

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 in Europe 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 26, 27 and 46 EUTMR Rule 9 EUTMIR

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 26 and 27 EUTMR and Rule 9 EUTMIR.

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 five 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).

Registration may be renewed for one or more periods of five years each, up to a total of 25 years from the date of filing.

4 Notification of Expiry of Registration

Article 47(2) EUTMR
Rule 77 EUTMIR
Article 13(2) CDR
Articles 21 and 63 CDR
Communication No 5/05 of the President of the Office of 27/07/2005

At least six 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 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 47(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 renewal fee. The owner will then have two 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 four months from the date of the first letter) in which to pay the renewal fee. During this further time limit of two 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 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 five 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 two 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 four months from the date of the first letter) in which to pay the renewal fee. During this further time limit of two 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

Rules 79, 80 and 82 EUTMIR
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

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 as follows:

- 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 by fax, mail, or any other means (see the Guidelines, Part A, General Rules, Section 1, Means of Communication, Time Limits). A standard form is available on the EUIPO website. Forms have to be signed but annexes need not be.

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 17(7) and 47(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 (judgment of 12/05/2009, T-410/07, Jurado, EU:T:2009:153, § 33-35; and decision of 13/01/2008, R 989/2007-4 Elite glass-seal, § 17-18).

Professional representation pursuant to Article 92(2) EUTMR or Article 77(2) CDR is not mandatory for renewal.

7.2 Content of the request for renewal

Article 47(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 total 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 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.

If the Office has attributed an ID number to the proprietor/holder, this number may be indicated together with the name.

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

Article 22(1)(a) CDIR Rule 1(1)(b) and (e) EUTMIR
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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 Rule 1(1)(b) 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 47(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 47(4) EUTMR Article 22(1)(c) CDIR
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For EUTMs renewal is deemed to be total by default.

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

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

Or, alternatively,

- an indication of those classes or those goods and services for which renewal is not requested 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

Rule 95(b) EUTMIR Article 68 and Article 80(b) and (c) CDIR
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The request for renewal may be filed in any of the five languages of the Office. This 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 Rule 83(1)(f) EUTMIR 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 46 and Article 47(3) EUTMR Rule 72(1) EUTMIR Article 3(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 Six-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 six 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 Rule 72(1) EUTMIR, 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 six 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 Six-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 six 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 Rule 72(1) EUTMIR, the first following working day on which the Office is open to the public and receives ordinary mail. This also applies if in 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).

7.4.3 Transitional arrangements for EUTMs when the basic period for renewal started before the entry into force of Council Regulation (EC) No 207/2009 on the European Union trade mark (EUTMR), as amended by Regulation (EU) 2015/2424 of the European Parliament and of the Council of 16 December 2015

Where the basic six-month period for renewal started to run before entry into force of the EUTMR, the practice of the Office is laid down in Communication No 2/16 of the President of the Office of 20/01/2016.

The provisions contained in former Article 47(3) CTMR, in the version prior to amendment, will apply for calculating both the basic period and, where applicable, the grace period.

For example, where the EUTM has a filing date of 10/05/2006, the basic period will run up to and including the last day of the month in which protection ends, namely 31/05/2016. Therefore, a request for renewal must be introduced and the renewal fee paid between 01/12/2015 and 31/05/2016 (both dates inclusive) 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 Rule 72(1) EUTMIR, 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 01/06/2016 up to and including 30/11/2016 (or the first working day thereafter).

For EUTMs that expire on or after 22/09/2016, the new calculation of the renewal periods (initial and grace period) will apply.

For example, where the EUTM has a filing date of 10/12/2006, it will expire on 10/12/2016. The basic period for renewal will run from 11/06/2016 up to and including 10/12/2016 (date of expiry). 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 Rule 72(1) EUTMIR, 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 11/12/2016 up to and including 10/06/2017 (or the first working day thereafter).

7.5 Fees

7.5.1 Fees payable for EUTMs

Article 47(3) EUTMR
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 47(5) EUTMR, which has not been modified by the reform). Consequently, EUTMs expiring before 23/03/2016 will pay the renewal fee according to the old fee schedule.

