

GUIDELINES FOR EXAMINATION

EUROPEAN UNION

INTELLECTUAL PROPERTY OFFICE

(EUIPO)

Part A

General rules

Section 5

***Parties to the Proceedings and Professional
representation***

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1 Introduction - Parties to the Proceedings and Principle of Representation

Articles [3](#), [5](#), [119](#) and [120](#) EUTMR

[Article 7\(b\) EUTMIR](#)

Articles 14, 52, 77 and 78 CDR

Article 62 CDIR

Any natural or legal person, including authorities established under public law, may be the proprietors of a European Union trade mark (EUTM) and, in general, may be parties to the proceedings before the Office. The only exceptions are certain limitations on the ownership of collective and certification marks (please see the Guidelines, [Part B, Section 4, Absolute grounds for refusal, Chapters 15](#) and [16](#), on collective and certification marks respectively).

In principle, the right to a registered Community design (RCD) will vest in the designer or its successor in title. However, a legal person may also hold a registered Community design and be party to the proceedings before the Office.

Companies or firms and other legal bodies shall be regarded as legal persons if, under the terms of the law governing them, they have the capacity in their own name to have rights and obligations of all kinds, to make contracts or accomplish other legal acts, and to sue and be sued.

Persons having their domicile or their principal place of business or a real and effective industrial or commercial establishment within the European Economic Area (EEA), which consists of the European Union (EU) and Iceland, Liechtenstein and Norway, are not required to be represented in any proceedings before the Office in either trade mark or design matters (see [paragraph 5.1.1](#) below).

Natural persons not domiciled in or legal persons that do not have their principal place of business or a real and effective industrial or commercial establishment in the EEA must be represented by a representative based within the EEA, unless appointment of a representative is not mandatory (see [paragraph 5.1](#) below for any exceptions to the general rule). See [paragraph 5.2.1](#) below on the consequences of not appointing a representative, when representation is mandatory, once the EUTM or RCD application has been filed.

Representatives in the sense of Articles [119](#) and [120](#) EUTMR must have a place of business or employment in the EEA.

As regards RCD proceedings, according to Articles 77 and 78 CDR, the relevant territory for establishing the obligation to be represented and the place where the representative must be based in the sense of Article 78 CDR is the EU. However, following the judgment in the *Paul Rosenich* case (13/07/2017, [T-527/14](#), PAUL ROSENICH, EU:T:2017:487), the Office deems the EEA to be the relevant territory,

with the result that the considerations previously applied to the EEA in trade mark matters also apply to designs.

In principle, representatives do not need to file an authorisation to act before the Office unless the Office expressly requires it, or where, in *inter partes* proceedings, the other party expressly requests it.

Where a representative has been appointed, the Office will communicate solely with that representative.

The first part of this section ([paragraphs 2](#) and [3](#)) deals with the identification of all parties to the proceedings before the Office.

The second part of this section ([paragraph 4](#)) sets out the different types of representatives.

The third part of this section ([paragraphs 5](#) to [9](#)) deals with the appointment of representatives or the failure to do so, and the authorisation of representatives.

The final part of this section ([paragraphs 10](#) and [11](#)) deals with changes and corrections in names and addresses of parties in pre-registration stages. For further information on changes in registrations, please see the Guidelines, [Part E, Section 1, Changes in a registration](#) and the Design Guidelines on [Examination of applications for registered Community designs, paragraph 11](#).

2 Parties to proceedings before the Office

[Article 112\(1\) EUTMR](#)

Article 7 of Decision No [EX-21-4](#) of the Executive Director of the Office of 30 March 2021 on the Register of EU trade marks, Register of Community designs, the database of proceedings before the Office, and on the case-law database.

This section of the Guidelines deals with the general provisions on parties to the proceedings. For information on the parties' entitlements in the different procedures before the Office, please see the rules in the relevant sections of these Guidelines. For example, for further information on:

- persons entitled to own EUTM Collective marks and EUTM certification marks, see [the Guidelines, Part B, Section 4, Absolute Grounds for Refusal, Chapter 15 Collective Marks, Paragraph 2](#); and [the Guidelines, Part B, Chapter 16 Certification marks, Paragraph 4](#);
- specific aspects of persons entitled to file an opposition, see [the Guidelines, Part C, Section 1, Opposition Proceedings, Paragraph 2.4.2.6](#);
- specific aspects of persons entitled to file an application for cancellation, see [the Guidelines, Part D, Section 1 Proceedings, Paragraph 2.1](#);
- specific aspects of persons entitled to file an application for international application based on an EUTM (EUIPO as Office of origin), see [the Guidelines, Part M, International Marks, Paragraph 2.1.3.1](#);

- specific aspects of persons entitled to file an application for the declaration of invalidity of a RCD, see [the Guidelines, Examination of Design Invalidity Applications, Paragraph 3.5](#);

All persons that identify themselves as parties to proceedings before the Office are entered into the Office's database and are allocated an identification (ID) number. The ID number can be viewed in [the Office's eSearch plus tool](#) available on the Office's website.

The Office encourages parties to always use their ID number to import existing details instead of manually inserting the address and/or any other contact details on any form or in any communication to the Office as this leads to less errors. However, the ID number cannot replace the party's name where it needs to appear on any form or communication.

3 Identification of parties to the proceedings

[Article 3 EUTMR](#)

[Article 2\(1\)\(b\) EUTMIR](#)

Article 1(1)(b) CDIR

Decision No [EX-21-4](#) of the Executive Director of the Office of 30 March 2021 on the Register of EU trade marks, the Register of Community Designs, the database of proceedings before the Office, and on the case-law database.

EUTM and RCD applicants are identified pursuant to the criteria laid down in [Article 2\(1\)\(b\) EUTMIR](#) and Article 1(1)(b) CDIR respectively. This criteria applies, *mutatis mutandis*, to all parties to proceedings before the Office (e.g. opponents, applicants for revocation or for a declaration of invalidity, applicants for registration of a transfer).

The information required to identify a party is:

- name;
- address;
- the country of domicile if a natural person, or the country in which it is domiciled or has its seat or an establishment if a legal entity.

In an application for an RCD, natural persons must also indicate their nationality.

If the party to the proceedings has previously been allocated an ID number by the Office, it is sufficient to indicate the ID number and the party's name.

Where there are multiple parties to the proceedings, the same identification requirements are required for each one of them.

All of the data identified in the following paragraphs, i.e. [3.1 Name](#), [3.2 Address](#) and [3.3 Other contact details](#), will be kept in the database indefinitely (pursuant to [Article 112\(5\) EUTMR](#) and Articles 7(2) and 10(2) and (3) of Decision No [EX-21-4](#)). However, the party concerned can request the removal of any personal data from the database

18 months after the expiry of the EUTM, RCD or international trade mark designating the EU, or the closure of the relevant *inter partes* procedure.

Where the name and legal address of a party, or their professional representative, are recorded in the EUTM or RCD Registers, they will be kept indefinitely (pursuant to [Article 111\(9\) EUTMR](#), Article 69 CDIR, and Article 3(8) Decision No [EX-21-4](#)). For information on what data appears in the EUTM and RCD Registers, please see Annex I and II of Decision No [EX-21-4](#).

3.1 Name

3.1.1 Natural persons

Names of **natural persons** must include the person's first name(s) and surname(s) as they appear in official personal identification documents (example: John Steven Smith instead of J.S.Smith).

Where the name provided appears to be that of a physical person but the party has indicated that they are a 'legal entity' and filled in the legal form section with an indication which is not a legal form as such (such as free professional, freelance, sole proprietorship, etc.), the Office will send a notification of a deficiency. If the applicant fails to reply, the Office will change the type of person from 'legal entity' to 'natural person'.

For example, 'John Smith', identified as being a legal entity with the legal form 'freelance', will be changed to a natural person and the legal form deleted.

A natural person may provide any business or trading name as an optional indication in addition to their legal name. For example, natural person 'John Smith trading as Smithy's' is acceptable. See paragraph [3.1.2](#) for more information on the use of business or trading names.

3.1.2 Legal entities

Names of **legal entities** must be indicated by their official designation (full statutory name) and include the legal form of the entity (if applicable), which may be abbreviated in a customary manner (for example, S.L., S.A., Ltd, PLC). The company's national identification number may also be specified.

Legal entities may provide their business or trading names as an optional indication **in addition to** their official designation (typically indicated by using the legal name followed by 'trading as' or 'acting as' in the title). However, business or trading names must not be used alone, that is to say **instead of** the name of the legal entity. As a general rule, the Office will assume that applicants identified through mere business or trading names without any legal form are not entitled to own property in their own name unless evidence is submitted to the contrary.

For example, 'J. Smith Ltd trading as Smithy's' would be acceptable where 'J. Smith' is the legal name, 'Ltd' is the legal form, and 'Smithy's' is the trading name. Using the same example, 'Smithy's' by itself (with no legal form), will be objected to. See also the example under [paragraph 3.1.1](#).

The name of a legal entity in the process of being founded will be accepted.

The Office strongly recommends indicating the state of incorporation for companies based in the United States of America, where applicable, in order to differentiate clearly between different owners in its database.

If the legal form is not specified or is incorrectly indicated, a deficiency letter requesting this information will be issued. If the deficiency is not remedied the respective request will be rejected as the party cannot be correctly identified pursuant to [Article 2\(1\)\(b\) EUTMIR](#) and Article 1(1)(b) CDIR.

3.2 Address

The Office recognises two types of address referred to in [Article 2\(1\)\(b\) EUTMIR](#) and Article 1(1)(b) CDIR: the official 'legal' address of a party and the 'address for service'.

Only one legal address should be indicated for each applicant. Where several addresses are indicated, the Office will only take into account the address that is mentioned first, except where the applicant designates one of the addresses as an address for service.

3.2.1 Legal address

This is the address where the party has its domicile, principal place of business or real and effective industrial or commercial establishment. It is a compulsory requirement for identification. Furthermore the legal address is necessary for the Office to establish if the party needs to be represented or not pursuant to [Article 119\(2\) EUTMR](#) and Article 77(2) CDR.

For legal persons, the legal address is understood to be where the party has its seat, which is the company's registered headquarters or registered head office as appearing on the extract of the company register.

The address must contain all the identification elements required. This normally consists of the street name, street number, city/town, state/county/province and country, since without such details it is not possible to clearly identify the party.

If any of these particulars is missing, the Office will issue a deficiency and set a time limit by which to remedy the deficiency or to provide a valid reason for omitting it.

A post office box or a forwarding (virtual) address on its own does not constitute a legal address unless it can be proven that it is indeed registered as the company's address (e.g. by submitting an extract of the company register).

3.2.2 Address for service

An address for service (also referred to as a correspondence address) is an optional second address a party can provide. The Office will send any post to that address.

By default any correspondence by post will be addressed to the party's legal address unless a different address for service is provided.

3.3 Other contact details

It is not compulsory to provide additional contact details, such as telephone numbers or email addresses. However, providing an email address is recommended to facilitate setting up a user account.

4 Representatives: Who May Represent

[Article 119\(3\)](#) and [Article 120\(1\)\(a\) and \(b\) EUTMR](#)

[Article 74\(8\) EUTMDR](#)

Article 77(3) and Article 78(1)(a) and (b) CDR

Article 62(9) CDIR

In all Member States of the EEA, representation in legal proceedings is a regulated profession and may only be exercised under particular conditions. In proceedings before the Office, the following categories of representative are distinguished.

