

***GUIDELINES FOR EXAMINATION IN THE  
OFFICE FOR HARMONIZATION IN THE  
INTERNAL MARKET (TRADE MARKS AND  
DESIGNS) ON COMMUNITY TRADE MARKS***

***PART A***

***GENERAL RULES***

***SECTION 3***

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

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## 1 Legal Basis and Definitions Introduction

~~Council Regulation (EC) No 207/2009 of 26/02/2009 on the Community trade mark (CTMR)~~

~~Commission Regulation (EC) No 2868/95 of 13/12/1995 implementing the CTMR~~

~~Commission Regulation (EC) No 2869/95 of 13/12/1995 on the fees payable to OHIM for the registration of Community trade marks (CTMFR)~~

~~Commission Regulation (EC) No 2246/2002 of 16/12/2002 on the fees payable to OHIM for the registration of Community designs (CDFR)~~

For CTMs, in addition to the provisions contained in the basic CTMR and in the CTMIR, there is a specific regulation on the fees payable to OHIM (CTMFR). This regulation was amended once in 2004, twice in 2005 and once in 2009. An unofficial consolidated text of the CTMFR, including references to the codified CTMR, is available online. The full list of fees can be found [at](#) the [following address: OHIM website](#).

<https://oami.europa.eu/ohimportal/en/fees-payable-direct-to-ohim>

Similarly, for RCDs, in addition to the provisions contained in the basic CDR and in the CDIR, there is a specific regulation on the fees payable to OHIM (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 (CDFR).

Finally, the President of the Office is empowered to lay down charges which 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 CTMFR and the CDFR ~~(hereinafter fees regulations)~~.

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

- Fees must be paid to the Office by the users for the filing and handling of trade marks and designs [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 a CTM or an RCD, a renewal fee, etc. Some fees have been reduced to zero (e.g. registration fees for CTMs, transfers for CTMs).

The amounts of the fees ~~has~~ [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 144 CTMR) 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 (see 18<sup>th</sup> Recital CTMR).

- 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 85 CTMR and Rule 94 CTMIR, for designs see Articles 70-71 CDR and Article 79 CDIR). Decisions in *inter partes* cases must contain a decision on fees and costs of the professional representative and must fix the amount. The decision on costs may be enforced once the decision has become final, pursuant to Article 86 CTMR.

- Charges are fixed by the President of the Office for any services rendered by the Office other than those specified in Article 2 CTMFR (see Rule 87(2) CTMIR and Article 3(1) and (2) CTMFR). The amounts of the charges laid down by the President will be published in the Official Journal of the Office and can be found on the website under decisions of the President. Examples are the charges for mediation in Brussels or for certain publications issued by the Office.

## 2 Means of Payment

Article 5 CTMFR Article 5 CDFR Communication No 2/97 of the President of the Office of 03/07/1997
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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 on-line ~~application and renewal feesservices~~ 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').

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 account

Payment by bank transfer can only be made to one of the following two bank accounts of the Office:

Bank	Banco Bilbao Vizcaya Argentaria	La Caixa
Address	Explanada de España, 11 E-03002 Alicante SPAIN	Calle Capitán Segarra, 6 E-03004 Alicante SPAIN
Account number	<del>0182-5596-90-0092222222</del>	<del>2100-2353-01-0700000888</del>
Swift code*	BBVAESMMXXX	CAIXESBBXXX
IBAN	ES8801825596900092222222	ES0321002353010700000888
Bank charges**	>OUR	>OUR

\* **Swift code:** Some computer programs do not accept the last three digits XXX of the Swift/BIC code. Should this be the case, users must indicate BBVAESMM or CAIXESBB.

\*\* **Bank charges:** It is important to make sure that the entire amount reaches the Office, without any deductions. Therefore, in the case of a transfer 'OUR' must be indicated as the method of payment for the bank charges in order to allow full reception by the Office of the amount due. However, for SEPA payments, the default SEPA specification 'SHA' is required. SEPA is a common European payments system, used by most banks in all EU Member States and [fourfive](#) additional European countries.

### 2.1.2 Details which must accompany the payment

Article 7 CTMFR  
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 (judgment of 31/05/2005, T-373/03, 'PARMITALIA', para. [5858](#); [judgment of 09/09/2010, T--70/08 'ETRAX', para. 23-25](#)).

When the information supplied is insufficient to properly enable the allocation of the payment, 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. OHIM receives thousands of payments a day and the incorrect or insufficient identification of the dossier can lead to considerable delays in processing procedural acts.

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

- CTM/RCD number
- Payer name and address or Office ID number
- Nature of the fee, preferably in its abbreviated form.

In order to deal with payments swiftly with regards 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.

