owner will then have 2 months to pay the renewal fee (including any additional class fees). If the renewal fee is not paid within this first time limit, the owner will be given a second time limit of two additional months (a total of 4 months from the date of the first letter) in which to pay the renewal fee. During this further time limit of 2 months, the surcharge for the renewal fee of 25 % pursuant to Annex I A(19) EUTMR does not apply. If the renewal fee is not paid within the additional time limit given, the Office will issue a notice that the registration has expired. The expiry will take effect from the date of registration of the EUTM.

6 Renewal of an RCD Application

Communications No 5/05 and No 8/05 of the President of the Office of 27/07/2005 and 21/12/2005 (by analogy)
Article 13(2) CDR
Annex to the CDFR point 12

In the exceptional circumstance where an application has not yet matured to registration because of pending proceedings, the Office will not send the notice referred to in Article 13(2) CDR. The applicant is not obliged to renew its application during proceedings that last for more than 5 years and where the outcome of registration is uncertain. The Office will only invite the owner to renew the RCD and pay the renewal fee once the design has been registered. The owner will then have 2 months to pay the renewal fee. If the renewal fee is not paid within this first time limit, the owner will be given a second time limit of two additional months (a total of 4 months from the date of the first letter) in which to pay the renewal fee. During this further time limit of 2 months, the surcharge for the renewal fee of 25 % pursuant to point 12 of the Annex to the CDFR does not apply. If the renewal fee is not paid within the additional time limit given, the Office will issue a notice that the registration has expired. The expiry will take effect from the date of registration of the RCD.

7 Fees and Other Formal Requirements for the Request for Renewal

Articles 63 and 64 EUTMDR
Article 22(8) and Articles 65, 66 and 67 and Article 68(1)(e) CDIR
Communication No 8/05 of the President of the Office of 21/12/2005
Decision No EX-17-4 of the Executive Director of the Office of 16/08/2017

The general rules concerning communications to the Office apply (see the Guidelines, Part A, General Rules, Section 1, Means of Communication, Time Limits), which means that the request may be submitted in the following ways.

- By electronic means available on the EUIPO website (e-renewal). For EUTMs, there is a reduction of EUR 150 on the basic renewal fee for an individual mark using e-renewal (EUR 300 for a collective mark). Entering the name and surname in the appropriate place on the electronic form is deemed to be a signature. In addition, using e-renewal offers additional advantages such as the receipt of immediate electronic confirmation of the renewal request automatically or the use of the renewal manager feature to complete the form quickly for as many EUTMs/RCDs as needed.
- By transmitting a signed original form electronically, by post or by courier (see the Guidelines, Part A, General Rules, Section 1, Means of Communication, Time Limits). A standard form is available on request to the Office. Forms have to be signed but annexes need not be signed.

Following Decision No EX-17-4 of the Executive Director of the Office, from 01/01/2018, EUTM renewals must be made via e-renewal, post or courier. In cases where technical malfunction prevents e-renewal, renewals by fax will be treated by the

Office only when received within the last three working days before the expiry of: (i) the deadline for renewal or (ii) the extended deadline for renewal.

A single application for renewal may be submitted for two or more EUTMs/RCDs (including RCDs that form part of the same multiple registration), upon payment of the required fees for each EUTM/RCD.

7.1 Persons who may submit a request for renewal

Articles 20(12) and 53(1) EUTMR
Article 13(1) CDR
Communication No 8/05 of the President of the Office of 21/12/2005

The request for renewal may be submitted by:

- a) the registered proprietor/holder of the EUTM/RCD;
- b) where the EUTM/RCD has been transferred, the successor in title as from the point in time a request for registration of the transfer has been received by the Office;
- c) any person expressly authorised by the proprietor/holder of the EUTM/RCD to do so. Such a person may, for instance, be a registered licensee, a non-registered licensee or any other person who has obtained the authorisation of the proprietor/holder to renew the EUTM/RCD.