Legal practitioners ([Article 120\(1\)\(a\) EUTMR](#) and Article 78(1)(a) CDR) are professionals who, depending on the national law, are fully entitled to represent third parties before national offices (see [paragraph 4.2](#) below).

Other professionals ([Article 120\(1\)\(b\) EUTMR](#) and Article 78(1)(b) CDR) need to comply with further conditions and need to be included on a specific list maintained by the Office for this purpose (the Office's list of professional representatives). Amongst these, two further groups need to be distinguished: those who may represent only in RCD proceedings ('designs list') and those who may represent in both EUTM and RCD proceedings (see [paragraph 4.3](#) below). The Office refers to these other professionals collectively as '**professional representatives**'.

Several legal practitioners and professional representatives may be organised in entities called '**associations of representatives**' ([Article 74\(8\) EUTMDR](#); Article 62(9) CDIR) (see [paragraph 5.4.3](#) below).

The final category of representatives is made up of **employees** acting as representatives for the party to proceedings before the Office ([Article 119\(3\) EUTMR](#), first alternative; Article 77(3) CDR, first alternative) or employees of **economically**

linked legal persons ([Article 119\(3\) EUTMR](#), second alternative; Article 77(3) CDR, second alternative) (see [paragraph 4.4](#) below).

Employees are to be distinguished from **legal representatives** under national law (see [paragraph 4.5](#) below).

4.1 ID numbers and database

All persons that identify themselves as representatives for or employees of individual parties to proceedings before the Office and that fulfil the requirements provided by the regulations are entered into the database and obtain an ID number. The database has a double function, providing all relevant contact details under the specific ID number for any type of representative as well as the public information on the Office's list of professional representatives or designs list.⁽¹⁾

A representative may have several IDs.

- Associations of representatives may have different IDs for different legal addresses.
- Individual representatives may have one ID as an employee representative and a different ID as a legal practitioner in their own right.
- If a person confirms that they work for two different associations of representatives or from two different addresses, they can have two different numbers attributed. Only the first ID number will be published in the Official Journal.
- It is also possible to have two different IDs, one as a legal practitioner and one as an Office professional representative where such a dual qualification is allowed under national law (which is not the case, for example, in France, see [Annex I](#)). The Office, almost invariably refuses requests from legal practitioners to be entered on the list of Office professional representatives, as they are automatically entitled to appear in the database as 'legal practitioners' in their own right and do not need to be admitted onto the Office's list of professional representatives.

Where an ID is requested for any type of representative, the Office may require the person to prove the real and effective nature of their establishment at the address(es) identified. Any evidence submitted should not be limited to the mere existence of premises at these addresses but should prove real and effective business or employment being carried out and invoiced from the different locations.

An ID will not be granted for a post office box or a simple address for service in the EEA. See [paragraph 3.2](#) for the difference between the 'legal address' and the 'address for service'.

In the database, representatives are identified as: association, employee, lawyer (legal practitioners), and professional representative. Internally, the latter category is divided into two subcategories: type 1 consists of persons exclusively entitled to represent in RCD matters under Article 78(1)(c) CDR, and type 2 consists of persons entitled to

¹ Regarding the processing of mandatory personal data in relation to the tasks of the Office, which includes contact details, see EUIPO's explanatory note on the processing of personal data within the framework of the EUIPO's tasks as laid down in the EUTMR and CDR, accessible in the 'Data Protection' section of the Office's website.

represent in both trade mark and design matters under [Article 120\(1\)\(b\) EUTMR](#) and Article 78(1)(b) CDR.

On any form and in any communication sent to the Office, the representative's address and contact details may, and preferably should, be replaced by the ID number attributed by the Office, together with the representative's name.

The ID number can be found by consulting any of the files of the representative in question, or in the [advanced search options of the Office's eSearch plus tool](#) available on the Office's website: <https://euipo.europa.eu/eSearch/#advanced/representatives>.

4.2 Representation by legal practitioners

[Article 120\(1\)\(a\) EUTMR](#)

Article 78(1)(a) CDR

A legal practitioner is a professional who is automatically and without any further formal recognition allowed to represent third parties before the Office provided that they meet the following three conditions:

1. they must be qualified in one of the Member States of the EEA;
2. they must have their place of business within the EEA; and
3. they must be entitled, within the Member State in which they are qualified, to act as a representative in trade mark and/or design matters.

4.2.1 The term 'legal practitioner'

The professional titles for each EEA Member State are identified in the column 'Terminology for legal practitioner' in [Annex 1](#) of this Section.

4.2.2 Qualification

The requirement to be qualified in one of the Member States of the EEA means that the person must be admitted to the bar or be admitted to practise under one of the professional titles identified in [Annex 1](#) pursuant to the relevant national rules. The Office will not verify this unless there are doubts in this regard.

4.2.3 Nationality and place of business

There is no requirement as to nationality. Therefore, the legal practitioner may be a national of a state other than one of the Member States of the EEA.

The place of business must be in the EEA. A post office box address or an address for service does not constitute a place of business (see [paragraph 3.2.1](#), above, regarding the legal address). The place of business need not necessarily be the only place of business of the representative. Furthermore, the place of business may be in a

Member State of the EEA other than the one in which the legal practitioner is admitted to the bar. However, legal practitioners who have their sole place of business outside the EEA are not entitled to represent before the Office even when they are admitted to practise in one of the Member States of the EEA. The Office may at any time require evidence that the address provided is, or continues to be, a real and effective place of business.

Where an association of representatives, such as a law firm or a law office, has several places of business, it may perform acts of representation only under a place of business within the EEA, and the Office will only communicate with the legal practitioner at an address within the EEA.

4.2.4 Entitlement to act in trade mark and/or design matters

The entitlement to act as a representative in trade mark and/or design matters in a state must include the entitlement to represent clients before the national industrial property office of that state. This condition applies to all Member States of the EEA.

Legal practitioners referred to in [Article 120\(1\)\(a\) EUTMR](#) and Article 78(1)(a) CDR who fulfil the conditions laid down in this Article are automatically entitled as of right to represent their clients before the Office. This basically means that if a legal practitioner is entitled to act in trade mark and/or design matters before the central industrial property office of the Member State of the EEA in which they are qualified, they will also be able to act before the Office.

Legal practitioners are not entered on the list of professional representatives to which [Article 120\(2\) EUTMR](#) and Article 78(1)(b) and (c) CDR refer, because the entitlement and the special professional qualifications referred to in those provisions relate to persons belonging to categories of professional representatives specialising in industrial property or trade mark matters, whereas legal practitioners are by definition entitled to be representatives in all legal matters.

If a 'legal practitioner' who has already been attributed an identification number as a legal practitioner requests entry on the list of 'professional representatives', the ID number will be maintained but the status will be changed from 'legal practitioner' to 'professional representative' following prior consultation with the applicant. Please refer to [paragraph 4.1](#) above concerning the situations where multiple ID numbers may be allocated to one person.

[Annex 1](#) gives a detailed explanation of the specific rules and terminology for most of the countries. The information contained in this Annex has been provided by the national industrial property office of each State, and any clarifications as regards its accuracy should therefore be addressed to the national industrial property office in question. The Office would appreciate being informed of any inconsistencies.

4.3 Professional representatives admitted and entered on the lists maintained by the Office

[Article 120\(1\)\(b\)](#) and [Article 120\(2\) EUTMR](#)

Article 78(1)(b) and (c) CDR

The second group of persons entitled to represent third parties professionally before the Office are those persons whose names appear on one of the two lists of professional representatives maintained by the Office:

1. the Office's list of professional representatives according to [Article 120\(1\)\(b\) EUTMR](#) and Article 78(1)(b) CDR (in trade mark and design matters);
2. the list of professional representatives according to Article 78(1)(c) CDR (in design matters).

For this category of professional representatives, the entry on the Office's list of professional representatives entitles them to represent third parties before the Office. A representative who is entered on the Office's list of professional representatives, referred to in [Article 120\(1\)\(b\) EUTMR](#), is automatically entitled to represent third parties in design matters according to Article 78(1)(b) CDR and will not be entered on the special list of professional representatives in design matters ('designs list').

If a person on the list maintained under [Article 120\(1\)\(b\) EUTMR](#) requests entry on the designs list maintained for professional representatives authorised to act exclusively in Community design matters under Article 78(1)(c) and (4) CDR, the request will be rejected.

The designs list is intended only for professional representatives who are entitled to represent clients before the Office in design matters but not trade mark matters.

[Annex 2](#) gives a detailed explanation of the specific rules and terminology for most of the countries. The information contained in this Annex has been provided by the national industrial property office of each State, and any clarifications as regards its accuracy should therefore be addressed to the national industrial property office in question. The Office would appreciate being informed of any inconsistencies.

Entry on the lists is subject to a request being completed and signed individually by the person concerned, using the form established for this purpose by the Office (which can be accessed online at: <https://euipo.europa.eu/ohimportal/en/forms-and-filings>).

In order to be entered on the list, three requirements must be fulfilled.

1. The representative must be a national of one of the Member States of the EEA.
2. They must have their place of business within the EEA.
3. They must be entitled under national law to represent third parties in trade mark or design matters before the national industrial property office. To that end they must provide a certificate attesting this from the national industrial property office of a Member State of the EEA.

4.3.1 Entitlement under national law

The conditions for entry on the Office's list of professional representatives and the designs list depend on the legal situation in the Member State of the EEA concerned.

[Article 120\(2\)\(c\) EUTMR](#)

Article 78(1)(b) CDR

In a large number of Member States of the EEA, entitlement to represent third parties before the national office in trade mark matters is conditional upon possession of a special professional qualification ([Article 120\(2\)\(c\) EUTMR](#), first alternative; Article 78(4)(c) CDR, first alternative). Therefore, in order to be entitled to act as a representative, the person must have the required qualification.

In other Member States of the EEA, there is no such requirement for a special qualification, that is to say, representation in trade mark matters is open to anybody. In this case, the person involved must have regularly represented third parties in trade mark or design matters before the national office concerned for at least 5 years ([Article 120\(2\)\(c\) EUTMR](#), second alternative; Article 78(4)(c) CDR, second alternative). A subcategory of this category of Member States of the EEA consists of those States that have a system officially recognising a professional qualification to represent third parties before the national office concerned even though such recognition is not a prerequisite for the exercise of professional representation. In this case, persons so recognised are not subject to the requirement of having regularly acted as a representative for at least 5 years.

Please refer to [Annex 1](#) for the countries where special professional qualifications are required.

4.3.1.1 First alternative - special professional qualifications

Where, in the Member State of the EEA concerned, entitlement is conditional upon having special professional qualifications, persons applying to be entered on the list must have acquired this special professional qualification.

4.3.1.2 Second alternative - 5 years' experience

Where, in the Member State of the EEA concerned, the entitlement is not conditional upon possession of special professional qualifications, that is to say, representation in trade mark matters is open to anybody, persons applying to be entered on the list must have regularly acted as professional representatives in trade mark or design matters for at least 5 years before a central industrial property office of a Member State of the EEA.

It is possible for the Executive Director of the Office to grant an exemption from this requirement (see [paragraph 4.3.4](#) below).

4.3.1.3 Third alternative - recognition by a Member State of the EEA

Where, in the EEA Member State concerned, the entitlement is not conditional upon possession of special professional qualifications, that is to say, representation in trade mark matters is open to anybody, persons whose professional qualification to represent natural or legal persons in trade mark and/or design matters before the central industrial property office of one of the Member States of the EEA is officially recognised in accordance with the regulations laid down by that State will not be subject to the condition of having exercised the profession for at least 5 years.

