

# **Communication No 4/05 of the President of the Office of 14 June 2005**

**concerning the correction of mistakes and errors in the Register and in the publication of the registration of Community designs**

## **I. Legal provisions**

A holder of a registered Community design (RCD) may request a correction of mistakes and errors in the Register and in the publication of the registration in accordance with Article 20 CDIR. Only mistakes and errors attributable to the Office shall be corrected at the request of the holder or of the Office's own motion. Such a request is not subject to the payment of fees. Article 19 CDIR applies *mutatis mutandis* for the request of the holder.

The request for correction can only refer to the contents of the publication of the registration (Articles 49, 73 and 99 CDR and 14 and 70 CDIR) and to the entries in the Register (Articles 48, 72 and 99 CDR and 13 and 69 CDIR).

These corrections shall be published by the Office and entered on the Register together with the date of recording of such corrections (Articles 20 and 69(3)(e) CDIR). Publications of such corrections will be done as from the first quarter of 2006. The holder shall be notified of any change in the Register (Article 69(5)). Where the mistake or error is attributable to the Office, then, following publication of that mistake or error, the Office shall issue to the holder a certificate of registration containing the entries in the Register (Article 69(2) CDIR) and a statement to the effect that those entries have been recorded in the Register (Article 17 CDIR). In cases where the mistake or error is that of the holder, a certificate of registration reflecting the corrected mistake or error will only be issued where none has previously been issued and where it is administratively feasible to do so. It will in any event always be possible to request the Office to issue an extract of the Register (in certified or simple form) to reflect the current situation.

## **II. Requirements for corrections**

An application for the correction of mistakes and errors in the Register and in the publication of the registration shall contain:

- a) the registration number of the RCD;
- b) the name and address of the holder as registered in the Register or the name of the holder and an identification number as assigned to the holder by the Office;
- c) where the holder has appointed a representative, the name and business address of the representative or the name of the representative and an identification number as assigned to him by the Office; and
- d) the indication of the entry in the Register and/ or of the content of the publication of the registration that is requested to be corrected and that element in its corrected version.

A single application may be made for a correction of errors and mistakes in respect of two or more registrations of the same holder.

If the requirements for such corrections are not fulfilled, the Office will communicate the deficiency to

the applicant. If the deficiency is not remedied within the time limit specified by the Office (that is, a two-month time limit), the application for correction will be rejected.

### **III. Practice of the Office**

Applications for correction of mistakes or errors that are not entries in the Register and/ or that do not concern the contents of the publication of registrations will be rejected. Accordingly, applications for correction of the description explaining the representation of the design or the specimen will be rejected.

Errors in translation of the indication of the products into the official languages of the Community are considered as errors attributable to the Office and will be corrected, because these translations are entries in the Register and contents of the publication of the registration, despite the fact that these translations are not done by the Office, but by the Translation Center for the Bodies of the European Union. In cases of doubt, the text in the language of the Office in which the application for a RCD was filed shall be authentic (Article 99(3) CDR). If the application was filed in an official language of the Community other than one of the languages of the Office, the text in the second language indicated by the applicant shall be authentic.

Wubbo de Boer  
President