DESCRIPTION FIELD

- Use the codes listed in the tables below, for example: CTM instead of: APPLICATION FEE FOR ~~THE REGISTRATION OF~~ A COMMUNITY TRADE MARK.
- Remove initial zeroes in numbers and do not use spaces or dashes since they use up space unnecessarily.
- Always start with the [applicationCTM](#) or [registrationRCD](#) number, e.g. CTM3558961.
- If the payment is for more than one trade mark or design, only specify the first and last one, e.g. CTM3558961-3558969, and then send a fax with the full details of the trade marks or designs concerned.

Description Codes ~~(in order of importance)~~

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	CTM, RCD + number	CTM5104422 RCD1698
A short nickname of the CTM or RCD		' <del>XXXXXXXX</del> :XYZABC' or 'bottle shape'
<b>Operation code:</b> Application fee for CTM or RCD International application fee Renewal fee Opposition fee Cancellation fee Appeal Recordal Transfer Conversion Inspection of files Certified Copies	CTM, RCD INT RENEW OPP CANC APP REC TRANSF CONV INSP COPIES	OPP, REC, RENEW, INSP, INT, TRANSF, CANC, CONV, COPIES, APP

Examples:

Payment Object	Example of Payment Description
Application fee (CTM = <i>Community Trade Mark</i> )	CTM5104422 <del>XXXXXXXX</del> XYZABC.
Application fee (RCD = <i>Registered Community Design</i> )	RCD1234567 <del>shape of</del> -bottle <u>shape</u> .
Opposition + payer	CTM4325047                      OPP <del>XXXXXXXX</del> <a href="#">REP40711</a> XYZABC <a href="#">REP10711</a>
International application	CTM4325047 INT <del>XXXXXXXX</del> XYZABC
Renewal (CTM)	CTM509936 RENEW
Payment to current account No 1361	CC1361
Certified Copies	CTM1820061 COPIES
Transfer of multiple designs (first 1420061 and last 1420065) + payer	RCD1420061- <del>1</del> 1420061- <del>15</del> 1420065    TRANSF REP10711

Recordal of a licence for a CTM	<a href="#">REG-CTM4325047</a> <a href="#">REC-LICENCE OWN10711</a>
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## SENDER FIELD

### Examples for address

Address	Example
Payer name Payer address Payer city and post code	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 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-~~44-313-2~~ of the President of the Office of ~~18/04/2011~~[26/11/2013](#) concerning electronic communication with and by the Office: ~~Chapter 10~~[Article 7](#), Electronic payment [of fees](#) by credit card Article-~~2~~(1)(b) to Article-~~2~~(4) and Article-~~2~~(12) to (15) CTMFR and Article-~~5~~(2) CDFR

Payment by [debit or credit card](#) is not yet available for all OHIM fees. ~~Credit card payment is only possible when filing an on-line application for trade marks (including class fees) or designs and for renewing trade marks and designs~~[Only certain online services can be paid by debit or credit card.](#)

The following [debit or credit cards](#) may be used: Visa, Mastercard and ~~EuroCard~~[Discover](#).

For electronically filed applications [and renewals](#), payment by [debit or credit card](#) is the recommended method ~~for most users. Credit, Debit or credit card payments allow OHIM to make the best use of its own automatic internal systems, so that work can start on the file more quickly.~~

~~Credit~~[Debit or credit](#) card payments are immediate (see paragraph 4.2 below) and are not, therefore, allowed for delayed payments (within one month from the filing date).

For all other fees, the use of [debit or credit cards](#) is ~~excluded-not currently available~~. In particular, [debit or credit cards](#) cannot be used to pay charges referred to in Article 3 CTMFR and Article 3 CDFR or to top up a current account.

~~Credit~~[Debit or credit](#) card payments require some essential information. The information disclosed will not be stored by OHIM 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](#) (VISA, MasterCard or ~~EuroCard~~[Discover](#)) 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 OHIM current account

Decision No Ex-96-1 of the President of the Office of 11/01/1996 concerning the conditions for opening current accounts at the Office as amended in 1996, 2003 and 2006  
Communication No 5/01 of the President of the Office of 29/06/2001 concerning the availability of current accounts statements on the Office internet site  
Communication No 11/02 of the President of the Office of 11/10/2002 concerning the opening of another bank account

It is advisable to open a current account at the OHIM since for any request which 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 in relation to which the payment was made (for instance a notice of opposition) is filed on the last day of the deadline, provided that the current account has sufficient funds (see paragraph 4.3 below). [\(decision of 07/09/2012, R 2596/2011-3 'STAIR GATES', paras 13-14\).](#) 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 6 of Decision No Ex-96-1 of the President of the Office as amended in 2006.

