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Definition of a Current Account

A current account is not a bank account, but a simple account within the accountancy system of the Office, which is included in the accounts receivables ledger.

All funds received from a particular client (by transfers) are credited into the current account, with the exception of specific, individual payments.

Current Account Debiting System

The current account system is an automatic debiting system. Most fees and charges are automatically debited from the current account of the party to the proceedings before the Office, while others are directly debited by the examiners.

When a professional representative, within the meaning of Article 120 of the European Union Trade Mark Regulation (EUTMR), acts on behalf of the party to the proceedings, fees and charges are debited from the representative's current account if the representative has established such an account.

The debiting system will always ensure timely payment, provided the current account has sufficient funds.

When the current account shows as debited, the payment fee or charge is deemed to have been made.

Opening a Current Account

Current accounts may be opened by natural or legal persons who may be proprietors of Community trade marks, designs and other IP rights managed by the Office, as well as persons who may represent third parties before the Office or representative associations.

In order to open a current account, the user needs to fill in the [Current Account Application Form](#), available in the User Area of the EUIPO's website, and send it back to the Finance Department:

EUROPEAN UNION INTELLECTUAL PROPERTY OFFICE
Finance Department
Avenida de Europa, 4
E-03008 ALICANTE
SPAIN
E-mail: fee.information@euipo.europa.eu

The minimum deposit required to open a current account is EUR 1 000 in order to render it operational.

There is no obligation to keep the minimum balance of EUR 1 000 in the account.

Replenishing a Current Account

Means of payment

Current accounts may be replenished by bank transfer.

Replenishment is credited to the account according to Article 179, Regulation (EU) 2017/1001 of the European Parliament and of the Council, meaning:

- the Office recommends initiating payment in advance, so that it arrives within the deadline;
- bank transfers are credited to the current account on the same day the Office receives the payment.

Attribution of a payment to the current account

In order to make sure that payments are credited correctly, it is important to respect the indications made in Article 179 of the abovementioned regulation:

'Every payment shall indicate the name of the person making the payment and shall contain the necessary information to enable the Office to establish the purpose of the payment.'

Payments from current account holders should therefore include the necessary information about the current account holder and the current account number.

No special indications concerning particular trade marks and/or fees are necessary and therefore should not be given.

Individual payments, in other words, payments relating to particular trade marks and/or fees, will not be credited to the current account and therefore will not show up on the statement as due and they will be considered as a bank transfer.

The Office will observe current account holder practice so as to avoid clients repeatedly making individual payments rather than replenishing their account. **Individual payments should be the exception rather than the rule**; to do otherwise would be to use a current account inadequately (see the point on inadequate use of current accounts).

Request for Additional Information on Current Account Movements

If preferred, current account holders can view movements and pending debts online via the User Area of the Office's website.

Requests for additional information about fee payments charged to the account, replenishments or any other movements can be obtained by contacting the Office's Finance Department at: fee.information@euipo.europa.eu. Alternatively, a letter can be sent to the following address:

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Finance Department
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Procedure for Insufficient Funds in a Current Account

Should a fee be unsuccessfully debited on a particular date, the Office will proceed with a notification of insufficient funds.

1. As soon as an insufficiency of funds arises, all debits from the account are blocked and put on standby until further notification.
2. If an insufficiency of funds persists the procedure continues. The current account remains blocked with any new debits still on standby. The notification letter is prepared, together with the current account statement closed on the day the insufficiency first arose plus administrative costs.
3. The completed notification is verified internally before being communicated to the client.

Consequences of a notification of insufficient funds

The client has one month from receipt of notification to replenish their account with sufficient funds in order cover the fees and administrative charges.

- If sufficient funds arrive within the one- month deadline, the payment shall be considered to have been made on the day on which it was initially due.
- If sufficient funds do not arrive within the deadline, the Office will consider that the fees included in the notification are unpaid and will continue with the proceeding accordingly.

Making a claim

If the client considers that a notification is not justified, the Office invites them to make a claim. In this case it is sufficient to send a claim in writing to the EUIPO's Finance Department.

Consequences of no replenishment after time has lapsed

Upon receiving a notification from the Finance Department to replenish funds, the account holder must comply within one month, and pay an amount which is at least equal to the amount of the fees plus all administrative charges.

If the account holder does not replenish their current account, the fees will not be paid. Further legal consequences of this will depend on the nature of the fee.

- Any appeal, opposition or application for registration of a transfer shall be considered as not filed,
- Where the fee is a basic application fee, pursuant to Article 180(2) EUTMR and/or Article 9(1) of Decision No [EX-21-5](#) of the Executive Director of the Office of 21/07/2021, a communication must be issued.

The automatic debiting system, the philosophy of the current account system, will henceforth be considered as interrupted.

If the current account holder wants to pay the fee, it can be done:

- by replenishing the current account for the pending fees plus administrative charges.

The pending fees will be definitively deemed not to have been paid once the notice period has expired.

Closing a Current Account

In order to close an existing current account, the holder needs to fill in the [Closure Request Form](#) available on EUIPO's website, and return it to EUIPO's Finance Department:

EUROPEAN UNION INTELLECTUAL PROPERTY OFFICE
Finance Department
Avenida de Europa, 4
E-03008 ALICANTE
SPAIN
E-mail: fee.information@euipo.europa.eu

It is advisable to provide the full bank account and complete all fields (IBAN and SWIFT codes as required), in order that the remaining funds are correctly transferred.

Once the instruction to close the current account has been received, the Office complies with the following procedure:

- the current account is blocked for further fee debit instructions for the operating units;
- all fee debit operations are closed;
- a statement of the final account is sent to the client for approval;
- the Office transfers the funds to the client's bank account, once approval is given.

The current account holder should take care that all due fees are paid before closing the

account.

Inadequate Use of Current Accounts

According to [Decision No EX-21-5 of the Executive Director of the Office concerning methods of payment of fees and charges and determining the insignificant amount of fees and charges](#), the Office reserves the right to close the current account by means of written notification to the holder.

Due to the current account system being an automatic debiting system, inadequate use of a current account can refer to the fact that the client does not respect the nature of the system and thus hampers its smooth and correct management.

Taking past experience into account, the Finance Department has established some examples of inadequate use of current accounts:

- Making individual fee payments instead of replenishing current accounts: current account holders sometimes send transfers to pay for a particular fee rather than replenish their current account. This may especially refer to situations where a client has been refused use of his account for the payment of a particular fee. The Finance Department, however, considers repeated payment of individual fees rather than normal replenishment as inadequate use, as it does not allow for automatic debiting.
- Repeated situations of lack of funds: current account holders sometimes fail to replenish their account with sufficient funds, thus provoking notifications on insufficient funds and incurring the subsequent administrative charges. Whereas the current account system is designed to resolve such situations, the Finance Department considers long lasting and repeated situations of a lack of funds as inadequate use, as it does not allow for automatic debiting.

The Finance Department (Fees and Accounting & Treasury teams) monitors correct use of the current account system. In cases where inadequate use of a current account occurs, the client is contacted in order to discuss possible solutions to avoid closure of the account itself.