GUIDELINES FOR EXAMINATION

EUROPEAN UNION INTELLECTUAL PROPERTY OFFICE (EUIPO)

Part E

Register operations

Section 4

Renewal

1 Fraud Warning

1.1 Private companies sending misleading invoices

The Office is aware that users are receiving an increasing amount of unsolicited mail from companies requesting payment for trade mark and design services such as renewal.

A list of letters from firms or registers that users have complained are misleading is published on the Office website. These services are not connected with any official trade mark or design registration services provided by IP offices or other public bodies within the European Union such as the EUIPO.

If a user receives a letter or invoice, he or she should carefully check what is being offered, and its source. It must be pointed out that the **EUIPO never sends invoices to users or letters requesting direct payment for services** (see the Guidelines, Part A, General Rules, Section 3, Payment of Fees, Costs and Charges).

1.2 Renewal by unauthorised third persons

The Office is also aware that fraudsters have targeted the e-renewal module. If, upon filing a request for e-renewal, a user discovers that the mark is 'blocked', as renewal has already been requested, they should contact the Office.

2 Terms of Registration of European Union Trade Marks

Articles 1, 32, 52 and Article 41(5) and (8) EUTMR

The term of registration of a European Union trade mark (EUTM) is 10 years from the **filing date** of the application. For example, an EUTM with a filing date of 16/04/2020 will expire on 16/04/2030.

The filing date of the application is determined according to Articles 31 and 32 EUTMR and Article 41(5) and (8) EUTMR.

A registration may be renewed indefinitely for further periods of 10 years.

3 Terms of Protection of Registered European Union Designs

Articles 13, 46 and 55 EUDR

The term of protection of a registered European Union design (EUD) is 5 years from the **date of filing** of the application (Article 13 EUDR). For example, an EUD with a filing date of 16/04/2020 will expire on 16/04/2025.

The date of filing of the application is determined according to Article 46 EUDR and Article 55 EUDR (see the Guidelines for Examination of Registered European Union Designs, Examination of Applications for Registered European Union Designs, paragraph 3, Allocation of a Filing Date).

A registration may be renewed for periods of 5 years each, up to a total of 25 years from the date of filing.

4 Notification of Expiry of Registration

Article 53(2) EUTMR

Article 60(3) and Article 66 EUTMDR

Article 66 EUDR

Articles 13 and 19 EUDDR

At least 6 months before the expiry of the registration, the Office will inform:

- the registered proprietor/holder of the EUTM/EUD, and
- any person having a registered right in respect of the EUTM/EUD

that the registration is approaching expiry. Persons having a registered right include the holders of a registered licence, the proprietors of a registered right *in rem*, the creditors of a registered levy of execution or the authority competent to act on behalf of the proprietor/holder in insolvency procedures.

Failure to give such information does not affect the expiry of the registration and does not involve the responsibility of the Office.

5 Renewal of an EUTM Application

Article 53(2) EUTMR Annex I A(19) EUTMR

In the exceptional circumstance where an application has not yet matured to registration because of pending proceedings, the Office will not send the notice referred to in Article 53(2) EUTMR. The applicant is not obliged to renew its application during proceedings that last for more than 10 years and where the outcome of registration is uncertain. Only once the trade mark is registered will the Office invite the owner to renew the EUTM and pay the relevant renewal fees due. The owner will then have 4 months to pay the renewal fee (including any additional class fees). The surcharge for the renewal fee of 25 % pursuant to Annex I A(19) EUTMR does not apply. If the renewal fee is not paid within the time limit given, the Office will issue a notice that the registration has expired. The expiry will take effect from the date of registration of the EUTM.

6 Renewal of an EUD application

Article 66(2) EUDR Annex I (8) EUDR

In the exceptional circumstance where an application has not yet matured to registration because of pending proceedings, the Office will not send the notice referred to in Article 66(2) EUDR. The applicant is not obliged to renew its application during proceedings that last for more than 5 years and where the outcome of registration is uncertain. The Office will only invite the owner to renew the EUD and pay the renewal fee once the design has been registered. The owner will then have 4 months to pay the renewal fee. The surcharge for the renewal fee of 25 % pursuant to Annex I (8) EUDR does not apply. If the renewal fee is not paid within the time limit given, the Office will issue a notice that the registration has expired. The expiry will take effect from the date of registration of the EUD.

7 Fees and other formal requirements for the request for renewal

Article 53 EUTMR
Article 63 EUTMDR Article 66 EUDR Article 17 EUDDR Decision No EX-26-03 of the Executive Director of the Office of 1 July 2026 on communication by electronic means

The general rules concerning communications to the Office apply (see the Guidelines, Part A, General Rules, Section 1, Means of Communication, Time Limits), which means that the request may be submitted in the following ways:

- For both EUTMs and EUDs, by electronic means available on the EUIPO website (e-renewal available via the User Area). For EUTMs, there is a reduction of EUR 150 on the basic renewal fee for an individual mark using e-renewal (EUR 300 for a collective mark). In addition, using e-renewal offers additional advantages such as the receipt of immediate electronic confirmation of the renewal request automatically or the use of the renewal manager feature to complete the form quickly for as many EUTMs/EUDs as needed.
- For EUTMs, by transmitting a signed original form by post or by courier. A standard form is available on request to the Office.