4.3.2 Nationality and place of business

[Article 120\(2\) and \(4\) EUTMR](#)

Articles 78(4) and 78(6) CDR

A professional representative requesting to be entered on the list must be a national of a Member State of the EEA.

It is possible for the Executive Director of the Office to grant an exemption from the nationality requirement (see [paragraph 4.3.4](#) below).

A professional representative requesting to be entered on the list must have his or her place of business or employment in the EEA. A post office box address or an address for service does not constitute a place of business. The place of business or employment need not necessarily be the only place of business or employment of the representative. The Office may at any time require evidence that the address provided is, or continues to be, a real and effective place of business or employment.

4.3.3 Certificate

[Article 120\(3\) EUTMR](#)

Article 78(5) CDR

Fulfilment of the abovementioned conditions laid down in [Article 120\(2\) EUTMR](#) and Article 78(4) CDR must be attested by a certificate provided by the national office concerned. Some national offices issue individual certificates while others provide the Office with block certificates.

Where block certificates are issued, the national offices send regularly updated lists of professional representatives entitled to represent clients before their office. In these cases the Office will check the indications in the request against the entries on the lists communicated to the Office.

Otherwise, the person concerned must accompany his or her request with an individual certificate. The applicant must complete the application form (which can be accessed online at <https://euipo.europa.eu/ohimportal/en/forms-and-filings>) and send it to the

respective industrial property office of the Member State concerned. The certificate must be completed by the respective industrial property office.

4.3.4 Exemptions

[Article 120\(4\) EUTMR](#)

Article 78(6) CDR

The Executive Director of the Office may, under special circumstances, grant exemption from the requirement to be a national of an EEA Member State, provided that the professional representative demonstrates that he or she is a 'highly qualified professional'. He may also grant an exemption from the requirement of having regularly represented in trade mark matters for at least 5 years, provided that the professional representative demonstrates that he or she has acquired the required qualification in another way. This power is of a discretionary nature.

The broad discretionary power to grant exemptions from the 5 years' experience requirement or from EEA nationality requirement pursuant to [Article 120\(4\) EUTMR](#) and Article 78(4) CDR will be exercised by the Executive Director of the Office with due regard to the fact that the provision (i) does not confer any right to the person requesting the exemptions, (ii) is conceived as an exception from the general rule, which needs to be applied restrictively and on a strictly individual basis only, and (iii) can also be based on more general considerations such as the absence of any need for additional professional representatives.

1. Exemptions from the 5 years' experience requirement

Exemptions from the requirement for 5 years' experience are limited to cases where the qualification to act as a representative in trade mark or design matters, has not been achieved before the central industrial property office concerned, but rather was acquired in another way, for the equivalent period of at least 5 years.

It should be noted that such exemption can only be requested where the requester is entitled to act in EEA Member States in which no 'special professional qualification' is required.

It should also be noted that the experience equivalent to at least 5 years of habitually acting as a representative before the central industrial property office concerned, to be established by the requester (with supporting evidence), must have been obtained in the EEA Member State concerned. For example, if an exemption is requested from the 5 year requirement to act before the central industrial property office of Member State 'A' (e.g. Malta), the evidence of habitually acting as a representative must emanate from that same Member State (Malta), and not from another EEA Member State (e.g. Ireland).

2. Exemptions from the EEA nationality requirement

Exemptions from the EEA nationality requirement are limited to requesters that already comply with the requirements of [Article 120\(2\)\(b\) and \(c\) EUTMR](#), namely they have their place of business in the EEA, and they are entitled under national law to represent third parties before the national industrial property office.

In addition, it should be noted that exemptions from the EEA nationality requirement are only conceivable for a 'highly qualified professional', that is in exceptional circumstances.

This legal condition of being a 'highly qualified professional' would at least, and without being necessarily sufficient in themselves, require the requester to demonstrate (with supporting evidence) that his or her professional experience:

- is specifically related to trade mark and design matters,
- has been specifically obtained 'acting as a representative' in trade mark and/or design matters,
- is attributable to a specific trade mark and/or design portfolio, including elements such as the relevance of the IP rights managed, such as prominent cases and those that are proved to be difficult or standout due to the complexity of the subject or grounds tackled,
- has been performed under his or her own responsibility and authority,
- has been acquired exercising his or her national entitlement to represent others in trade mark or design matters before the national office in relation to which the requester holds that entitlement within the meaning of [Article 120\(2\)\(c\) EUTMR](#),
- exceeds the minimum requirement of 5 years' duration laid down in [Article 120\(2\)\(c\) EUTMR](#) if the entitlement to represent is based on experience and not on qualification.

The following circumstances would, on their own, not be considered to demonstrate that the requester is a 'highly qualified professional' for the purposes of the exemption from the EEA nationality requirement. However, provided that the aforementioned requirements are fulfilled, these could be considered in the overall assessment of all relevant factors:

- experience in IP-related areas of laws other than trade marks and designs (e.g. patents, copyright, etc.);
- formal qualifications (i.e. Trade Mark Attorney, European Patent Attorney, etc.);
- experience achieved under supervision, assisted by others, as part of a team, etc.
- publications, research or articles in recognised peer-reviewed journals or specialised publications, book authorship, experience in IP educational field.

Any request for exemption, which is not subject to any time limit, should be filed using the form provided for this purpose available on the Office's website. All the arguments and evidence the requester deems necessary to support the claims must

be filed together with that request. The Office will decide on the basis of that request.

That decision might be appealed before the General Court of the European Union under the conditions laid down in [Article 263\(4\) TFEU](#).

As regards exemptions from the nationality requirement for professional representatives in design matters, Article 78(6)(a) CDR does not refer to the requirement of a 'highly qualified professional'. Instead it requires the existence of 'special circumstances'.

However, the broad notion of 'special circumstances' does not preclude that the applicant must show that he or she is a 'highly qualified professional' in order to be exempted from the EEA nationality requirement for the purposes of the decision to be taken pursuant to Article 78(6)(a) CDR. The 'special circumstances' of the latter provision encompass the requirement of being a 'highly qualified professional'.

4.3.5 Procedure for entry on the list

Articles [66\(1\)](#) and [120\(3\)](#) EUTMR, [Article 162 EUTMR](#)

Article 78(5) CDR

Entry on the list is confirmed by notification of a positive decision, which contains the indication of the ID number attributed to the professional representative. Entries on the Office's list of professional representatives or designs list are published in the Official Journal of the Office.

If any of the requirements for entry on the list of professional representatives are not fulfilled, a deficiency will be notified. If the deficiency is not remedied, the request for entry on the list will be rejected. The party concerned may file an appeal against this decision ([Article 66\(1\)](#) and [Article 162 EUTMR](#); Article 55(1) CDR).

Professional representatives may obtain an additional copy of the decision free of charge.

The files relating to requests for entry on the Office's list of professional representatives or designs list are not open to public inspection. Where a request for entry on the list of professional representatives is accompanied by a request for exemption because one of the necessary conditions for entry on the list is missing (see [paragraph 4.3.4](#) above), where the granting of that exemption has been refused by a final decision of the Executive Director, there will be no subsequent decision refusing entry on the list of representatives. This formal subsequent decision will only be issued where the requester explicitly requests it.

4.3.6 Amendment of the list of professional representatives

4.3.6.1 Deletion

First alternative — upon own request

[Article 120\(5\) EUTMR](#)

Article 78(7) CDR

Article 64(1) and (6) CDIR

The entry of a professional representative on the Office's list of professional representatives or designs list will be deleted at the request of that representative.

The deletion will be entered in the files kept by the Office. The notification of deletion will be sent to the representative, and the deletion will be published in the Official Journal of the Office.

Second alternative — automatic deletion from the list of professional representatives

[Article 75\(1\) EUTMDR](#)

Article 64(2) and (5) CDIR

The entry of a professional representative in the Office's list of professional representatives or designs list will be deleted automatically:

1. in the event of the death or legal incapacity of the professional representative;
2. where the professional representative is no longer a national of a Member State of the EEA;
3. where the professional representative no longer has a place of business or employment in the EEA; or
4. where the professional representative is no longer entitled to represent third parties before the central industrial property office of a Member State of the EEA.

Where a professional representative changes from a design attorney to a trade mark attorney, he or she will be removed from the designs list and entered on the Office's list of professional representatives.

The Office may be informed of the above events in a number of ways. In case of doubt, the Office will, prior to deletion from the list, seek clarification from the national office concerned. It will also hear the professional representative, in particular where it is possible that he or she may be entitled to remain on the list on another legal or factual basis.

The deletion will be entered in the files kept by the Office. The decision of the deletion will be notified to the representative and the deletion will be published in the Official Journal of the Office. The party concerned can lodge an appeal against this decision.

4.3.6.2 Suspension of the entry on the list

[Article 75\(2\) EUTMDR](#)

Article 64(3) CDR

Upon notification by the relevant national industrial property office of a decision on the suspension of the entitlement to represent natural or legal persons before the respective national industrial property office, the entry of the professional representative on the Office's list of professional representatives or designs list will be suspended. The representative will be informed accordingly.

4.3.7 Reinstatement in the list of professional representatives

[Article 75\(3\) EUTMDR](#)

Article 64(4) CDR

A person whose entry has been deleted or suspended will, upon request, be reinstated in the list of professional representatives if the conditions for deletion or suspension no longer exist.

A new request must be submitted in accordance with the normal procedure for obtaining an entry on the list of professional representatives (see [paragraph 4.2](#) above).

4.4 Representation by an employee

[Article 119\(3\) EUTMR](#)

Articles [1\(j\)](#) and [74\(1\)](#), [Article 65\(1\)\(i\) EUTMDR](#)

Article 77(3) CDR

Article 62(2) and Article 68(1)(i) CDR

4.4.1 General considerations

A party to the proceedings before the Office, whether a natural or a legal person, having their domicile or principal place of business, or a real and effective industrial or commercial establishment in the EEA, may be represented before the Office by an employee ([Article 119\(3\) EUTMR](#), first sentence and Article 77(3) CDR, first sentence).

Employees of the legal persons described above may also represent other legal persons which have economic connections with the first legal person, even if those other legal persons do not have their legal address within the EEA ([Article 119\(3\) EUTMR](#), second sentence and Article 77(3) CDR, second sentence).

The acceptability of an employee representative therefore depends on whether the represented party is a natural or a legal person, whether the represented party has its legal address within or outside the EEA, and whether the employee is employed directly or indirectly by the represented party, as explained below.

For the definition of legal address, as identified in the represented persons ID number, see [paragraph 3.2.1](#).

The following situations can therefore be differentiated:

- Natural persons whose legal address is within the EEA may be represented by an employee employed by them. The employee may or may not work from the represented natural person's legal address, but the employee must be employed by this natural person. For example, the employee may work from a place of business that is different from the legal address of the natural person.
- Natural persons whose legal address is outside the EEA cannot be represented by an employee.
- Legal persons whose legal address is within the EEA may be represented by an employee directly employed by them. This means the employee may work directly for them at this legal address. It may, however, also be employed by them indirectly. This 'indirect' employee can either work for the represented legal person through another place of business or another real and effective establishment owned by them under a different address within the EEA; or be employed by another legal person within the EEA which is economically linked to the first legal person.
- Legal persons whose legal address is outside the EEA may only be represented by an 'indirect' employee, through an employee working for the represented legal person through another place of business or real and effective establishment owned by them under a different address within the EEA, or be employed by another legal person within the EEA which is economically linked to the first legal person. Regarding the requirements of indirect employee representation see below [paragraph 4.4.2](#).

