

Commission Regulation (EC) No 2245/2002 of 21 October 2002
implementing Council Regulation (EC) No 6/2002 on Community designs

CHAPTER II

REGISTRATION PROCEDURE

Article 13

Registration of the design

- 1 If the application satisfies the requirements referred to in Article 48 of Regulation (EC) No 6/2002, the design contained in that application and the particulars set out in Article 69(2) of this Regulation shall be recorded in the Register.
- 2 If the application contains a request for deferment of publication pursuant to Article 50 of Regulation (EC) No 6/2002, that fact and the date of expiry of the period of deferment shall be recorded.
- 3 The fees payable pursuant to Article 6(1) shall not be refunded even if the design applied for is not registered.

Article 14

Publication of the registration

- 1 The registration of the design shall be published in the *Community Designs Bulletin*.
- 2 Subject to paragraph 3, the publication of the registration shall contain:
 - a the name and address of the holder of the Community design (hereinafter ‘the holder’);
 - b where applicable, the name and business address of the representative appointed by the holder other than a representative falling within the first subparagraph of Article 77(3) of Regulation (EC) No 6/2002; if more than one representative has the same business address, only the name and business address of the first-named representative shall be published, the name being followed by the words ‘et al’; if there are two or more representatives with different business addresses, only the address for service determined pursuant to Article 1(1)(e) of this Regulation shall be published; where an association of representatives is appointed pursuant to Article 62(9) only the name and business address of the association shall be published;
 - c the representation of the design pursuant to Article 4; where the representation of the design is in colour, the publication shall be in colour;
 - d where applicable, an indication that a description has been filed pursuant to Article 1(2)(a);
 - e an indication of the products in which the design is intended to be incorporated or to which it is intended to be applied, preceded by the number of the relevant classes and subclasses of the Locarno classification, and grouped accordingly;
 - f where applicable, the name of the designer or the team of designers;
 - g the date of filing and the file number and, in the case of a multiple application, the file number of each design;

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 2245/2002. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- h where applicable, particulars of the claim of priority pursuant to Article 42 of Regulation (EC) No 6/2002;
- i where applicable, particulars of the claim of exhibition priority pursuant to Article 44 of Regulation (EC) No 6/2002;
- j the date and the registration number and the date of the publication of the registration;
- k the language in which the application was filed and the second language indicated by the applicant pursuant to Article 98(2) of Regulation (EC) No 6/2002.

3 If the application contains a request for deferment of publication pursuant to Article 50 of Regulation (EC) No 6/2002, a mention of the deferment shall be published in the *Community Designs Bulletin*, together with the name of the holder, the name of the representative, if any, the date of filing and registration, and the file number of the application. Neither the representation of the design nor any particulars identifying its appearance shall be published.

Article 15

Deferment of publication

1 Where the application contains a request for deferment of publication pursuant to Article 50 of Regulation (EC) No 6/2002, the holder shall, together with the request or at the latest three months before the 30-month deferment period expires:

- a pay the publication fee referred to in Article 6(1)(b);
- b in the case of a multiple registration, pay the additional publication fees, referred to in Article 6(1)(d);
- c in cases where a representation of the design has been replaced by a specimen in accordance with Article 5, file a representation of the design in accordance with Article 4. This applies to all the designs contained in a multiple application for which publication is requested;
- d in the case of a multiple registration, clearly indicate which of the designs contained therein is to be published or which of the designs are to be surrendered, or, if the period of deferment has not yet expired, for which designs deferment is to be continued.

Where the holder requests publication before the expiry of the 30-month deferment period, he/she shall, at the latest three months before the requested date of publication, comply with the requirements set out in points (a) to (d) of the first paragraph.

2 If the holder fails to comply with the requirements set out in paragraph 1(c) or (d), the Office shall call upon him/her to remedy the deficiencies within a specified time limit which shall in no case expire after the 30-month deferment period.

3 If the holder fails to remedy the deficiencies referred to in paragraph 2 within the applicable time limit:

- a the registered Community design shall be deemed from the outset not to have had the effects specified in Regulation (EC) No 6/2002;
- b where the holder has requested earlier publication as provided for under the second subparagraph of paragraph 1, the request shall be deemed not to have been filed.

4 If the holder fails to pay the fees referred to in paragraph 1(a) or (b), the Office shall call upon him/her to pay those fees together with the fees for late payment provided for in Article 107(2)(b) or (d) of Regulation (EC) No 6/2002 and as set out in Regulation (EC) No 2246/2002, within a specified time limit which shall in no case expire after the 30-month deferment period.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 2245/2002. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

If no payment has been made within that time limit, the Office shall notify the holder that the registered Community design has from the outset not had the effects specified in Regulation (EC) No 6/2002.