If the person (either party to the proceedings or their representative) who has filed the application or the respective procedural act ~~identifies themselves as~~ 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 OHIM 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 and to pay 20% to cover administrative charges due to lack of funds. 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, [the indication of it is sufficient to indicate](#) the current account number ~~is sufficient~~. If the account is



replenished, the holder should ensure that sufficient funds are provided for all payments due or ~~should at least~~ indicate ~~at least~~ the priorities for which the money should be used (decision of 03/09/2008, R 1350/2007-1 – ‘SCHNEIDER’). Where no priorities are indicated, the Office will cover the payments in the chronological order in which they fall due.

~~ACCOUNT ONLINE OHIM~~ provides ~~OHIM~~ current account holders with access to their current account information over a secure internet connection for at least the previous year ~~via its website~~. The service includes the account balance, list of all transactions, monthly statements and a search tool to find specific transactions.

Payment of a fee by debiting a current account held by a third party requires an explicit written authorisation. Payment is considered to be effected 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 if there is such an authorisation. If there is not, the Office will ~~send a letter to~~ invite the party concerned ~~asking them~~ to submit the authorisation to debit the third party's account ~~before the time limit for payment expires, where this is appropriate under the circumstances~~. The party requesting the payment of a fee by debiting a third party's current account must submit the authorisation ~~by post~~ to the Office in order to allow the account to be debited.

A current account can be opened at the OHIM by sending a request to the general fax No: +34-965.131.344 or E-mail: [fee.information@oami.europa.eu](mailto:fee.information@oami.europa.eu)

The minimum amount required to open a current account is EUR 3 000.

### 3 Time of Payment

Article 4 CTMFR Article 4 CDFR
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Fees must be paid by the date on which they become due.

If a time limit is specified for a payment to be made, 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 8(1), 8(3) CTMFR

Article 7 CDFR

Article 7 of Decision No Ex-96-1 of the President of the Office of 11/01/1996 concerning the conditions for opening current accounts at the Office as amended in 1996, 2003 and 2006

~~Article 24 of~~ Decision No EX-~~11-313-2~~ of the President of the Office of ~~18/04/2011~~~~26/11/2013~~ concerning electronic communication with and by the Office: Article 7, Electronic payment of fees by credit card

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 provided to the Office that the person concerned submits evidence that who made the payment, (a) ) duly gave an order, in a Member State and within the time limit the relevant period for payment was made, to a bank or a banking establishment to transfer order placed the amount of the payment, and (b) if at the same time of payment paid a surcharge of ten per cent of the total amount due (up to a maximum amount of EUR 200) is paid (-). (Both conditions must be fulfilled in accordance with judgment of 12/05/2011, T-488/09, 'Redtube I', para. 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 of the surcharge': (decision of 07/09/2012, R 1774/2011-1 'LAGUIOLE', paras 12-15).

The surcharge will not be due if the person submits proof that the payment was initiated more than ten 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, Part B, Section 2, Formalities deals with the consequences of late payment of the application fee while Part C, 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 76 CTMR  
Article 8(4) CTMFR  
Article 63 CDR  
Article 7(4) CDFR

Any means of evidence may be submitted, such as:

- a bank transfer order (e.g. SWIFT order) containing stamps and date of receipt by the bank involved;
- an online payment order sent via the internet or a print out 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 proceeding 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.

| Such additional evidence is only considered sufficient if supported by ~~other~~the initial evidence.

This list is not exhaustive.

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

| If no evidence is submitted, the proceeding 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.

Rule 96(2) CTMIR  
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 language of the Office.

## 4.2 Payment by [debit or credit card](#)

Payment by [debit or credit card](#) is deemed to be made on the date on which the successful electronic filing it refers to is submitted via the internet.

## 4.3 Payment by current account

Decision No Ex-96-1 of the President of the Office of 11/01/1996 concerning the conditions for opening current accounts at the Office as amended in 1996, 2003 and 2006

If the payment is made through a current account held with the Office, Decision No EX-96-1 of the President, as amended, 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 of a CTM, as a rule, the fees will be debited from the current account on the last day of the one-month time limit given to pay the fee. However the applicant/representative may instruct the Office to debit their account upon receipt of the CTM application. [Likewise, upon renewal, the account holder may choose 'Debit now' or 'Debit on expiry'](#). 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 7(2) and Articles 9 and 13 CTMFR  
Articles 84, 154 and 156 CTMR  
Articles 6(2) and 8(1) CDR  
Article 30(2) CDIR

The refund of fees is explicitly foreseen in the regulations. Refunds are given by means of bank transfers or through current accounts with OHIM even when the fees were paid by [debit or credit card](#).