When the renewal request is submitted by a person other than the registered proprietor/holder, an authorisation will have to exist in its favour; however, it does not need to be filed with the Office unless the Office requests it. If the Office receives fees from two different sources, neither of which is the proprietor/holder or its representative on file, the proprietor/holder will be contacted in order to ascertain who is authorised to file the renewal request. Where no reply is received from the proprietor/holder, the Office will validate the payment that reached the Office first (12/05/2009, T-410/07, Jurado, EU:T:2009:153, § 33-35; 13/01/2008, R 989/2007-4, ELITE GLASS-SEAL, § 17-18).

Professional representation is not mandatory for renewal.

7.2 Content of the request for renewal

Article 53(4) EUTMR
Article 22(1) CDIR

The request for renewal must contain the following: name and address of the person requesting renewal and the registration number of the EUTM/RCD to be renewed. The extent of the renewal is deemed to cover the full specification of the EUTM by default.

Payment alone can constitute a valid request for renewal, providing such payment reaches the Office and contains the name of the payer, the registration number of the EUTM/RCD and the indication 'renew'. In such circumstances, no further formalities

need to be complied with (see the Guidelines, Part A, General Rules, Section 3, Payment of Fees, Costs and Charges).

7.2.1 Name and address and other particulars of the person submitting a request for renewal

7.2.1.1 Request filed by the proprietor/holder

Where the request is filed by the EUTM/RCD proprietor/holder, its name must be indicated.

7.2.1.2 Request filed by a person authorised to do so by the proprietor/holder

Article 2(1)(b) and (e) EUTMIR Article 22(1)(a) CDIR

Where the request for renewal is filed by a person authorised by the proprietor/holder to do so, the name and address or the ID number and name of the authorised person in accordance with Article 2(1)(e) EUTMIR or Article 22(1)(a) CDIR must be indicated.

If the selected payment method is bank transfer, a copy of the renewal request is sent to the proprietor/holder.

7.2.2 Registration number

Article 53(4)(b) EUTMR Article 22(1)(b) CDIR

The EUTM/RCD registration number must be indicated.

7.2.3 Indication as to the extent of the renewal

Article 53(4) EUTMR Article 22(1)(c) CDIR
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For EUTMs, renewal is deemed to cover the entire specification of goods and/or services of the EUTM by default.

Where renewal is requested for only some of the goods or services for which the mark is registered:

- those classes or those goods and services for which renewal is requested must be indicated in a clear and unequivocal way. E-renewal only allows for deleting whole classes and not only part of the class.

Or, alternatively:

- those classes or those goods and services for which renewal is not requested must be indicated in a clear and unequivocal way (this is only possible when filed on the paper form).

For RCDs, in the case of a multiple registration, an indication that renewal is requested for all the designs covered by the multiple registration or, if the renewal is not requested for all the designs, an indication of those for which it is requested. If nothing is indicated, the renewal is deemed to be for all the designs by default.

7.3 Languages

Article 146(6) EUTMR Article 68 and Article 80(b) and (c) CDIR

The request for renewal may be filed in any of the five languages of the Office. The chosen language becomes the language of the renewal proceedings. However, when the request for renewal is filed by using the form provided by the Office pursuant to Article 65(1)(g) EUTMDR or Article 68(1)(e) CDIR, such a form may be used in any of the official languages of the European Union, provided that the form is completed in one of the languages of the Office, as far as textual elements are concerned. This concerns, in particular, the list of goods and services in the event of a partial renewal of an EUTM.

7.4 Time limits

Article 52 and Article 53(3) EUTMR Article 69(1) EUTMDR Article 13(3) CDR Articles 56 and 58 CDIR Communication No 2/16 of the President of the Office of 20/01/2016
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7.4.1 6-month period for renewal before expiry (basic period)

For EUTMs, the request for renewal and the renewal fee must be submitted within a period of 6 months ending on the day on which protection ends.

For example, where the EUTM has a filing date of 10/06/2007, the day on which protection ends will be 10/06/2017. Therefore, a request for renewal must be introduced and the renewal fee paid as from 11/12/2016 until 10/06/2017 or, where this is a Saturday, Sunday or other day on which the Office is closed, or does not receive ordinary mail within the meaning of Article 69(1) EUTMDR, the first following working day on which the Office is open to the public and receives ordinary mail.