If, in respect of a multiple registration, a payment is made within that time limit but is insufficient to cover all the fees payable pursuant to paragraph 1(a) and (b), as well as the applicable fee for late payment, all the designs in respect of which the fees have not been paid shall be deemed from the outset not to have had the effects specified in Regulation (EC) No 6/2002.

Unless it is clear which designs the amount paid is intended to cover, and in the absence of other criteria for determining which designs are intended to be covered, the Office shall take the designs in the numerical order in which they are represented in accordance with Article 2(4).

All designs for which the additional publication fee has not been paid or has not been paid in full, together with the applicable fee for late payment, shall be deemed from the outset not to have had the effects specified in Regulation (EC) No 6/2002.

Article 16

Publication after the period for deferment

1 Where the holder has complied with the requirements laid down in Article 15, the Office shall, at the expiry of the period for deferment or in the case of a request for earlier publication, as soon as is technically possible:

- a publish the registered Community design in the *Community Designs Bulletin*, with the indications set out in Article 14(2), together with an indication of the fact that the application contained a request for deferment of publication pursuant to Article 50 of Regulation (EC) No 6/2002 and, where applicable, that a specimen was filed in accordance with Article 5 of this Regulation;
- b make available for public inspection any file relating to the design;
- c open to public inspection all the entries in the Register, including any entries withheld from inspection pursuant to Article 73.

2 Where Article 15(4) applies, the actions referred to in paragraph 1 of this Article shall not take place in respect of those designs contained in the multiple registration which are deemed from the outset not to have had the effects specified in Regulation (EC) No 6/2002.

Article 17

Certificate of registration

1 After publication, the Office shall issue to the holder a certificate of registration which shall contain the entries in the Register provided for in Article 69(2) and a statement to the effect that those entries have been recorded in the Register.

2 The holder may request that certified or uncertified copies of the certificate of registration be supplied to him/her upon payment of a fee.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 2245/2002. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Article 18

Maintenance of the design in an amended form

1 Where, pursuant to Article 25(6) of Regulation (EC) No 6/2002, the registered Community design is maintained in an amended form, the Community design in its amended form shall be entered in the Register and published in the *Community Designs Bulletin*.

2 Maintenance of a design in an amended form may include a partial disclaimer, not exceeding 100 words, by the holder or an entry in the Register of Community Designs of a court decision or a decision by the Office declaring the partial invalidity of the design right.

Article 19

Change of the name or address of the holder or of his/her registered representative

1 A change of the name or address of the holder which is not the consequence of a transfer of the registered design shall, at the request of the holder, be recorded in the Register.

2 An application for a change of the name or address of the holder shall contain:

- a the registration number of the design;
- b the name and the address of the holder as recorded in the Register. If the holder has been given an identification number by the Office, it shall be sufficient to indicate that number together with the name of the holder;
- c the indication of the name and address of the holder, as changed, in accordance with Article 1(1)(b);
- d where the holder has appointed a representative, the name and business address of the representative, in accordance with Article 1(1)(e).

3 The application referred to in paragraph 2 shall not be subject to payment of a fee.

4 A single application may be made for a change of the name or address in respect of two or more registrations of the same holder.

5 If the requirements set out in paragraphs 1 and 2 are not fulfilled, the Office shall communicate the deficiency to the applicant.

If the deficiency is not remedied within the time limits specified by the Office, the Office shall reject the application.

6 Paragraphs 1 to 5 shall apply *mutatis mutandis* to a change of the name or address of the registered representative.

7 Paragraphs 1 to 6 shall apply *mutatis mutandis* to applications for Community designs. The change shall be recorded in the files kept by the Office concerning the Community design application.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 2245/2002. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Article 20

Correction of mistakes and errors in the Register and in the publication of the registration

Where the registration of a design or the publication of the registration contains a mistake or error attributable to the Office, the Office shall correct the error or mistake of its own motion or at the request of the holder.

Where such a request is made by the holder, Article 19 shall apply *mutatis mutandis*. The request shall not be subject to payment of a fee.

The Office shall publish the corrections made pursuant to this Article.

Changes to legislation:

There are outstanding changes not yet made to Commission Regulation (EC) No 2245/2002. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulation revoked by [2023 c. 28 Sch. 1 Pt. 2](#)