For all these situations the employee representative must be a natural person and be located in the EEA. An employee located outside the EEA may not represent their employer before the Office.

On the forms made available by the Office, the employee signing the application or request must fill in the field reserved for representatives by indicating his or her name, address (of employment) and select the checkboxes relating to employee representative.

The name(s) of the employee(s) will be entered in the database and published under 'representatives' in the EUTM and RCD Bulletins and in the Office's database accessible through the eSearch plus tool. However, they will not be entered in the respective EUTM and RCD Registers.

Where employees act for their employer, this is not a case of professional representation under [Article 120\(1\) EUTMR](#) or Article 78(1) CDR. As such, [Article 109\(1\) EUTMR](#) and Article 79(7)(c), (d) and (f) CDR are not applicable for the

apportionment and fixing of costs in *inter partes* proceedings (17/07/2012, [T-240/11](#), MyBeauty (fig.) / BEAUTY TV et al., EU:T:2012:391, § 15 *et seq.*).

In EUTM matters, no authorisation needs to be submitted, unless the Office or any party to the proceedings requests it. However, in RCD matters, Article 77(3) CDR sets down that a signed authorisation is a compulsory requirement for insertion in the file. No other requirements, for example that the employees be qualified to represent third parties before national offices, need be met.

The Office will verify the first time an employee representative claims to represent an employer. At a later stage it may also do so where it has reason to doubt that the employment relationship continues to exist, such as when different addresses are indicated or when one and the same person is nominated as the employee of different legal persons.

4.4.2 Indirect employment

As outlined in [paragraph 4.4.1](#) when a legal person is a party in proceedings before the Office, they can also be represented by an employee, even if that employee does not work directly for the legal person identified by the legal address. This is particularly relevant for legal persons with a legal address outside the EEA since representation is mandatory for them (see [paragraph 5.1](#) below). These non-EEA legal persons may be represented by an employee in the following two scenarios:

- first, legal persons with a legal address outside the EEA , but having a real and effective industrial or commercial establishment within the EEA , may be represented before the Office by an employee of this EEA-based establishment;
- second, legal persons with a legal address outside the EEA may be represented by an employee of another legal person within the EEA provided that both legal persons are economically connected.

For the definition of legal address as identified in the represented persons ID number, see [paragraph 3.2.1](#) .

In the **first scenario** , to successfully claim an employee representative, the represented legal person must show that even though their legal address is outside the EEA, they also have a real and effective industrial or commercial establishment in the EEA, e.g. by proving that they own or control a branch, agency or any other kind of commercial establishment (including subsidiaries) in the EEA to such extent that it can be considered an extension of the non-EEA legal person.

The concept of 'branch, agency or other establishment' implies a place of business which has the appearance of permanency, such as the extension of a parent body, has a management and is materially equipped to negotiate business with third parties so that the latter, although knowing that there will if necessary be a legal link with the parent body, the office of which is abroad, do not have to deal directly with that parent body but may transact business at the place of business constituting the extension (see definition in 22/11/1978, [C-33/78](#), Somafer, EU:C:1978:205, § 12; also quoted in 22/09/2016, [T-512/15](#) , Sun Cali (Fig.), EU:T:2016:527, § 30).

Proof of employment at the EEA-based establishment must also be provided for the employee representative.

For example, the EUTM applicant is a company with a legal address in the US. However, it can **prove** that it owns a branch in Spain. The party must **claim and prove** that the natural person identified as the employee representative works for the establishment in Spain. An employee working for this Spanish establishment can then represent the US EUTM applicant before the Office.

In the **second scenario**, to successfully claim an employee representative, the legal assessment is similar. Firstly, the legal person must show that the other legal person exists within the EEA; secondly, that there is a sufficiently strong economic connection between the represented party and the EEA-based legal person; and thirdly, that the employee representative truly works for the EEA-based legal person.

For example, 'Company A LLC' with a legal address in the US is party to the proceedings before the Office. It can show that it is economically linked to 'Company B Ltd.' in Ireland. John Smith is employed by 'Company B Ltd.' in Ireland. Consequently, John Smith may act as an employee representative of the US-based 'Company A LLC'.

Similar to the first scenario, economic connections only exist when there is economic dependence between the two legal persons, either in the sense that the party to the proceedings is dependent on the employer of the employee concerned, or vice versa. This economic dependence may exist for example:

- either because the two legal persons are members of the same group; or
- because of management control mechanisms (22/09/2016, [T-512/15](#), SUN CALI (fig.), EU:T:2016:527, § 33 et seq.).

However, the following do not establish economic links:

- a connection by virtue of a trade mark licensing agreement;
- a contractual relationship between two enterprises aimed at mutual representation or legal assistance;
- a mere supplier/client relationship, for example, on the basis of an exclusive distribution or franchising agreement.

All the arguments and evidence the requester deems necessary to support the claims, including any evidence to prove the existence and nature of the link between the different entities and any proof of employment, must be submitted together with the request. If this evidence is not submitted, the Office will issue a deficiency.

4.5 Legal representation and signature

Legal representation refers to the representation of natural or legal persons through other persons in accordance with national law. For example, the president of a company is the legal representative of that company.

In all cases, a natural person that is acting as a legal representative, should indicate underneath the signature(s), the name(s) of the individual person(s) signing and the person's(persons') status, for example, 'president', 'chief executive officer', 'gérant', 'procuriste', 'Geschäftsführer' or 'Prokurist'.

Other examples of legal representation according to national law are cases where minors are represented by their parents or by a custodian, or a company is represented by a liquidator. In these cases, the person actually signing must demonstrate his or her capacity to sign even though no authorisation is required.

It should be borne in mind, however, that a legal person addressing the Office from outside the EEA must be represented by a professional representative within the EEA, unless appointment of a representative is not mandatory (see [paragraph 5.1](#) for any exceptions to the general rule). See [paragraph 5.2.1](#) on the consequences of not appointing a representative, when representation is mandatory, once the EUTM or RCD application has been filed.

5 Appointment of a Professional Representative

5.1 Conditions under which appointment is mandatory

Subject to the exceptions outlined in [paragraph 4.4](#) above, the appointment of a professional representative is mandatory for parties to proceedings before the Office that do not have their domicile or their principal place of business, or a real and effective industrial or commercial establishment **in the EEA**. This obligation exists for all proceedings before the Office, except for the filing of an application for an EUTM or an RCD, an application for renewal of an EUTM or an RCD, and an application for inspection of files.

The same applies to international registrations designating the EU. For further information on this point, please see [the Guidelines, Part M, International Marks](#).

5.1.1 Domicile, principal place of business, or real and effective industrial or commercial establishment

The criterion for mandatory representation is determined by the legal address of the represented person, not their nationality. For example, a French national domiciled in Japan has to be represented, but an Australian national domiciled in Belgium does not have to be. For more information on the legal address, see [paragraph 3.2.1](#).

The criterion is not fulfilled where the party to the proceedings merely has a post office box or an address for service in the EEA, nor where the applicant indicates the address of an agent with a place of business in the EEA. For more information on situations where a party may have a legal address outside the EEA but may also have a real and effective industrial or commercial establishment within the EEA, please see

[paragraph 4.4.1](#), which deals with this concept for the purpose of determining if an employee representative is entitled to represent.

5.1.2 The notion of 'in the EEA'

[Article 119\(2\) EUTMR](#)

In applying [Article 119\(2\) EUTMR](#), the relevant territory is the territory of the EEA, which comprises the EU and the countries of Iceland, Liechtenstein and Norway.

Article 77(2) CDR

For RCDs, according to Articles 77 and 78 CDR, the relevant territory for establishing the obligation to be represented and the place where the representative must be based in the sense of Article 78 CDR is the EU. However, following the judgment in the *Paul Rosenich* case (13/07/2017, [T-527/14](#), PAUL ROSENICH, EU:T:2017:487), the Office deems the EEA to be the relevant territory, with the result that the considerations previously applied to the EEA in trade mark matters now also apply to designs.

5.2 Consequences of non-compliance when appointment is mandatory

[Article 120\(1\) EUTMR](#)

Article 78(1) CDR

Where a party to proceedings before the Office is in one of the situations described under [paragraph 5.1](#), but has failed to appoint a professional representative within the meaning of [Article 120\(1\) EUTMR](#) or Article 78(1) CDR in the application or request, or where compliance with the representation requirement ceases to exist at a later stage (e.g. where the representative withdraws), the legal consequences depend on the nature of the proceedings concerned.

5.2.1 During registration

Articles [31\(3\)](#) and [119\(2\)](#) EUTMR

Article 10(3)(a) CDIR

Where representation is mandatory and the applicant fails to designate a professional representative in the application form, the examiner will invite the applicant to appoint a representative as part of the formality examination pursuant to [Article 31\(3\) EUTMR](#), first sentence, or Article 10(3)(a) CDIR. Where the applicant fails to remedy this deficiency, the application will be refused.

The same course of action will be taken where the appointment of a representative ceases to exist later during the registration process, up until any time before actual registration, that is to say, even within the period between publication of the EUTM application and registration of the EUTM.

Where a specific ('secondary') request is introduced on behalf of the applicant during the registration process, for example a request for inspection of files, a request for registration of a licence or a request for *restitutio in integrum*, the appointment of a representative need not be repeated, but the Office may in case of doubt request an authorisation. The Office will in this case communicate with the representative on file, and the representative for the recordal applicant, where different.

5.2.2 During opposition

For EUTM applicants, the preceding paragraphs apply where appointment of a representative is mandatory. The procedure to remedy any deficiencies relating to representation will take place outside the opposition proceedings. Where the applicant fails to remedy the deficiency, the EUTM application will be refused, and the opposition proceedings will be terminated.

[Article 2\(2\)\(h\)\(ii\)](#) and [Article 5\(5\) EUTMDR](#)

As regards the opponent, any initial deficiency relating to representation is a ground for inadmissibility of the opposition. Where representation is mandatory pursuant to [Article 119\(2\) EUTMR](#) and the notice of opposition does not contain the appointment of a representative, the examiner will invite the opponent to appoint a representative within a 2-month time limit pursuant to [Article 5\(5\) EUTMDR](#). If the deficiency is not remedied before the time limit expires, the opposition will be rejected as inadmissible.

When a representative resigns, the proceedings continue with the opponent itself if it is from the EEA. If the opponent is from outside the EEA, the Office will issue a deficiency inviting the opponent to appoint a representative. If the deficiency is not remedied, the opposition will be rejected as inadmissible.

When there is a withdrawal, change or appointment of a representative during opposition proceedings, the Office will inform the other party of the change by sending a copy of the letter and of the authorisation (if submitted).

5.2.3 Cancellation

[Article 12\(1\)\(c\)\(ii\)](#) and [Article 15\(4\) EUTMDR](#)

In cancellation proceedings, the above paragraphs concerning the opponent apply *mutatis mutandis* to the applicant for revocation or declaration of invalidity of an EUTM.

Where an EUTM proprietor from outside the EEA is no longer represented, the examiner will invite it to appoint a representative. If it does not do so, procedural statements made by it will not be taken into account, and the cancellation application

will be dealt with on the basis of the evidence that the Office has before it. However, a registered EUTM will not be cancelled simply because an EUTM proprietor from outside the EEA is no longer represented.