For RCDs, the request for renewal and the renewal fee must be submitted within a period of 6 months ending on the last day of the month in which protection ends.

For example, where the RCD has a filing date of 01/04/2013, the basic period will run up to and including the last day of the month in which protection ends, namely 30/04/2018. Therefore, a request for renewal must be submitted and the renewal fee paid between 01/11/2017 and 30/04/2018 or, where the latter date is a Saturday, Sunday or other day on which the Office is closed or does not receive ordinary mail within the meaning of Article 58(1) CDIR, the first following working day on which the Office is open to the public and does receive ordinary mail.

7.4.2 6-month grace period following expiry (grace period)

Where the EUTM/RCD is not renewed within the basic period, the request may still be submitted and the renewal fee may still be paid, upon payment of an additional fee (see paragraph 7.5 below), within a further period of 6 months.

For example, where the EUTM has a filing date of 10/06/2007, the day on which protection ends will be 10/06/2017. Therefore, the grace period during which a request for renewal may still be introduced upon payment of the renewal fee plus the additional fee is counted from the day after 10/06/2017, namely from 11/06/2017, and ends on 10/12/2017 or, if 10/12/2017 is a Saturday, Sunday or other day on which the Office is closed, or does not receive ordinary mail within the meaning of Article 69(1) EUTMDR, the first following working day on which the Office is open to the public and receives ordinary mail. This also applies if the above example 11/06/2017 was a Saturday or Sunday; the rule that a time limit to be observed vis-à-vis the Office is extended until the next working day applies only once and to the end of the basic period, and not to the starting date of the grace period.

For example, where the RCD has a filing date of 01/04/2013, the basic period will run up to and including the last day of the month in which protection ends, namely 30/04/2018. Therefore, a request for renewal must be submitted and the renewal fee paid between 01/11/2017 and 30/04/2018 or, where the latter date is a Saturday, Sunday or other day on which the Office is closed or not receiving ordinary mail within the meaning of Article 58(1) CDIR, the first following working day on which the Office is open to the public and receiving ordinary mail. The grace period would then run from 01/05/2018 up to and including 31/10/2018 (or the first working day thereafter).

7.5 Fees

7.5.1 Fees payable for EUTMs

Article 53(3) and Annex I A(11), (12), (13), (14), (15), (16), (17) and (18) EUTMR
Communication No 2/16 of the President of the Office of 20/01/2016

As regards the calculation of the amount of the renewal fees, the due date for the renewal fees is the date of expiry of the registration (Article 53(3) EUTMR). This principle applies regardless of the moment at which renewal is actually requested and paid for.

Since 23/03/2016, the fees payable for the renewal of an EUTM consist of a basic fee and, where appropriate, one or more class fees for each class of goods/services exceeding the first one.

The basic fee is

- for an individual mark: EUR 1 000/EUR 850 in the event of e-renewal, and
- for a collective mark: EUR 1 800/EUR 1 500 in the event of e-renewal.

The class fees

- for the second class: EUR 50
- for each class exceeding two: EUR 150.

7.5.2 Fees payable for RCDs

Article 13(3) CDR Article 22(2) (a), (b) CDIR Article 7(1) and Annex to the CDFR point 11

The fees payable for the renewal of an RCD consist of:

- a renewal fee, which, where several designs are covered by a multiple registration, is in proportion to the number of designs covered by the renewal;
- any additional fee applicable for late payment of the renewal fee or late submission of the request for renewal.

The amount of the renewal fee, per design, whether or not included in a multiple registration, is as follows:

- for the first renewal: EUR 90
- for the second renewal: EUR 120
- for the third renewal: EUR 150
- for the fourth renewal: EUR 180.

The fee must be paid within a period of 6 months ending on the last day of the month in which protection ends (see paragraph 7.4 above).

7.5.3 Time limit for payment

The fee must be paid within a basic period of 6 months (for calculation of the period, see the example given in paragraph 7.4.1 above).