### 5.1 Refund of application fee

Rule 9(1) and (2) CTMIR  
Articles 10, 13 and 22 CDIR  
Article 44(6) CTMR

In the event of the withdrawal of a CTM application, fees are not refunded except if a declaration of withdrawal reaches the Office:

- where payment has been made by bank transfer, before the date on which the amount is actually entered in 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, within the one-month time limit for paying the basic application fee or, where 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 not only refund additional class fees only, except on their own where they have been paid in excess of the classes indicated by the applicant in the CTM application and where the 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 which 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

Rules 17(1), 18(5) and 19(1) CTMIR

If an opposition is deemed not entered (because it was filed after the three-month time limit) or if the opposition fee was not paid in full or was paid after the expiry of the opposition period, the Office must refund the fee, including the surcharge.

## 5.3 Refund of fees for international marks designating the EU

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

See the Manual, Part M, International Marks, paragraph 3.[4213](#).

## 5.4 Refund of appeal fees

Provisions regarding the refund of appeal fees are dealt with under Rule 51 CTMIR and Article 35(3) and Article 37 CDIR.

## 5.5 Refund of renewal fees

Rule 30(6) and (7) CTMIR

Fees which are paid before the start of the first six-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 holderowner has instructed the Office to debit a current account at the time of requesting renewal renew the mark, and then later subsequently either totally or partially (in relation to some classes) or totally withdraws their instruction to renew, the renewal fee, if already debited renewal fee, will not only be refunded.:

- if, in the case of payment by bank transfer, the Office received the withdrawal before receiving the payment;
- 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, the Office received the withdrawal within the six-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.

## 5.6 Refund of insignificant amounts

Article 10(1) CTMFR

Article 9(1) CDFR

Decision No EX-03-6 of the President of the Office of 20/01/2003 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-03-6 of the President of the Office of 20/01/2003.

## 6 Decisions on Costs

Article 85 CTMR Rule 94 CTMIR
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### 6.1 Apportionment of costs

In *inter partes* proceedings, the Opposition Division, the Cancellation Division and the Boards of Appeal must take a decision on the apportionment of costs. Those costs include in particular the costs of the professional representative, if any, and the corresponding fees. For further information relating to the apportionment of costs in opposition proceedings, see the Guidelines, Part C, Opposition, Part 1: Procedural Matters. Where the decision contains obvious mistakes as regards the costs, the parties may ask for a corrigendum (Rule 53 CTMIR) or a revocation (Article 80 CTMR), depending on the circumstances- [\(see Part A, Section 6, Revocation of decisions, cancellation of entries in the register and correction of errors\)](#).

### 6.2 Fixing of costs

The decision fixing the amount of costs includes the lump sum provided in Rule 94 CTMIR 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 a specific proceeding pursuant to Article 85(6) CTMR.

### 6.3. Enforcement of the decision on costs

Article 86 CTMR
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The Office is not competent for enforcement procedures. These must be carried out by the competent national authorities.

#### 6.3.1 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 party may give evidence that the decision became final by submitting appropriate extracts from the Office's databases or individual confirmation by the Office;
- the decision bears the order of the competent national authority.

### 6.3.2 National authority

Each Member State will designate a national authority for the purpose of appending the order for the enforcement of Office decisions fixing the costs. The Member State will make the designation known to the Office and to the Court of Justice (Article 86(2) CTMR).

The Office publishes such designations in its Official Journal. ~~References may be found for Belgium, Denmark, Germany, Ireland, France, the Netherlands, Austria, Slovakia, and the United Kingdom.~~

References can be found for:

[Austria \(OJ OHIM 4/2004, p. 559 and 561\)](#)

[Belgium \(OJ OHIM 4/2007\)](#)

[Czech Republic \(pending publication\)](#)

[Denmark \(OJ OHIM 10/2002, p. 1883\)](#)

[Estonia \(OJ OHIM 10/2009\)](#)

[France \(OJ OHIM 5/2002, p. 886\)](#)

[Germany \(OJ OHIM 6/2005, p. 853 and 855\)](#)

[Ireland \(OJ OHIM 3/2007\)](#)

[The Netherlands \(OJ OHIM 12/1999, p. 1517\)](#)

[Slovakia \(OJ OHIM 11/2004, p. 1273\)](#)

[the United Kingdom \(OJ OHIM 12/1998, p. 1381\)](#)

[Certain other Member States have assigned jurisdiction to a national authority \(e.g., in the case of Spain, to the General Technical Bureau of the Ministry of Justice as per Royal Decree 1523/1997\) but have not yet notified OHIM or the CJEU.](#)

### 6.3.3 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 6.1 and 6.2 above.

- 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. 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 86(4) CTMR).