5.3 Appointment of a representative when not mandatory

Where the party to the proceedings before the Office is not obliged to be represented, they may nevertheless, at any time, appoint a representative within the meaning of Article [119](#) or [120](#) EUTMR and Articles 77 and 78 CDR.

Where a representative has been appointed, the Office will communicate solely with that representative (see [paragraph 6](#) below).

5.4 Appointment/replacement of a representative

5.4.1 Explicit appointment/replacement

[Article 74\(7\) EUTMDR](#)

Article 1(1)(e) and Article 62(8) CDIR

A representative is normally appointed in the official Office form initiating the procedure involved, for example, the application form or the opposition form (as concerns the appointment of multiple representatives, see [paragraph 6](#) below).

A representative may also be appointed in a subsequent communication. In the same way, a representative may also be replaced at any stage of the proceedings.

The appointment must be unequivocal.

It is strongly recommended that the request for registration of an appointment of a representative be submitted electronically via the Office's website (e-records).

An application to record an appointment must contain:

- the registration or application number of the EUTM/RCD registration or application;
- the new representative's particulars;
- the signature(s) of the person(s) requesting the recordal.

When the application does not comply with the above, the recordal applicant will be invited to remedy the deficiency. The notification will be addressed to the person who filed the application to record the appointment of the representative. If the recordal applicant fails to remedy the deficiency, the Office will reject the application.

Where a representative has been appointed, the notification will be sent to the party that submitted the application to register the appointment, that is to say, to the recordal applicant. Any other party, including the previous representative in the case of a replacement when he or she is not the recordal applicant, will be informed of the

appointment in a separate communication only once the appointment has been registered.

When the application relates to more than one proceeding, the recordal applicant must select a language for the application that is common to all proceedings. If there is no common language, separate applications for appointment must be filed. For more information on the use of languages see [the Guidelines, Part A, General Rules, Section 4, Language of Proceedings](#).

If there is no representative in the proceedings, a communication made in respect of a particular procedure (e.g. registration or opposition), accompanied by an authorisation signed by the party to the proceedings, implies the appointment of a representative. This also applies where a general authorisation is filed in the same way. For information about general authorisations, see [paragraph 7.2](#) below.

If there is already a representative in the proceedings, the person represented has to clarify whether the former representative will be replaced.

5.4.2 Implicit appointment

Submissions, requests, etc. filed on behalf of the parties by a representative (hereafter the 'new' representative) other than the one who appears in our register (hereafter the 'old' representative) will initially be accepted.

The Office will then send a letter to the 'new' representative inviting him or her to confirm his or her appointment within 1 month. The letter will include a warning that if the representative does not reply within the time limit, the Office will assume that he or she has not been appointed as representative.

If the 'new' representative confirms his or her appointment, the submission will be taken into account and the Office will send further communications to the 'new' representative.

If the 'new' representative does not reply within 1 month or confirms that he or she is not the 'new' representative, the proceedings will go on with the 'old' representative. The submission and the answer from the 'new' representative will not be taken into account and will be forwarded to the 'old' representative for information purposes only.

In particular, when the submission leads to the closure of proceedings (withdrawals/limitations), the 'new' representative must confirm his or her appointment as representative so that the closure of proceedings or the limitation can be accepted. In any case, the proceedings will not be suspended.

5.4.3 Associations of representatives

[Article 74\(8\) EUTMDR](#)

Article 62(5) CDR

An association of representatives (such as firms or partnerships of lawyers or professional representatives or both) may be appointed rather than the individual representatives working within that association.

In order for the Office to grant an ID number to an association of representatives (see [paragraph 4.1](#) above), there must be at least two legal practitioners or professional representatives practising within that association or partnership that comply with the requirements of [Article 120\(1\) EUTMR](#) or Article 78(1) CDR and that have already obtained individual ID numbers from the Office assigned to the address of the association. This information should be submitted with the initial request.

Where the Office had doubts that the association has at least a minimum of two members complying with the requirements, or doubts regarding the continued presence of at least two qualified association members, the Office will issue a deficiency notification. This deficiency may be issued at the time of examining the initial request, or at any later stage. In the event the deficiency is not remedied, any existing association ID number will be invalidated, and any files assigned to this existing ID will be moved to the individual ID of the only existing member of the association.

The appointment of an association of representatives automatically extends to any professional representative who, subsequent to the initial appointment, joins that association of representatives. Conversely, any representative who leaves the association of representatives automatically ceases to be authorised under that association. It is strongly recommended that any changes and information concerning representatives joining or leaving the association be notified to the Office. The Office reserves the right, if justified under the circumstances of the case, to verify whether a given representative actually works within the association.

[Article 120\(1\) EUTMR](#)

[Article 74 EUTMDR](#)

Article 78(1) CDR

Article 62 CDR

The appointment of an association of representatives does not depart from the general rule that only legal practitioners and professional representatives within the meaning of [Article 120\(1\) EUTMR](#) and Article 78(1) CDR may perform legal acts before the Office on behalf of third parties. Thus, any application, request or communication must be signed by a physical person possessing this qualification. The representative must indicate his or her name underneath the signature. He or she may indicate his or her

individual ID number, if one has been provided by the Office, or his or her association ID number.

6 Communication with Parties and Representatives

[Article 60\(1\) and \(3\)](#) and [Article 66 EUTMDR](#)

Article 53(1) and (3) and Article 63 CDIR

Where a representative has been appointed within the meaning of Article [119](#) or [120](#) EUTMR and Article 77 or 78 CDR, the Office will communicate solely with that representative.

Any notification or other communication addressed by the Office to the duly authorised representative will have the same effect as if it had been addressed to the person represented.

Any communication addressed to the Office by the duly authorised representative will have the same effect as if it originated from the person represented.

In addition, if the party represented files documents itself with the Office while being represented by a duly authorised representative, these documents will be accepted by the Office as long as the party represented has its domicile or principal place of business or a real and effective industrial or commercial establishment in the EEA. However, the Office will reply to the appointed representative, not to the party directly. Where the represented party has its domicile or principal place of business or a real and effective industrial or commercial establishment outside the EEA, these documents will not be taken into account.

[Article 60\(2\)](#) and [Article 73 EUTMDR](#)

Article 53(2) and Article 61 CDIR

A party to the proceedings before the Office may appoint up to a maximum of two representatives, in which case each of the representatives may act either jointly or separately, unless the authorisation given to the Office provides otherwise. The Office, however, will as a matter of course communicate only with the first named representative, except where the additional representative is appointed for a specific secondary procedure (such as inspection of files or opposition), in which case the Office will communicate with this representative during the course of this specific secondary procedure.

[Article 119\(4\) EUTMR](#)

Articles [60\(1\) and \(2\)](#) and [73\(1\)](#) EUTMDR

Article 61(1) CDIR

Where there is more than one applicant, opponent or any other party to proceedings before the Office, a common representative may be expressly appointed.

Where a common representative is not expressly appointed, the first applicant named in the application that is domiciled in the EEA, or its representative if appointed, will be considered to be the common representative.

If none of the applicants are domiciled in the EEA, they are obliged to appoint a professional representative; therefore, the first named professional representative appointed by any of the applicants will be considered to be the common representative.

The Office will address all notifications to the common representative.

7 Authorisation

Articles [119\(3\)](#) and [120\(1\)](#) EUTMR

[Article 74 EUTMDR](#)

Articles 77(3) and 78(1) CDR

Article 62 CDIR

In principle, professional representatives do not need to file an authorisation to act before the Office. However, any professional representative (legal practitioner or Office professional representative entered on the list, including an association of representatives) acting before the Office must file an authorisation for insertion in the files if the Office expressly requires this or, where there are several parties to the proceedings in which the representative acts before the Office, if the other party expressly asks for this.

In such cases, the Office will invite the representative to file the authorisation within a specific time limit. The letter will include a warning that if the representative does not reply within the time limit, the Office will assume that he or she has not been appointed as representative and proceedings will continue directly with the party. Where representation is mandatory, the party represented will be invited to appoint a new representative and [paragraph 5.2](#) above applies. Any procedural steps, other than the filing of the application, taken by the representative will be deemed not to have been taken if the party represented does not approve them within a period specified by the Office.

An authorisation must be signed by the party to the proceedings. In the case of legal persons, it must be signed by a person who is entitled, under the applicable national law, to act on behalf of that person.

Simple photocopies of the signed original may be submitted. Original documents become part of the file and, therefore, cannot be returned to the person who submitted them.

Authorisations may be submitted in the form of individual or general authorisations.

7.1 Individual authorisations

[Article 120\(3\) EUTMR](#)

[Article 65\(1\)\(i\)](#) and [Article 74 EUTMDR](#)

Article 78(5) CDR

Article 62 and Article 68(1)(i) CDIR

Individual authorisations may be made on the form established by the Office pursuant to [Article 65\(1\)\(i\) EUTMDR](#) and Article 68(1)(i) CDIR. The procedure to which the authorisation relates must be indicated (e.g. 'concerning EUTM application number 12345'). The authorisation will then extend to all acts during the lifetime of the ensuing EUTM. Several proceedings may be indicated.

Individual authorisations, whether submitted on the form made available by the Office or on the representative's own form, may contain restrictions as to its scope.

7.2 General authorisations

[Article 120\(1\) EUTMR](#)

[Article 65\(1\)\(i\)](#) and [Article 74 EUTMDR](#)

Article 78(1) CDR

Article 62 and Article 68(1)(i) CDIR

A 'general authorisation' authorises the representative, the association of representatives or the employee to perform all acts in all proceedings before the Office, including, but not limited to, the filing and prosecution of EUTM applications, the filing of oppositions and the filing of requests for a declaration of revocation or invalidity, as well as in all proceedings concerning RCDs and international marks. The authorisation should be made on the form made available by the Office, or a form with the same content. The authorisation must cover all proceedings before the Office and may not contain limitations. For example, where the text of the authorisation relates to the 'filing

and prosecution of EUTM applications and defending them', this is not acceptable because it does not cover the authority to file oppositions and requests for a declaration of revocation or invalidity. Where the authorisation contains such restrictions, it will be treated as an individual authorisation.

7.3 Consequences where authorisation expressly requested by the Office is missing

If representation is not mandatory, the proceedings will continue with the person represented.

If representation is mandatory, [paragraph 5.2](#) above will apply.

8 Withdrawal of a Representative's Appointment or Authorisation

A withdrawal or change of representative may be brought about by an action taken by the person represented, the previous representative or the new representative.

8.1 Action taken by the person represented

[Article 74\(4\) EUTMDR](#)

Article 62(5) CDIR

The person represented may at any time revoke, in a written and signed communication to the Office, the appointment of a representative or the authorisation granted to them. Revocation of an authorisation implies revocation of the representative's appointment.

[Article 74\(5\) EUTMDR](#)

Article 62(6) CDIR

Any representative who has ceased to be authorised will continue to be regarded as the representative until the termination of that representative's authorisation has been communicated to the Office.

Where the party to the proceedings is obliged to be represented, [paragraph 5.2](#) above will apply.

8.2 Withdrawal by the representative

The representative may at any time declare, by a signed communication to the Office, that they withdraw as a representative. The request must indicate the number of the proceedings (e.g. EUTM/RCD number, opposition, etc.). If the representative declares that representation will be taken over by another representative as from that moment, the Office will record the change accordingly and correspond with the new representative.

9 Death or Legal Incapacity of the Party Represented or Representative

9.1 Death or legal incapacity of the party represented

[Article 74\(6\) EUTMDR](#)

Article 62(7) CDIR

In the event of the death or legal incapacity of the authorising party, the proceedings will continue with the representative, unless the authorisation contains provisions to the contrary.