Articles 53(3) and 180(3) and Annex I A(19) EUTMR Article 13(3) CDR Annex to the CDFR point 12
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The fee may be paid within a further period of 6 months (see paragraph 7.4.2 above), provided that an additional fee is paid, which amounts to 25 % of the total renewal fee, including any class fees, but which, in the case of EUTMs is subject to a maximum of EUR 1 500.

Renewal will be effected only if payment of **all** fees (renewal fees, additional fees for late payment, and surcharges where applicable) reaches the Office within the grace period (see paragraph 7.4.2 above).

Fees that are paid **before** the start of the basic period of 6 months will not, in principle, be taken into consideration and will be refunded.

Where the renewal applicant has a current account at the Office, the renewal fee will only be debited once a request for renewal has been filed and the renewal fee (including any class fees) will be debited on the day of receipt of the request, unless other instructions are given.

Article 8(c) and (h) of Decision No EX-17-7 of the Executive Director of the Office of 18/09/2017

In the event of the late filing of a request for renewal (see paragraph 7.4.2 above, namely the further period of 6 months provided for in Article 53(3) EUTMR or Article 13(3) CDR), and where the renewal applicant has a current account at the Office, the renewal fee and surcharge will be debited on the day of receipt of the request, unless other instructions are given.

7.5.4 Payment by third parties

Payment may also be made by the other persons identified in paragraph 7.1 above.

Payment by debiting a current account held by a third party requires an explicit authorisation of the holder of the current account that the account can be debited for the benefit of the particular fee. In such cases, the Office will check if there is an authorisation. If there is no authorisation, a letter will be sent to the renewal applicant asking them to submit the authorisation to debit the account held by a third party. In such cases, payment is considered to be effected on the date the Office receives the authorisation.

7.5.5 Fee refund

Article 53(8) EUTMR
Article 22(7) CDIR

Renewal fees and, where applicable, the additional fee for late payment may be refunded under certain circumstances. For full information, please see the Guidelines, Part A, General Rules, Section 3, Payment of Fees, Costs and Charges.

8 Procedure Before the Office

8.1 Examination of formal requirements

The examination of the request for renewal is limited to formalities and relates to the following points:

8.1.1 Observation of time limits

Article 53(3) and (4) EUTMR Article 13(3) CDR Article 22(3) CDIR Article 5 and Article 6(2) CDFR

8.1.1.1 Payment during the basic period or the grace period

Where the request for renewal is filed and the renewal fee is paid within the basic period, the Office will record the renewal, provided that the other conditions laid down in the EUTM Regulations or CDR and CDIR are fulfilled (see paragraph 8.1.2 below).

Article 53(3), (4) and (8) EUTMR Communication No 8/05 of the President of the Office of 21/12/2005 Article 13 CDR Article 22(3), (4) and (5) CDIR Article 5 and Article 6(2) CDFR
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Where no request for renewal has been filed, but a payment of the renewal fee reaches the Office that contains the minimum indications (name and address of the person requesting renewal and the registration numbers of the renewed EUTMs/RCDs), this constitutes a valid request and no further formalities need be complied with. This is pursuant to Article 53(4) EUTMR, last sentence and Article 22(3) CDIR. Where this option is relied on in EUTM renewals, the payment must be of the renewal fee laid out in Annex A, paragraphs (11) or (15) EUTMR and not of the discounted fee for renewal by electronic means pursuant to Annex A, paragraphs (12) or (16). The discounted fee may only be relied on where a renewal application is submitted by electronic means.

However, where no request for renewal has been filed but a renewal fee has been paid that does not contain the minimum indications (name and address of the person requesting renewal and the registration numbers of the renewed EUTMs/RCDs), the Office will invite the person requesting renewal to provide the minimum indications. A letter will be sent out as early as is reasonably possible after receipt of the fee, so as to enable filing of the request before the additional fee becomes due.

