

GUIDELINES FOR EXAMINATION

EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE
(EUIPO)

Part A

General rules

Section 4

Language of proceedings

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Obsolete

1 Introduction

[Article 146 EUTMR](#)

Articles [25](#) and [26](#) EUTMIR

[Article 24 EUTMIR](#)

Article 98 CDR

Articles 80, 81 and 83 CDIR

There are five Office languages: English, French, German, Italian and Spanish. However, an application for a European Union trade mark (EUTM) or registered Community design (RCD) may be filed in any of the official EU languages. The EUTMR and the CDR lay down rules for determining and using the language of proceedings. These rules may vary from one set of proceedings to another, in particular depending on whether the proceedings are *ex parte* or *inter partes*.

This section deals only with the horizontal provisions common to all types of proceedings. The exceptions for particular types of proceedings are dealt with in the corresponding sections of the Guidelines.

Pursuant to [Article 146\(6\) EUTMR](#) and Article 80(c) CDIR, when a request is filed using a form provided by the Office pursuant to [Article 65 EUTMDR](#) and Article 68 CDIR, the form may be used in any of the official languages of the European Union, provided that the form is completed in one of the languages of the Office, as far as textual elements are concerned.

2 From Filing to Registration (Excluding Opposition)

[Article 146 EUTMR](#)

Article 98 CDR

EUTM and RCD applications may be filed in any of the official EU languages (first language). The language of the proceedings will be the language used for filing the application.

A second language must be indicated from among the five languages of the Office.

The second language serves as a potential language for opposition, cancellation and design invalidity proceedings. The second language must be different from the language selected as the first language. The choice of first and second language cannot be changed once the application has been filed.

If the language that the applicant has selected as the first language is one of the five languages of the Office, then this will be used by the Office as the correspondence language.

This language regime applies throughout the application and examination procedure until registration, except for oppositions and ancillary requests (see following paragraphs).

For more information on the linguistic regime and translations for EUTM examination, including the possibility of changing the correspondence language, see the Guidelines, [Part B, Examination, Section 2, Formalities, paragraph 6](#).

3 Opposition and Cancellation

[Article 146\(5\), \(7\) and \(8\) EUTMR](#)

[Article 3 EUTMDR](#)

An opposition or request for cancellation (application for revocation or declaration of invalidity) may be filed:

- at the discretion of the opponent/applicant for cancellation in the first or second language of the EUTM application if the first language is one of the five languages of the Office;
- in the second language if the first language is not an Office language.

This language becomes the language of proceedings for the opposition or cancellation proceedings unless the parties agree to a different one (from among the official EU languages).

An opposition or request for cancellation may also be filed in any of the other Office languages, provided that within 1 month of expiry of the opposition period or within 1 month of filing the application for cancellation, the opponent/applicant for cancellation files a translation into a language that is available as a language of proceedings.

For more information on the linguistic regime and translations for supporting documents in opposition proceedings, see the Guidelines, [Part C, Opposition, Section 1, Opposition Proceedings, paragraphs 2.3](#) and [4.3](#), and for cancellation proceedings see the Guidelines, [Part D, Cancellation, Section 1, Proceedings, paragraphs 2.4](#) and [3.3](#).

4 Design invalidity

Article 98(4) and (5) CDR

Article 29 and Article 30(1) CDIR

An application for a declaration of invalidity may be filed:

- in the first language of the RCD if the first language is one of the five languages of the Office;
- in the second language if the first language is not an Office language.

This language becomes the language of proceedings for the invalidity proceedings.

The parties to the invalidity proceedings may agree on a different language of proceedings provided it is an official language of the European Union. Information about the agreement must reach the Office within 2 months of the official communication sent after the completion of the admissibility examination pursuant to Article 31(1) CDIR.

Where the application for a declaration of invalidity was not filed in that language, the applicant must, on its own motion, file a translation of the application in that language within 1 month of the date when the Office was informed of the agreement. If these legal requirements are not met, the language of proceedings will remain unchanged.

