

DECISION No EX-22-6 of the Executive Director of the Office of 1 August 2022 concerning the communication with the Office by electronic means through an Application Programming Interface

The Executive Director of the European Union Intellectual Property Office (the Office),

Having regard to Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark⁽¹⁾ (EUTMR) and in particular Article 157(4)(a) thereof, pursuant to which the Executive Director must take all necessary steps, including the adoption of internal administrative instructions and the publication of notices, to ensure the functioning of the Office,

Having regard to Commission Delegated Regulation (EU) 2018/625 of 5 March 2018 supplementing Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark, and repealing Delegated Regulation (EU) 2017/1430 (EUTMDR⁽²⁾),

Having regard to Commission Implementing Regulation (EU) 2018/626 of 5 March 2018 laying down detailed rules for implementing certain provisions of Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark, and repealing Implementing Regulation (EU) 2017/1431 (EUTMIR⁽³⁾),

Having regard to Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs, as amended (CDR⁽⁴⁾) and in particular Article 100 thereof, concerning the supplementary powers of the Executive Director, and to Commission Regulation (EC) No 2245/2002 of 21 October 2002 implementing the Council Regulation, as amended (CDIR⁽⁵⁾),

Having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC⁽⁶⁾,

Whereas:

- (1) Pursuant to Article 100(1) EUTMR and Article 63(1)(a) EUTMDR, applications for the registration of an EU trade mark may be submitted by electronic means. The Executive Director shall determine to what extent and under which technical conditions those communications may be submitted electronically.

⁽¹⁾ OJ L 154, 16.6.2017, p. 1.

⁽²⁾ OJ L 104, 24.4.2018, p. 1.

⁽³⁾ OJ L 104, 24.4.2018, p. 37.

⁽⁴⁾ OJ L 386, 29.12.2006, p. 14.

⁽⁵⁾ OJ L 193, 25.7.2007, p. 13.

⁽⁶⁾ OJ L 295, 21.11.2018, p. 39-98.

- (2) Pursuant to Article 67(1) and (2) CDIR, applications for registration of a Community design may be submitted by electronic means, including the representation of the design. The conditions for filing applications for registration of a Community design by electronic means and the requirements for communication by electronic means will be determined by the Executive Director.
- (3) The Executive Director has determined in Decision No EX-20-9 to what extent and under which technical conditions the applications under recitals (1) and (2) may be submitted electronically via the User Area.
- (4) It is appropriate that application programme interfaces (APIs) should become a means of communication with the Office for the purpose of applications under recitals (1) and (2).
- (5) The Executive Director must determine the technical conditions for APIs as a means of communication with the Office for the purpose of applications under recitals (1) and (2),

HAS ADOPTED THE FOLLOWING DECISION:

Article 1

APIs as a means of electronic communication

APIs provided by the Office are a valid means of electronic communication with the Office subject to the conditions set out in this decision and in Annex I (the 'Conditions of Use').

Article 2

API Portal and Conditions of Use

- 1 Users can request subscription to an API through the API Portal on the Office's website.
- 2 The conditions for using APIs are set out in the Conditions of Use.
- 3 By requesting subscription to an API, a user accepts and undertakes to comply with all the Conditions of Use.

Article 3

Filing of EU trade mark and registered Community design applications

- 1 The contents of applications and requests under the EUTMR, the CDR and its secondary legislative acts submitted through the API will be imported into the Office's database and will constitute part of the file that can be subject to inspection through the User Area.
- 2 The only official filing receipts for applications concerning the registration of EU trade marks or registered Community designs are those that are notified through the User Area in accordance with Article 4 of Decision No EX-20-9.

Article 4
Repeal of other provisions

Decision No EX-22-3 of the Executive Director of the Office of 31 March 2022 is hereby repealed.

Article 5
Entry into force

This Decision will enter into force on 1 August 2022 and will be published in the Official Journal of the Office.

Done at Alicante, 19 July 2022.



Christian Archambeau
Executive Director