Where a request has been submitted but the renewal fee has not been paid or has not been paid in full, the Office will, where possible, remind the person requesting renewal to pay the renewal fee or the remaining part thereof and the additional fee for late payment within the renewal period. The lack of payment is not a remediable deficiency that the Office will set the party a time limit to remedy. If the fees are not paid or are paid after the expiry of the relevant time limit, the Office will determine that the registration has expired and notify the proprietor/holder accordingly (Article 53(8) EUTMR and Article 22(5) CDIR).

In the case of incomplete payment of the fee for the renewal of an EUTM, the proprietor may, instead of paying the missing amount, restrict its request for renewal to the corresponding number of classes.

In the case of incomplete payment of the fee for the renewal of an RCD, the holder may, instead of paying the missing amount, restrict its request for renewal to the corresponding number of multiple designs.

8.1.1.2 Payment after the expiry of the grace period

Article 53(5) and (8) and Article 99 EUTMR Article 22(5) CDIR
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Where a request for renewal has not been submitted or is submitted only after the expiry of the grace period, the Office will determine that the registration has expired and will issue a notification on loss of rights to the proprietor/holder.

Where the fees are not paid in full or are paid only after expiry of the grace period, the Office will determine that the registration has expired and will issue a notification on loss of rights to the proprietor/holder.

Where the fee paid amounts to less than the basic fee and the fee for late payment/late submission of the request for renewal, the Office will determine that the registration has expired and will issue a notification on loss of rights to the proprietor/holder.

For EUTMs, where the fee paid covers the basic fee and the fee for late payment, but not all class fees, the Office will only renew the registration for some classes. The determination of which classes of goods and services are to be renewed will be made according to the following criteria.

- Where the request for renewal is expressly limited to particular classes, only those classes will be renewed.
- Where it is otherwise clear from the request which class or classes are to be covered by the request, that class or those classes will be renewed.
- The Office may contact the proprietor to ask for the class preferences in the event of partial payment.
- In the absence of other criteria, the Office will take the classes into account in the numerical order of classification, beginning with the class having the lowest number.

Where not all class fees are paid and the Office determines that the registration has expired for some of the classes of goods or services, it will issue the renewal confirmation to the proprietor, as well as a notification of loss of rights for those classes of goods or services to the proprietor. If the person concerned considers that the finding of the Office is inaccurate, he or she may, within 2 months of the notification of the loss of rights, apply for a decision on the matter.

For RCDs, where the fee paid covers the basic fee and the fee for late payment, but the fees paid are insufficient to cover all designs identified in the renewal application, the Office will only renew the registration for some designs. In the absence of an indication of the designs to be renewed, the Office will determine the designs to be renewed by taking them in numerical order.

8.1.1.3 Situation where the proprietor/holder holds a current account

The Office will not debit a current account unless there is an express request for renewal. It will debit the account of the person requesting renewal (EUTM/RCD proprietor/holder or third person).

Where the request is filed within the basic period, the Office will debit the renewal fees (for EUTMs, basic renewal fee plus applicable class fees) without any surcharge.

Where the request is filed within the grace period, the Office will debit the renewal fee plus the 25 % surcharge (see paragraph 7.5 above).

8.1.2 Compliance with formal requirements

8.1.2.1 Renewal requested by an authorised person

Communication No 8/05 of the President of the Office of 21/12/2005

Where a renewal request is filed on behalf of the proprietor/holder, there is no need to file an authorisation. However, such an authorisation should exist in favour of the person filing the request should the Office request it.

8.1.2.2 Further requirements

Article 53(4) and (7) EUTMR
Article 22(3) CDIR

Where the request for renewal does not comply with other formal requirements, namely where the name and address of the person requesting renewal has not been sufficiently indicated, where the registration number has not been indicated, where it has not been properly signed or, for EUTMs, if partial renewal was requested but the goods and services to be renewed have not been properly indicated, the Office will invite the person requesting renewal to remedy the deficiencies within a time limit of 2 months. The time limit applies even if the grace period has already expired.

The Office will consider the request to be made for the renewal for all goods and services or all the designs covered by the multiple registration, unless partial renewal is expressly requested. In the event of a partial renewal, please refer to paragraph 7.2.3 above.