[Article 106\(1\) EUTMR](#)

Article 59(1) CDIR

Depending on the proceedings, the representative will have to apply for registration of a transfer to the successor in title. However, in the event of the death or legal incapacity of the applicant for, or proprietor of, an EUTM, the representative may apply for an interruption of proceedings. For more information on interrupting opposition proceedings following the death or legal incapacity of the EUTM applicant or its representative, see the Guidelines, [Part C, Opposition, Section 1, Procedural Matters](#).

In insolvency proceedings, a liquidator, once nominated, will assume the capacity to act on behalf of the bankrupt person and may — or (in the case of mandatory representation) must — appoint a new representative, or else confirm the appointment of the existing representative.

For more information on insolvency proceedings, see the Guidelines, [Part E, Register Operations, Section 3, EUTMs and RCDs as Objects of Property, Chapter 2, Licences, Rights in Rem, Levies of Execution, Insolvency Proceedings, Entitlement Proceedings or Similar Proceedings](#).

9.2 Death or legal incapacity of the representative

[Article 106\(1\) and \(2\) EUTMR](#)

[Article 72\(2\) EUTMDR](#)

Article 59(1)(c) and Article 59(3) CDIR

In the event of the death or legal incapacity of a representative, the proceedings before the Office will be interrupted. If the Office has not been informed of the appointment of a new representative within a period of 3 months after the interruption, the Office will:

- where representation is not mandatory, inform the authorising party that the proceedings will now be resumed with them;
- where representation is mandatory, inform the authorising party that the legal consequences will apply, depending on the nature of the proceedings concerned (e.g. the application will be deemed to have been withdrawn, or the opposition will be rejected), if a new representative is not appointed within 2 months of the date of notification of that communication (28/09/2007, [R 48/2004-4](#), PORTICO / PORTICO, § 13, 15).

10 Change of name and address

[Article 55](#) and [Article 111\(3\)\(a\) and \(b\) EUTMR](#)

Article 19 CDIR, Article 69(3)(a) and (b) CDIR

The name and legal address of an EUTM or an RCD applicant, a party to the proceedings, or a representative may be amended.

A change of name is limited to a change that does not affect the identity of the person, for example, where there is a change in the name (through marriage/divorce), or in the case of a legal person, where the company officially changes its name in the company register.

On the other hand, a change in the party's identity may be a transfer or a change of ownership. In the event of any doubt as to whether a change will be considered a transfer or a change of ownership, see the Guidelines, [Part E, Register Operations, Section 3, EUTMs and RCDs as Objects of Property, Chapter 1, Transfer](#). That chapter provides detailed information in this respect as well as the applicable procedure.

A representative's name and address may be amended, provided that the representative is not being substituted by another representative. That would be considered an appointment of a new representative, which is subject to the rules governing such an appointment.

Where the address of an association of representatives is changed, the address of all of the association members must also be updated. As seen in [paragraph 5.4.3](#), the

address linked to the ID numbers of the members of an association and the address linked to the ID number of the association itself must all coincide.

A change of name or address can be requested by the affected person. The request must contain the EUTM/RCD number (or the file number assigned to the proceedings in question) and the name and address of the party or representative, both as on the file and as amended. The ID number should also be provided. The request is free of charge.

Where there is any doubt, the Office may ask for proof such as an extract from a trade register, or other evidence, to corroborate the change of name or address.

Changes to the parties' or representatives' name or address will be reflected in the ID number assigned to the party or representative. Consequently, the change will be reflected in all proceedings where this ID is assigned, including all EUTM and RCD applications and pending proceedings. The change cannot be recorded only for a specific portfolio of rights.

For changes in the name or address of the proprietor of a registered EUTM or RCD, see the Guidelines, [Part E, Register Operations, Section 1, Changes in a registration](#).

11 Correction of the name or address

[Article 31\(1\)\(b\) EUTMR](#), [Article 49\(2\) EUTMR](#)

[Article 11 EUTMDR](#)

Article 36(1)(b) CDR

Article 12(2) CDIR

The name and legal address of an EUTM or an RCD applicant, a party to the proceedings, or a representative may be corrected in case of errors in the respective application or request.

Firstly, corrections pursuant to [Article 49\(2\) EUTMR](#) and Article 12(2) CDIR will be allowed where the error in the name or address that requires correction is considered **obvious**, that is, nothing else could have been intended other than what is offered as the correction. Examples of obvious errors in the name or address could be misspellings, typographical errors, errors of transcription or use of an abbreviated form in the names of natural persons (e.g. 'Phil' instead of 'Phillip').

Additionally, a correction could also be considered in this scenario where there is a typographical error in the legal form (e.g. S.A. was indicated in the application form instead of S.L.). This correction would require evidence to be submitted in support of the request.

Where a correction takes place in the name or address of an EUTM or RCD applicant pursuant to [Article 49\(2\) EUTMR](#) and Article 12(2) CDIR, this correction will have no consequences as regards the filing date of the application, because the applicant is deemed to be correctly identified from the beginning pursuant to [Article 31\(1\)\(b\) EUTMR](#) and Article 36(1)(b) CDR.

Secondly, errors that are **not considered to be obvious** and that lead to the **change in identification of the EUTM or RCD applicant** can take place, but they do not fall under [Article 49\(2\) EUTMR](#) and Article 12(2) CDR. They will lead to a change in the filing date of the application, as the correct identification of the applicant is a formal requirement for the granting of a filing date pursuant to [Article 31\(1\)\(b\) EUTMR](#) and Article 36(1)(b) CDR. The new filing date of the application will be considered to be the one on which the corrected (new) applicant is formally identified and all supporting evidence is submitted in support of the correction.

In this second scenario, the burden of proof is on the party that made the mistake to prove what needs correcting and why it needs correcting. A request for correction of a name which consists of replacing one name with another will require evidence of what needs correcting and the evidence will also need to link the correction to the EUTM/RCD application (or file) in question. For example, where a representative informs the Office that the wrong EUTM applicant was indicated in the EUTM application form by mistake, the evidence must show that the party (as requested to be corrected) bears a relation with the EUTM application in question. A request simply informing the Office that the correction is needed because someone made a mistake, or another applicant was intended, or there was a change of mind after filing, will not be accepted.

Requests for correction of errors must contain the file number of the application or proceeding, the erroneous name or address and its corrected version, and evidence in support of the request for correction where applicable.

Corrections should not be confused with requests for changes of name or address, see [paragraph 10](#).

Annex 1

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
OPA – The Austrian Patent Office (Austria)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘Rechtsanwalt’	Persons holding the title ‘Rechtsanwalt’ , meaning a lawyer admitted to the bar, are entitled to act as legal practitioners before the national industrial property office pursuant to Austrian law, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘Zugelassener Vertreter’ ‘Patentanwalt’ or ‘Notar’	Entitlement is conditional upon possession of a special professional qualification Persons holding the titles ‘Patentanwalt’ or ‘Notar’ have the necessary ‘special professional qualification’ and are therefore entitled to act as professional representatives before the EUIPO.

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
BOIP – Benelux Office for Intellectual Property (Benelux)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘Advocaat’, ‘Rechtsanwalt’ or ‘Avocat’	Persons holding the titles ‘Avocat’ , ‘Advocaat’ or ‘Rechtsanwalt’ (meaning a lawyer admitted to the bar), are entitled to act as legal practitioners before the Benelux industrial property office pursuant to national laws, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘Gemachtigde’ , ‘Patentanwalt’ or ‘mandataire’	<p>Representation is open to anybody</p> <p>a. who has acted before the national office for at least 5 years, or</p> <p>b. who is exempt from the 5-year requirement as they are in possession of a professional qualification officially recognised in accordance with the regulations laid down by that State</p> <p>Any person may act before the Benelux Office for Intellectual Property. In order for this person to be entitled to act as a professional representative before the EUIPO, the person must have at least 5 years’ experience before the Benelux Intellectual Property Office (Option a).</p> <p>Persons in possession of a professional qualification officially recognised under the regulations laid down by the States of Belgium, the Netherlands or Luxembourg, certified by the central industrial property office of the Member State concerned, are not subject to the 5-year requirement before the BOIP to act as a professional representative before the EUIPO (Option b) .</p>

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
BPO – Patent Office of the Republic of Bulgaria (Bulgaria)	Legal practitioner Article 120(1) (a) EUTMR / Article 78(1)(a) CDR	Адвокат (‘Advokat’)	Persons holding the title ‘Адвокат’ (Attorney) are entitled to act as legal practitioners before the national industrial property office pursuant to the laws of Bulgaria, and consequently they are entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	Представител по индустриална собственост (‘Predstavitel po industrialna sobstvenost’)	Entitlement is conditional upon possession of a special professional qualification Persons holding the title ‘Представител по индустриална собственост’ (‘IP representative’) have the necessary ‘special professional qualification’ and are therefore entitled to act as professional representatives before the EUIPO.
SIPO – State Intellectual Property Office of the Republic of Croatia (Croatia)	Legal practitioner Article 120(1) (a) EUTMR / Article 78(1)(a) CDR	‘odvjetnik’	Persons holding the title ‘odvjetnik’ , meaning a lawyer admitted to the bar, are entitled to act as legal practitioners before the national industrial property office pursuant to Croatian law, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘Ovlašteni zastupnici’ ‘Zastupnik Za Žigove’	Entitlement is conditional upon possession of a special professional qualification Persons holding the title ‘Zastupnik Za Žigove’ have the necessary ‘special professional qualification’ and are therefore entitled to act as professional representatives before the EUIPO. An exam must be passed, before the Croatian Intellectual Property Office, in order to obtain this qualification.

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
Industrial Property Office of the Czech Republic (Czech Republic)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘Advokát’	Persons holding the title ‘Advokát’, meaning a lawyer admitted to the bar, are entitled to act as legal practitioners before the national industrial property office pursuant to the laws of the Czech Republic, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR	‘Kvalifikovaný ch zástupců’ ‘Patentový zástupce’	<p>Entitlement is conditional upon possession of a special professional qualification</p> <p>Persons holding the title ‘Patentový zástupce’ have the necessary ‘special professional qualification’ and are therefore entitled to act as professional representatives before the EUIPO. The Czech Republic has a two-part examination:</p> <ul style="list-style-type: none"> Persons who have passed <u>part B only</u> (on ‘trade marks and appellation of origin’) may act as representatives in this field and hence be entered on the list of Article 120(1)(b) EUTMR to represent <u>in trade mark matters</u>. <p>Patent attorneys (‘Patentový zástupce’), who have passed <u>both parts</u> of the examination, are therefore entitled to represent applicants in all procedures before the EUIPO (i.e. <u>both trade mark and design matters</u>).</p>

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
Department of the Registrar of Companies and Official Receiver (Cyprus)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘δικηγόρο’ (‘Dikigoros’)	Only persons holding the title ‘Δικηγόρος’ (or ‘Dikigoros’), are entitled to act as legal practitioners before the national industrial property office pursuant to the laws of Cyprus, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘εγκεκριμένων αντιπροσώπων’	n/a

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
DKPTO – Danish Patent and Trademark Office (Denmark)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘advokat’	Persons holding the Danish title ‘Advokat’ meaning a lawyer admitted to the bar, are entitled to act as legal practitioners before the national industrial property office pursuant to Danish law, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘Godkendte mødeberettigede’ ‘Varemaerkefuldmaegtig’	<p>Representation is open to anybody</p> <p>a. who has acted before the national office for at least 5 years, or</p> <p>b. who is exempt from the 5-year requirement as they are in possession of a professional qualification officially recognised in accordance with the regulations laid down by that State</p> <p>Anyone may act before the national industrial property office <u>in trade mark matters</u>. In order for this person to be entitled to act as a professional representative before the EUIPO, the person must have at least 5 years’ experience before the national office (Option a).</p> <p>In addition, persons holding the title ‘Varemaerkefuldmaegtig’ are officially recognised as professionally qualified to represent third parties before the national office <u>in trade mark and design matters</u> and are therefore not subject to the 5-year requirement to act as a professional representative before the EUIPO (Option b).</p>

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
EPA – Estonian Patent Office (Estonia)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘õigusala töötaja’ ‘Jurist’ and ‘Advokaat’	Persons holding the titles ‘ Jurist ’ and ‘ Advokaat ’ who are <u>also qualified as IP attorneys</u> are entitled to act as legal practitioners before the national industrial property office pursuant to Estonian law, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR	‘Kutseline esindaja’ ‘Patendivolinik’,	Entitlement is conditional upon possession of a special professional qualification Persons holding the title ‘ Patendivolinik ’ who have passed the ‘ <u>trade marks, industrial designs and geographical indications</u> ’ part of the exam, have the necessary ‘special professional qualification’ and are therefore entitled to act as professional representatives before the EUIPO in trade mark and design matters. Persons who only passed the ‘patents and utility models’ part of the exam may not act as professional representatives before the EUIPO.