Where the application is not filed in the language of proceedings, the Invalidity Division will notify the applicant to file a translation within 2 months of the date of receipt of the notification. Where the applicant does not comply with the request, the application will be rejected as inadmissible.

For the linguistic regime applicable to the supporting documents filed in invalidity proceedings, see the Guidelines on Examination of Design Invalidation Applications, paragraph 3.10.2.

5 Other Requests

5.1 Before registration (excluding opposition)

[Article 146\(6\) EUTMR](#)

[Article 65 EUTMDR](#)

[Article 24 EUTMIR](#)

Article 68, Article 80(a) and (c), and Article 81 CDIR

Unless otherwise provided, during the period from filing to registration, any request, application or declaration that is not concerned with the examination of the application as such but that starts an ancillary procedure (e.g. restriction of the list of goods or services, registration of a transfer or licence, request for conversion, declaration of division for an EUTM or RCD) may be filed in the first or second language of the respective EUTM or RCD application, at the discretion of the applicant or third party. That language then becomes the language of proceedings for those ancillary proceedings. This applies irrespective of whether or not the first language is an Office language.

For example, where the first language of the EUTM application is Bulgarian, and the second language is German, a request for transfer of ownership of the EUTM application can be filed in either Bulgarian or German.

Supporting evidence (if needed) may be in any of the official EU languages. However, if it is not in the language of the proceedings, the Office may require a translation into the language of the proceedings or into a language of the Office (RCD proceedings only).

For more information on the linguistic regime and translations concerning Register operations please see the respective sections in [the Guidelines in Part E, Register Operations](#).

5.2 After registration (excluding cancellation and design invalidity)

[Article 146\(6\) EUTMR](#)

[Article 65 EUTMDR](#)

[Article 24 EUTMIR](#)

Article 68 and Article 80(b) and (c), and Article 81 CDIR

Any request, application or declaration filed after the EUTM or RCD has been registered must be submitted in one of the five Office languages.

Furthermore, post-registration requests concerning the same registered EUTM or RCD do not necessarily have to be submitted in the same language. For example, after an EUTM has been registered, the EUTM proprietor may file a request for the registration of a licence in English and, a few weeks later, file a request for renewal in Italian and/or a transfer of ownership request in French. The only requirement is that the requests are submitted in one of the five Office languages.

Supporting evidence (if needed) may be in any of the official EU languages. However, if it is not in the language of the proceedings, the Office may require a translation into the language of the proceedings or into a language of the Office (RCD proceedings only).

For more information on the linguistic regime and translations concerning Register operations, please see the respective sections in [the Guidelines in Part E, Register Operations](#).

6 Invariable Nature of the Language Rules

The Regulations allow certain choices to be made from among the available languages in the course of the proceedings (see above) and, during specified periods, a different language to be chosen as the language of proceedings for opposition, cancellation and design invalidity. However, with those exceptions, the language rules are invariable. In

particular, the first and second languages may not be amended in the course of the proceedings.

7 Translations and their Certification

[Article 146\(10\) EUTMR](#)

Articles [24 to 26](#) EUTMIR

Article 83 CDIR

The general rule is that where a translation of a document is required, it must reach the Office within the time limit set for filing the original document. This applies unless an exception to this rule is expressly provided in the Regulations.

The translation must identify the document to which it refers and reproduce the structure and contents of the original document. The party may indicate that only parts of the document are relevant and limit the translation to those parts. However, the party does not have discretion to consider irrelevant any parts that are required by the Regulations (for example, when proving the existence of an earlier trade mark registration in opposition proceedings).

In the absence of evidence or indications to the contrary, the Office will assume that a translation corresponds to the relevant original text. In the event of doubt, the Office may require the filing, within a specific period, of a certificate that the translation corresponds to the original text. If the required certificate is not submitted, the document for which the translation had to be filed will be deemed not to have been received by the Office.

8 Non-compliance with the Language Regime

If the language regime is not complied with, the Office will issue a deficiency letter, unless otherwise provided in the Regulations. Should the deficiency not be remedied, the application or the request will be refused.

For more information on language regimes for particular types of proceedings the corresponding sections of the Guidelines should be consulted.