If the request for renewal is filed by a person authorised by the proprietor/holder (see paragraph 7.1(c) above), the proprietor/holder will receive a copy of the deficiency notification.

Article 53(5), (8) and Article 99 EUTMR
Article 22(5) and Article 40 CDIR

Where these deficiencies are not remedied before the expiry of the relevant time limit, the Office will proceed as follows.

- If the deficiency consists of failing to indicate the goods and services of the EUTM to be renewed, the Office will renew the registration for all the classes for which the fees have been paid, and if the fees paid do not cover all the classes of the EUTM registration, the determination of which classes are to be renewed will be made according to the criteria set out in paragraph 8.1.1.2 above. The Office will issue, together with the renewal confirmation, a notification of loss of rights for those classes of goods or services the Office deems expired to the proprietor.
- If the deficiency consists of the proprietor's/holder's failure to respond to a request for clarification of who the authorised person is, the Office will accept the request for renewal filed by the authorised representative on file. If neither of the requests for renewal has been filed by an authorised representative on file, the Office will accept the renewal request that was first received by the Office.
- If the deficiency lies in the fact that there is no indication of the designs to be renewed, and the fees paid are insufficient to cover all the designs for a multiple application for which renewal is requested, the Office will establish which designs the amount paid is intended to cover. In the absence of any other criteria for determining which designs are intended to be covered, the Office will take the designs in the numerical order in which they are represented. The Office will determine that the registration has expired for all designs for which the renewal fees have not been paid in part or in full.
- In the case of the other deficiencies, it will determine that the registration has expired and will issue a notification of loss of rights to the proprietor/holder or, where applicable, the person requesting renewal.

The person concerned may apply for a decision on the matter under Article 99 EUTMR or Article 40(2) CDIR within 2 months.

8.2 Items not to be examined

No examination will be carried out on renewal for the registrability of the mark or design, nor will any examination be carried out as to whether the EUTM has been put to genuine use.

No examination will be carried out by the Office on renewal as to the correct classification of the EUTM, nor will a registration be reclassified that has been registered in accordance with an edition of the Nice Classification that is no longer in force at the point in time of renewal. All of this is without prejudice to the application of Article 57 EUTMR.

The Office will not examine the product classification of the RCD nor will an RCD be reclassified that was registered in accordance with an edition of the Locarno

Classification no longer in force at the time of renewal. Such reclassification will not even be available at the holder's request.

9 Partial Renewals of EUTMs

Article 53(4)(c) EUTMR

An EUTM may be renewed in part for some of the goods and/or services for which it has been registered.

A partial renewal is not a partial surrender for those goods and/or services for which the EUTM has not been renewed. See to this extent 22/06/2016, C-207/15 P, CVTC, EU:C:2016:465.

An EUTM may be partially renewed several times during the initial basic renewal period of 6 months or during the 6-month grace period. For each partial renewal, the full amount of the corresponding fee has to be paid, and in the event a partial renewal request is submitted within the grace period, the additional fee for the late submission must also be paid (22/06/2016, C-207/15 P, CVTC, EU:C:2016:465).

10 Entries in the Register

Articles 53(5), 111(6) and Article 111(3)(k) EUTMR
Article 13(4) CDR
Article 69(3)(m) and Article 69(5) and Article 71 CDIR

Where the request for renewal complies with all the requirements, the renewal will be registered.

The Office will notify the renewal applicant of the renewal of the EUTM/RCD and of its entry in the Register. The renewal will take effect from the day following the date on which the existing registration expires (see paragraph 11 below).

Where renewal has taken place only for some of the goods and services contained in the registration, the Office will notify the proprietor of the goods and services for which the registration has been renewed and the entry of the renewal in the Register and of the date from which renewal takes effect (see paragraph 11 below). Simultaneously, the Office will notify the proprietor of expiry of the registration for the remaining goods and services and of their removal from the Register.

Where only some of the designs contained in a multiple application have been renewed, the Office will notify the holder of the designs for which the registration has been renewed, of the entry of the renewal in the Register and of the date from which renewal takes effect (see paragraph 11 below). Simultaneously, the Office will notify the holder of expiry of the registration for the remaining designs and of their removal from the Register.