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
PRH – Finnish Patent and Registration Office (Finland)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘harjoittamaan oikeutettu’ ‘Asianajaja’ or ‘Advokat’	Persons holding the Finnish title ‘Asianajaja’ or ‘Advokat’, meaning a lawyer admitted to the bar, are entitled to act as legal practitioners before the national industrial property office pursuant to the laws of Finland, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘Ammattimain en edustaja’ ‘Tavaramerkki asiamies’	<p>Representation is open to anybody</p> <p>a. who has acted before the national office for at least 5 years, or</p> <p>b. who is exempt from the 5-year requirement as they are in possession of a professional qualification officially recognised in accordance with the regulations laid down by that State</p> <p>Any natural or legal person can act as a representative in trade mark and design matters before the national industrial property office. In order for this person to be entitled to act as a representative before the EUIPO, the person must have at least 5 years’ experience before the national industrial property office (Option a) .</p> <p>In addition, persons holding the title ‘Tavaramerkkiasiamies’ are officially recognised as being professionally qualified to represent third parties before the Finnish Patent and Registration Office in trade mark matters , and therefore are not subject to the 5-year requirement to act as professional representative before the EUIPO (Option b) .</p>

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
INPI – The National Institute for Intellectual Property (France)	Legal practitioner Article 120(1) (a) EUTMR / Article 78(1)(a) CDR	‘avocat’	Persons holding the French title ‘avocat’ , meaning a lawyer member of the bar, are entitled to act as legal practitioners before the national industrial property office pursuant to French law, and consequently entitled to act before the EUIPO in trade mark and design matters. These lawyers are fully entitled to act in trade mark and design matters, with an exception, that they cannot act under the title of ‘lawyer’ (avocat) and under the title of ‘professional representative’ (see below) <u>at the same time</u> . Therefore, they are not entitled to act before the EUIPO under two separate IDs (one as a lawyer, and one as a professional representative).
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘Mandataires agrés’ Persons on the ‘Liste des Conseils en propriété industrielle’	Entitlement is conditional upon possession of a special professional qualification
			Only persons on the ‘Liste des Conseils en propriété industrielle’ maintained by INPI with the speciality ‘Marques, dessins et modèles’ or ‘Juriste’ have the necessary ‘special professional qualification’ and are therefore entitled to act as professional representatives before the EUIPO.

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
DPMA – German Patent and Trade Mark Office (Germany)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘Rechtsanwalt’	Persons holding the German title ‘Rechtsanwalt’, meaning a lawyer admitted to the bar, are entitled to act as legal practitioners before the national industrial property office pursuant to German law, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘Patentanwalt’	Entitlement is conditional upon possession of a special professional qualification Persons holding the title ‘Patentanwalt’ have the necessary ‘special professional qualification’ and are therefore entitled to act as professional representatives before the EUIPO. Persons holding the titles of ‘Patentassessor’ and ‘Syndikuspateantwalt’ (§ 41a Abs. 2 PAO) do not have such qualification. They have a limited power of representation as they may only act as employee representatives for their employer, not as professional representatives.
GGE – Hellenic Republic Ministry of Economy, Infrastructure, Shipping and Tourism Designs: Industrial Property Organisation (OBI) (Greece)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘Δικηγόρος’ (Dikigoros)	Only persons holding the title ‘Δικηγόρος’ (or ‘Dikigoros’), are entitled to act as legal practitioners before the national industrial property office pursuant to Greek law, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘εγκεκριμένων αντιπροσώπων’	n/a

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
HIPO Hungarian Intellectual Property Office (Hungary)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘Ügyvéd’	Persons holding the title ‘Ügyvéd’ , meaning a lawyer admitted to the bar, are entitled to act as legal practitioners before the national industrial property office pursuant to Hungarian law, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR	‘Hivatásos képviselők’ ‘Szabadalmi ügyvivő’ (‘patent attorney’)	<p>Entitlement is conditional upon possession of a special professional qualification</p> <p>Persons holding the title ‘Szabadalmi ügyvivő’ (‘patent attorney’) have the necessary ‘special professional qualification’ and are therefore entitled to act as professional representatives before the EUIPO.</p> <p>‘Legal advisors’ or ‘notaries’ are <u>not entitled</u> to act in procedures relating to industrial property matters and therefore may not be entered on the EUIPO’s list of professional representatives.</p>

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
Icelandic Intellectual Property Office (Iceland)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘Lögfræðingur’ (e. Lawyer), ‘Lögmaður’ (e. Attorney-at-Law), ‘Héraðsdómslögmaður’ (e. District Court Attorney) or ‘Hæstaréttarlögmaður’ (e. Supreme Court Attorney)	Persons holding the title ‘Lögfræðingur’ (e. Lawyer), ‘Lögmaður’ (e. Attorney-at-Law), ‘Héraðsdómslögmaður’ (e. District Court Attorney) or ‘Hæstaréttarlögmaður’ (e. Supreme Court Attorney), and therefore lawyers admitted to the bar, are entitled to act as legal practitioners before the national industrial property office pursuant to the laws of Iceland, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘Umboðsmaður’	<p>Representation is open to anybody</p> <p>a. who has acted before the national office for at least 5 years, or</p> <p>b. who is exempt from the 5-year requirement as they are in possession of a professional qualification officially recognised in accordance with the regulations laid down by that State</p> <p>Any person may act before the Icelandic Patent Office. In order for this person to be entitled to act as a professional representative before the EUIPO, the person must have at least 5 years’ experience before the Icelandic Patent Office (Option a) .</p> <p>In addition, persons holding the title ‘Umboðsmaður’ are officially recognised as being professionally qualified to represent third parties before the national industrial property office, and are therefore not subject to the 5-year requirement to act as a professional representative before the EUIPO (Option b) .</p>

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
Intellectual Property Office of Ireland (Ireland)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘Barrister’ or ‘Solicitor’	Persons holding the titles ‘Barrister’ or ‘Solicitor’, are entitled to act as legal practitioners before the national industrial property office pursuant to Irish law, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘Registered Trade Mark Agent’	Entitlement is conditional upon possession of a special professional qualification Persons holding the title ‘Registered Trade Mark Agent’ have the necessary ‘special professional qualification’ and are therefore entitled to act as professional representatives before the EUIPO in trade mark matters.
UIBM – Italian Patent and Trademark Office (Italy)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘Avvocato’	Persons holding the Italian title ‘Avvocato’, a lawyer admitted to the bar, are entitled to act as legal practitioners before the national industrial property office pursuant to Italian law, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘Mandatario abilitato in Marchi’ ‘Consulente in Marchi’ ‘Consulente in Proprietà Industriale’	Entitlement is conditional upon possession of a special professional qualification Persons holding the title of ‘Consulente in Marchi’ and ‘Consulente in Proprietà Industriale’ have the necessary ‘special professional qualification’ and are therefore entitled to act as professional representatives before the EUIPO in both trade mark and design matters.

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
LRPV – Patent Office of the Republic of Latvia (Latvia)	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘Profesionālais patentpilnvarnieks’	<p>Entitlement is conditional upon possession of a special professional qualification</p> <p>Persons holding the title ‘profesionālais patentpilnvarnieks’ (‘professional patent attorney’) and included on the Patent Office List of Professional Patent Attorneys are entitled to represent persons before the national industrial property office (and consequently, before the EUIPO):</p> <ul style="list-style-type: none"> - in trade mark matters, if they have specialised (and passed a specific exam) in the field of trade marks; - in design matters, if they have specialised (and passed a specific exam) in the field of designs.
Bureau of Intellectual Property Office of Economic Affairs (Liechtenstein)	Legal practitioner Article 120(1) (a) EUTMR / Article 78(1)(a) CDR	‘Rechtsanwalt’	Persons holding the title ‘ Rechtsanwalt ’, a lawyer admitted to the bar, are entitled to act as legal practitioners before the national industrial property office pursuant to the laws of Liechtenstein, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘Patentanwalt’	<p>Entitlement is conditional upon possession of a special professional qualification</p> <p>Persons holding the title ‘Patentanwalt’ have the necessary ‘special professional qualification’ and are therefore entitled to act as professional representatives before the EUIPO.</p>

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
The State Bureau of the Republic of Lithuania (Lithuania)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	<u>‘praktikuojanti s teisininkas’</u> ‘Advokatas’	Persons holding the title ‘ Advokatas ’ are entitled to act as legal practitioners before the national industrial property office pursuant to Lithuanian law, and consequently entitled to act before the EUIPO in trade mark and design matters, provided that their clients have a permanent residence in the EU. Clients whose permanent residence is not in the EU may not be represented by a legal practitioner and must be represented by a professional representative.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘ Profesionalūs atstovai ’ ‘Patentinis patikėtinis’	Entitlement is conditional upon possession of a special professional qualification Persons holding the title ‘ Patentinis patikėtinis ’ have the necessary ‘special professional qualification’ and are therefore entitled to act as professional representatives before the EUIPO.

