

Communication No 2/03 of the President of the Office of 10 February 2003

concerning processing of authorisations by the Administration of Trade Marks and Designs Department

Pursuant to Rule 76 IR, representatives acting before the Office must file with it a signed authorisation for inclusion in the files.

Since April 2002, the Examination, Opposition and Cancellation Divisions have refrained from examining the existence of an authorisation unless there were specific reasons to doubt the proper authorisation of the representative. The Administration of Trade Marks and Designs Department has aligned itself to this new policy by reviewing its practice in regard to checking authorisations for proceedings before it.

The Administration of Trade Marks and Designs Department has now carried out a thorough review of its policy in regard to authorisations. It has found that requiring representatives to file an authorisation, checking and processing that authorisation by linking it to one or more trade mark files, allocating a number to that authorisation and notifying the representative of the particular number, creates a heavy administrative burden.

The additional administration that this work has caused has led to a logjam in the Office's electronic mail queue for authorisations.

To alleviate this burden, the Office will no longer call for authorisations to be filed by representatives. Where a representative nevertheless files an authorisation, it will not be checked and will simply be routed to the special electronic mail queue for authorisations, where it will remain. The only exception will be where an authorisation is received simultaneously with the CTM application or other proceedings before the Office. In that case, the authorisation will be kept with the relevant file.

This new practice conforms with the spirit of Council Regulation (EC) No 6/2002 of 12 December 2001 on Community Designs and Commission Regulation implementing Council Regulation (EC) No 6/2002 on Community Designs of 21 October 2002, which have essentially dispensed with the requirements laid down in Rule 76 IR. It is also in line with the proposals of 27 December 2002 from the Commission (COM 2002/767 final) for the amendment of the Community Trade Mark Regulation.

The new approach means that representatives will no longer be issued an authorisation number and will not be notified in any way regarding the internal handling of authorisations following receipt at the OHIM.

Wubbo de Boer
President