Article 53(5), (8) and Article 99 EUTMR
Article 13(4) CDR
Articles 22(5) and 40(2) CDIR

Where the Office has made a determination pursuant to Article 53(8) EUTMR or Article 22(5) CDIR that the registration has expired, the Office will cancel the mark/design in the Register and notify the proprietor/holder accordingly. The proprietor/holder may apply for a decision on the matter under Article 99 EUTMR or Article 40(2) CDIR within 2 months.

11 Date of Effect of Renewal or Expiry, Conversion

11.1 Date of effect of renewal

Article 53(6) and (8) EUTMR
Article 67(2) EUTMDR
Article 12 and Article 13(4) CDR
Article 22(6) CDIR

Renewal will take effect from the day following the date on which the existing registration expires.

For example, where the filing date of the EUTM registration is 01/04/2006, the registration will expire on 01/04/2016. Therefore, renewal takes effect from the day following 01/04/2016, namely 02/04/2016. Its new term of registration is 10 years from this date, which will end on 01/04/2026. It is immaterial whether any of these days is a Saturday, Sunday or an official holiday. Even in cases where the renewal fee is paid within the grace period, the renewal takes effect from the day following the date on which the existing registration expires.

For example, where the filing date of the RCD is 01/04/2013, the registration will expire on 01/04/2018. Therefore, renewal takes effect from the day following 01/04/2018, namely 02/04/2018. Its new term of registration is 5 years from this date, which will end on 01/04/2023. It is immaterial whether any of these days is a Saturday, Sunday or an official holiday. Even in cases where the renewal fee is paid within the grace period, the renewal takes effect from the day following the date on which the existing registration expires.

Where the mark/design has expired and is removed from the Register, the cancellation will take effect from the day following the date on which the existing registration expired.

For example, where the filing date of the EUTM registration is 01/04/2006, the registration will expire on 01/04/2016. Therefore, the removal from the Register takes effect from the day following 01/04/2016, namely 02/04/2016.

For example, where the filing date of the RCD is 01/04/2013, the registration will expire on 01/04/2018. Therefore, the removal from the Register takes effect from the day following 01/04/2018, namely 02/04/2018.

11.2 Conversion of lapsed EUTMs

Articles 53(3) and 139(5) EUTMR

Where the owner wants to convert its lapsed EUTM into a national mark, the request must be filed within 3 months from the day following the last day of the period within which a request for renewal may be presented pursuant to Article 53(3) EUTMR, that is to say, 6 months after the day on which protection has expired. The time limit of 3 months for requesting conversion starts automatically without notification (see the Guidelines, Part E, Register Operations, Section 2, Conversion).

12 Renewal of International Marks Designating the EU

Article 202(1) EUTMR

The procedure for renewal of international marks is managed entirely by the International Bureau. The Office will not deal with renewal requests or payment of renewal fees. The International Bureau will send notice for renewal, receive the renewal fees and record the renewal in the International Register. The effective date of the renewal is the same for all designations contained in the international registration, irrespective of the date on which such designations were recorded in the International Register. Where an international registration designating the EU is renewed, the Office will be notified by the International Bureau.

If the international registration is not renewed for the designation of the EU, it can be converted into national marks or into subsequent designations of Member States under the Madrid Protocol. The 3-month time limit for requesting conversion starts on the day following the last day on which renewal may still be effected before WIPO pursuant to Article 7(4) of the Madrid Protocol (see the Guidelines, Part E, Register Operations, Section 2, Conversion).

13 Renewal of International Design Registrations Designating the EU

Article 106a CDR
Article 22a CDIR

International registrations must be renewed directly at the International Bureau of WIPO in compliance with Article 17 of the Geneva Act. The Office will not deal with renewal requests or payments of renewal fees in respect of international registrations.

The procedure for the renewal of international design registrations is managed entirely by the International Bureau, which sends out the notice for renewal, receives the renewal fees and records the renewal in the International Register. When international registrations designating the EU are renewed, the International Bureau also notifies the Office.