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
Commerce Department, Industrial Property Registrations Directorate (Malta)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	<u>‘prattikant legali’</u> ‘Avukat’ or ‘Prokuratur Legali’	Persons holding the titles ‘Avukat’ or ‘Prokuratur Legali’ , are entitled to act as legal practitioners before the national industrial property office pursuant to Maltese law, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR	‘rapprezentant i professjonali’	<p>Representation is open to anybody</p> <p>a. who has acted before the national office for at least 5 years, or</p> <p>b. who is exempt from the 5-year requirement as they are in possession of a professional qualification officially recognised in accordance with the regulations laid down by that State</p> <p>Any person, with a legal background including notaries, may act before the Maltese Intellectual Property Office. In order for this person to be entitled to act as a professional representative before the EUIPO, the person must have at least 5 years’ experience before the Maltese Intellectual Property Office. (Option a).</p>

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
NIPO Norwegian Industrial Property Office (Norway)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘Advokat’ and ‘Advokatfullmektig’	<p>Persons holding the titles ‘Advokat’ and ‘Advokatfullmektig’, a lawyer admitted to the bar, are entitled to act as legal practitioners before the national industrial property office pursuant to the laws of Norway, and consequently entitled to act before the EUIPO in trade mark and design matters.</p> <p>Furthermore, if the legal practitioner acts as an attorney-at-law no power of attorney is necessary. However, if the legal practitioner acts as an employee of a company a power of attorney is necessary, even if the employee is an attorney-at-law.</p>
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)		<p>Representation is open to anybody</p> <p>a. who has acted before the national office for at least 5 years, or</p> <p>b. who is exempt from the 5-year requirement as they are in possession of a professional qualification officially recognised in accordance with the regulations laid down by that State</p> <p>Any person may act before the Norwegian Intellectual Property Office. In order for this person to represent in trade mark matters before the EUIPO, the person must have at least 5 years’ experience before the Norwegian Intellectual Property Office. (Option a).</p>

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
Polish Patent Office (Poland)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘ prawnik ’ ‘ Adwokat, radca prawny ’	Persons holding the title ‘ Adwokat, radca prawny ’, meaning a lawyer admitted to the bar, are entitled to act as legal practitioners before the national industrial property office in trade mark and design matters pursuant to the laws of Poland, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘ Zawodowi pełnomocnicy ’ ‘ Rzecznik Patentowy ’	<p>Entitlement is conditional upon possession of a special professional qualification</p> <p>Persons holding the title ‘Rzecznik Patentowy’ (on the list of patent attorneys maintained by the Polish Patent Office) have the necessary ‘special professional qualification’ and are therefore entitled to act as professional representatives before the EUIPO in trade mark and design matters.</p>

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
INPI – Portuguese National Industrial Property Office (Portugal)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘Profissionais de justiça’ ‘Advogado’	Persons holding the title ‘Advogado’ , a lawyer admitted to the bar, are entitled to act as legal practitioners before the national industrial property office pursuant to Portuguese law, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘mandatário autorizado’ ‘Agentes da Propriedade Industrial’ and ‘notary’	<p>Representation is open to anybody</p> <p>a. who has acted before the national office for at least 5 years, or</p> <p>b. who is exempt from the 5-year requirement as they are in possession of a professional qualification officially recognised in accordance with the regulations laid down by that State</p> <p>Any person may act before the Portuguese Institute of Industrial Property. In order for this person to be entitled to act as a professional representative before the EUIPO, the person must have at least 5 years’ experience before the Portuguese Institute of Industrial Property (Option a) .</p> <p>In addition, persons holding the titles of ‘Agentes da Propriedade Industrial’ and ‘notary’ are officially recognised as professionally qualified to represent third parties before the Portuguese Institute of Industrial Property and are therefore not subject to the 5-year requirement to act as a professional representative before the EUIPO (Option b) .</p>

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
OSIM – Romanian State Office for Inventions and Trademarks (Romania)	Legal practitioner Article 120(1) (a) EUTMR / Article 78(1)(a) CDR	‘Avocat’	Persons holding the title of ‘ Avocat ’ who are also <u>qualified as IP attorneys and members of the Romanian Chamber of Patent Attorneys</u> , are entitled to act as legal practitioners before the national industrial property office pursuant to the laws of Romania, and consequently are entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘reprezentanții or autorizați’ ‘Consilier în proprietate industrială’	Entitlement is conditional upon possession of a special professional qualification Persons holding the title ‘ Consilier în proprietate industrială ’ (who in turn must be a member of a national chamber), have the necessary ‘special professional qualification’ and are therefore entitled to act as professional representatives before the EUIPO in trade mark and design matters.
SKIPO – Industrial Property Office of the Slovak Republic (Slovakia)	Legal practitioner Article 120(1) (a) EUTMR / Article 78(1)(a) CDR	‘advokát’	Persons holding the title ‘ advokát ’ are entitled to act as legal practitioners before the national industrial property office pursuant to Slovak law, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘Oprávněný zástupce’ ‘Patentový zástupce’	Entitlement is conditional upon possession of a special professional qualification Persons holding the title ‘ Patentový zástupce ’ hold the necessary ‘special professional qualification’ and are therefore entitled to act as professional representatives before the EUIPO.

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
SIPO Slovenian Intellectual Property Office (Slovenia)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘odvetnik’	Persons holding the title ‘ Odvetnik ’, meaning a lawyer admitted to the bar, are entitled to act as legal practitioners before the national industrial property office pursuant to laws of Slovenia, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR	‘Zastopnik za modele in znamke’ (Design and trademark agent)	<p>Entitlement is conditional upon possession of a special professional qualification</p> <p>Persons holding the title ‘Zastopnik za modele in znamke’ (design and trademark agent) have the necessary ‘special professional qualification’, must be registered in the Register of Agents at the Slovenian Intellectual Property Office and are therefore entitled to act as a professional representative before the EUIPO.</p> <p>‘Notaries’ are explicitly excluded from representing third parties before the Slovenian Intellectual Property Office.</p>

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
OEPM – Spanish Patent and Trademark Office (Spain)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘abogado’	Persons holding the title ‘ abogado ’, a lawyer admitted to the bar, are entitled to act as legal practitioners before the national industrial property office pursuant to Spanish law, and consequently entitled to act before the EUIPO in trade mark and design matters provided that the person they represent is a resident of a Member State of the EEA. Where the person that is represented is not a resident of a Member State of the EEA they may not be represented by a legal practitioner (‘ abogado ’), and must be represented by a professional representative holding the title ‘ Agente Oficial de la Propiedad Industrial ’ * *21/10/2021 – Spanish law in this area currently under review. See the draft law (‘ Anteproyecto de Ley de modificación de la Ley 17/2001, de 7 de diciembre, de Marcas, la Ley 20/2003, de 7 de julio, de Protección Jurídica del Diseño Industrial, y la Ley 24/2015, de 24 de julio, de Patentes. ’) It is possible to be an ‘ abogado ’ and an ‘ Agente Oficial de la Propiedad Industrial ’ at the same time.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘Representante autorizado’ ‘Agente Oficial de la Propiedad Industrial’	Representation is open to anybody a. who has acted before the national office for at least 5 years, or b. who is exempt from the 5-year requirement as they are in possession of a professional qualification officially recognised in accordance with the regulations laid down by that State
			Any person may act <u>in trade mark and design matters</u> before the national industrial property office pursuant to Spanish law, provided that the person they represent is a resident of a Member State of the EU. In order for this person to be entitled to act as a professional representative before the EUIPO, the person must have at least 5 years of experience before the OEPM (Option a) . Where the person that is represented is not a resident of a Member State of the EU they must be represented by a person holding the title of ‘ Agente de la Propiedad Industrial ’ In addition, persons holding the title ‘ Agente de la

National/ Regional IP Office (Country)	Type of representative	National terminology	Entitlements/specific rules for representing clients in trade mark and design matters
PRV – Swedish Patent and Registration Office (Sweden)	Legal practitioner Article 120(1)(a) EUTMR / Article 78(1)(a) CDR	‘juridisk person’ ‘Advokat’	Persons holding the title ‘Advokat’ , meaning a lawyer admitted to the bar, are entitled to act as legal practitioners before the national industrial property office pursuant to Swedish law, and consequently entitled to act before the EUIPO in trade mark and design matters.
	Professional Representative (Trade Marks and Designs) Article 120(2)(c) EUTMR / Article 78(1)(b) CDR)	‘Auktoriserat ombud’ ‘Patentombud’	Representation is open to anybody a. who has acted before the national office for at least 5 years, or b. who is exempt from the 5-year requirement as they are in possession of a professional qualification officially recognised in accordance with the regulations laid down by that State
			Any person may act <u>in trade mark and design matters</u> before the Swedish Patent and Registration Office. In order for this person to be entitled to act as a professional representative before the EUIPO, the person must have at least 5 years’ experience before the Swedish Patent and Registration Office (Option a) . In addition, persons holding the title ‘Patentombud’ are officially recognised as being professionally qualified to represent third parties before the Swedish Patent and Registration Office <u>in trade mark and design matters</u> , and are therefore not subject to the 5-year requirement to act as professional representatives before the EUIPO (Option b) .

Annex 2

The list below shows the countries where a title exists for a person who is only entitled to represent in design matters. If the country is not on the list it means that the relevant entitlement also covers trade mark matters and so this person would not be on the special designs list.

Obsolete

National/Regional IP Office (Country)	National terminology	Professional Representative (<u>exclusively</u> Designs) Article 78(4)(c) CDR
PRH – Finnish Patent and Registration Office (Finland)	'Mallioikeusasiamies'	<p>Representation is open to anybody</p> <p>a. who has acted before the national office for at least 5 years, or</p> <p>b. who is exempt from the 5-year requirement as they are in possession of a professional qualification officially recognised in accordance with the regulations laid down by that State</p> <p>Any natural or legal person can act as a representative <u>in design matters</u> before the national industrial property office. In order for this person to be entitled to act as a representative before EUIPO, the person must have at least 5 years' experience before the national industrial property office (Option a).</p> <p>Persons holding the title 'Mallioikeusasiamies' are officially recognised as being professionally qualified to represent third parties before the Finnish Patent and Registration Office <u>in design matters</u>, and therefore are not subject to the 5-year requirement to act as professional representative before the EUIPO (Option b).</p>

National/Regional IP Office (Country)	National terminology	Professional Representative (<u>exclusively</u> Designs) Article 78(4)(c) CDR
Intellectual Property Office of Ireland (Ireland)	'Registered Patent Agents'	<p>Entitlement is conditional upon possession of a special professional qualification</p> <p>Only 'Registered Patent Agents' have the necessary 'special professional qualification' and are therefore entitled to act as professional representatives before the EUIPO in <u>design matters</u>.</p>
UIBM – Italian Patent and Trademark Office (Italy)	'Consulente in brevetti'	<p>Entitlement is conditional upon possession of a special professional qualification</p> <p>Persons holding the title of 'Consulente in brevetti' have the necessary 'special professional qualification' and are therefore entitled to act as professional representatives before the EUIPO in <u>design matters only</u>.</p>
LRPV – Patent Office of the Republic of Latvia (Latvia)	'Patentpilnvarotais dizainparaugu lietas'	<p>Entitlement is conditional upon possession of a special professional qualification</p> <p>Persons holding the title of 'Patentpilnvarotais dizainparaugu lietas' have the necessary 'special professional qualification' and are therefore entitled to act as professional representatives before the EUIPO in <u>design matters only</u>.</p>

National/Regional IP Office (Country)	National terminology	Professional Representative (<u>exclusively</u> Designs) Article 78(4)(c) CDR
PRV – Swedish Patent and Registration Office (Sweden)	'Varumaerkesombud'	<p>Representation is open to anybody</p> <p>a. who has acted before the national office for at least 5 years, or</p> <p>b. who is exempt from the 5-year requirement as they are in possession of a professional qualification officially recognised in accordance with the regulations laid down by that State</p> <p>Any person may act in <u>design matters</u> before the Swedish Patent and Registration Office. For this person to be entitled to act as a professional representative before the EUIPO, the person must have at least 5 years' experience before the Swedish Patent and Registration Office (Option a).</p> <p>Persons holding the title 'Varumaerkesombud' are officially recognised as being professionally qualified to represent third parties before the Swedish Patent and Registration Office in <u>design matters</u>, and therefore are not subject to the 5-year requirement to act as professional representatives before the EUIPO (Option b).</p>