Those EUTMs expiring on or after 23/03/2016 will pay fees according to the new fee schedule. This principle applies regardless of the moment at which renewal is actually requested and paid for. Owners who have already paid for the renewal of an EUTM expiring on or after 23/03/2016 (according to the old fee schedule) will be refunded the excess fee they have paid (difference between the old and the new fee schedule).

The new 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) CDFR
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 six 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 six months (for calculation of the period, see the example given in paragraph 7.4.1 above).

Article 47(3) EUTMR
Annex I A(19); Article 144b(3) EUTMR
Article 13(3) CDR
Annex to the CDFR point 12

The fee may be paid within a further period of six 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 and additional fees for late payment, 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 six 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 last day of the time limit of six months provided for in Article 47(3) EUTMR or Article 13(3) CDR, unless other instructions are given.

Article 7(1)(d) of Decision No EX-96-1 of the President of the Office of 11/01/1996, as amended by Decision No EX-03-1 of 20/01/2003 and by Decision No EX-06-1 of 12/01/2006

In the event of the late filing of a request for renewal (see paragraph 7.4.2 above), and where the renewal applicant has a current account at the Office, the renewal fee and surcharge will be debited on the last day of the grace period (namely the further period of six months provided for in Article 47(3) EUTMR or Article 13(3) CDR), 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 47(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 47(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 EUTMR and EUTMIR or CDR and CDIR are fulfilled (see paragraph 8.1.2 below).

Article 47(3) EUTMR Communication No 8/05 of the President of 21/12/2005 Article 13 CDR Article 22(4) 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.

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 within the basic period, but the renewal fee has not been paid or has not been paid in full, the Office will invite the person requesting renewal to pay the renewal fee or the remaining part thereof and the additional fee for late payment.

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 47(5) and (8) EUTMR Rule 54 EUTMIR Article 22(5) CDIR

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 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 two 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 47(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 two 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 47(5) and (8) EUTMR
Rule 54 EUTMIR
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/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 Rule 54(2) EUTMIR or Article 40(2) CDIR within two months.

8.2 Items not to be examined

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

No examination will be carried out by the Office on renewal as to the correct classification of 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 50 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

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

A partial renewal must not be considered a partial surrender for those goods and or services for which the EUTM has not been renewed. See to this extent judgment of 04/03/2015, T-572/12, CVTC, EU:T:2015:136.

During the initial basic renewal period of six months, an EUTM may be (partially) renewed several times. For each partial renewal, the full amount of the corresponding fee has to be paid. However, if an EUTM has been partially renewed during the initial basic renewal period, the grace period no longer applies and the EUTM cannot be renewed again.

10 Entries in the Register

Article 47(5) EUTMR
Article 87(3)(k) and Article 87(6) EUTMR
Article 13(4) CDR
Article 69(3)(m) and Article 69(5) and Article 71 CDR

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

The Office will notify the EUTM/RCD proprietor/holder or the person requesting renewal of the EUTM/RCD and 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 and any person recorded in the Register as having rights in the mark 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 and any person recorded in the Register as having rights in the designs, 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 47(5) and (8) EUTMR
Rule 54(2) EUTMIR
Article 13(4) CDR
Articles 22(5) and 40(2) CDIR

Where the Office has made a determination pursuant to Article 47(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 Rule 54(2) EUTMIR or Article 40(2) CDIR within two months.

11 Date of Effect of Renewal or Expiry, Conversion

11.1 Date of effect of renewal

Article 47(6) and (8) EUTMR
Rule 70(3) EUTMIR
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 ten 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 five 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 47(3) and 112(5) EUTMR

Where the owner wants to convert its lapsed EUTM into a national mark, the request must be filed within three months from the day following the last day of the period within which a request for renewal may be presented pursuant to Article 47(3) EUTMR, that is to say, six months after the day on which protection has expired. The time limit of three 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 159(1) EUTMR
Rule 107 EUTMIR

The principle is that any changes relating to an international registration will be filed directly at WIPO by the holder of the international registration. The Office will not deal with renewal requests or payment of renewal fees.

The procedure for renewal of international marks is managed entirely by the International Bureau. 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, it can be converted into national marks or into subsequent designations of Member States under the Madrid Protocol. The three-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.