



OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)

The President

DECISION No EX-07-2 OF THE PRESIDENT OF THE OFFICE

of 16 March 2007

concerning entries in the Register of Community Designs

THE PRESIDENT OF THE OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (TRADE MARKS AND DESIGNS),

Having regard to Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark, in particular Article 119 (2) (a) thereof,

Having regard to Council Regulation (EC) No 6/2002 of 12 December 2001 on the Community designs (hereinafter referred to as 'the Regulation'), in particular Article 100 thereof,

Having regard to Commission Regulation (EC) No 2245/2002 of 21 October 2002 implementing Council Regulation (EC) No 6/2002 on the Community designs (hereinafter referred to as 'the Implementing Regulation'), in particular Article 69 (4) thereof,

Whereas Article 69 (4) of the Implementing Regulation empowers the President of the Office to determine that items other than those referred to in paragraphs 2 and 3 of Article 69 shall be entered in the Register of Community Designs;

Whereas Article 30 of the Regulation provides that a Community Design may be levied in execution;

Whereas Article 31 of the Regulation provides that a Community Design may be involved in insolvency proceedings;

Whereas Article 69 (3) (k) of the Implementing Regulation provides that levy of execution and insolvency proceedings may be entered in the Register of the Community Design, such a possibility does not extend to protective entries requested by a national court or a Community Design court;

Whereas Article 75 of the Regulation underscores *inter alia* the importance of the Office and the courts or authorities of the Member States giving mutual assistance to each other, particularly by communicating information;

Whereas it is appropriate in order, on the one hand, to safeguard the interests of third parties consulting the Register of Community Designs to give full and accurate information and, on the other, to give tangible effect to the principle of administrative

cooperation that a protective entry requested by a national court or Community Design Court be permitted on the Register of Community Designs,

HAS ADOPTED THE FOLLOWING DECISION:

Article 1

Entry in the Register of protective entries

In addition to the elements provided for in Article 69 (3) (k) of the Implementing Regulation, the date of any request for protective entry by a national court or a Community Design Court shall be entered on the Register of Community Designs together with the identity of the court requesting the same.

Article 2

Entry of the result of the proceedings

The date of the decision on the substance of the proceedings underlying the request for protective entry shall be entered on the Register of Community Designs together with the identity of the court taking that decision at the request of the competent national authorities.

Article 3

Entry into force

This Decision shall enter into force on the day following its adoption. It shall be published in the Official Journal of the Office.

Done at Alicante, 16 March 2007

Wubbo de Boer
President