Following Decision EX-26-03 in cases where technical malfunction prevents e-renewal, renewals by one of the two alternative electronic back-up measures will be treated by the Office only when received within the last three working days before the expiry of: (i) the deadline for renewal or (ii) the extended deadline for renewal.

A single application for renewal may be submitted for two or more EUTMs/EUDs (including EUDs that form part of the same multiple registration), upon payment of the required fees for each EUTM/EUD.

7.1 Persons who may submit a request for renewal

Articles 20(12) and 53(1) EUTMR Article 66(1) and Article 31(7) EUDR

The request for renewal may be submitted by:

1. the registered proprietor/holder of the EUTM/EUD;

2. where the EUTM/EUD has been transferred, the successor in title as from the point in time a request for registration of the transfer has been received by the Office;
3. any person expressly authorised by the proprietor/holder of the EUTM/EUD to do so. Such a person may, for instance, be a registered licensee, a non-registered licensee or any other person who has obtained the authorisation of the proprietor/holder to renew the EUTM/EUD.

Professional representation is not mandatory for renewal.

When the renewal request is submitted by a person other than the registered proprietor/holder or its representative on file, an authorisation will have to exist in its favour; however, it does not need to be filed with the Office unless the Office requests it.

When a person other than the proprietor/holder or its representative on file sends a direct payment or submits a request for renewal with the indication that payment will be made by bank transfer, the proprietor/holder will be informed that the renewal will be processed once payment has been received. If no reply is received from the proprietor/holder, or no objection is raised to the renewal, the Office will validate the payment once it reaches the Office and the renewal will be processed.

If the Office receives fees from two different sources, neither of which is the proprietor/holder or its representative on file, the proprietor/holder will be contacted in order to ascertain who is authorised to file the renewal request. Where no reply is received from the proprietor/holder, the Office will validate the payment that reached the Office first (12/05/2009, T-410/07, Jurado, EU:T:2009:153, § 33-35; 13/01/2008, R 989/2007-4, ELITE GLASS-SEAL, § 17-18).

7.2 Content of the request for renewal

Article 53(4) EUTMR Article 66 EUDR

The request for renewal must contain the following: name of the person requesting renewal and the registration number of the EUTM/EUD to be renewed. In the case of an EUTM renewal, the extent of the renewal is deemed to cover the full specification by default.

Payment alone can constitute a valid request for renewal, providing such payment reaches the Office and contains the name of the payer, the registration number of the EUTM/EUD and an indication that it is a request for renewal. In such circumstances, no further formalities need to be complied with (see the Guidelines, Part A, General Rules, Section 3, Payment of Fees, Costs and Charges). Where this option is relied on in EUTM renewals, the payment must be of the renewal fee laid out in Annex I A, paragraphs (11) or (15) EUTMR and not of the discounted fee for renewal by electronic means pursuant to Annex I A, paragraphs (12) or (16).

Consequently, payment alone cannot constitute a valid request for e-renewal. The discounted fee may only be relied on where a renewal application is submitted by electronic means, as such payment must be accompanied by a valid e-renewal application form.

7.2.1 Name and other particulars of the person submitting a request for renewal

Article 2(1)(b) and (e) EUTMIR Article 66(4)(a) EUDR

7.2.1.1 Request filed by the proprietor/holder

Where the request is filed by the EUTM/EUD proprietor/holder, its name must be indicated.

7.2.1.2 Request filed by a person authorised to do so by the proprietor/holder

Where the request for renewal is filed by a person authorised by the proprietor/holder to do so, the name and address or the ID number and name of the authorised person in accordance with Article 2(1)(e) EUTMIR or Article 66(4)(a) EUDR must be indicated.

If the selected payment method is bank transfer, a copy of the renewal request is sent to the proprietor/holder.

7.2.2 Registration number

Article 53(4)(b) EUTMR Article 66(4)(b) EUDR

The EUTM/EUD registration number must be indicated.

7.2.3 Indication as to the extent of the renewal

Article 53(4) EUTMR Article 66(4)(c) EUDR

For EUTMs, renewal is deemed to cover the entire specification of goods and/or services of the EUTM by default.

Where renewal is requested for only some of the goods or services for which the mark is registered:

- those classes or those goods and services for which renewal is requested must be indicated in a clear and unequivocal way.

Or, alternatively:

- those classes or those goods and services for which renewal is not requested must be indicated in a clear and unequivocal way.

The e-renewal platform only allows for deleting (i.e. not renewing) entire classes; it does not allow for the partial renewal of only some goods or services within a class (i.e. it does not allow the deletion of some of the goods or services listed in a specific class at the time of the renewal). Therefore, where renewal is required for only **some goods or services within a class**, the renewal application can *either* be submitted using any other means of communication accepted by the Office, *or*, the whole class can be renewed through e-renewal and a request for partial surrender can be submitted pursuant to Article 57 EUTMR for those goods or services that the proprietor wishes to remove from the EUTM.

For EUDs, in the case of a multiple registration, an indication that renewal is requested for all the designs covered by the multiple registration or, if the renewal is not requested for all the designs, an indication of the file number for which it is requested. If nothing is indicated, the renewal is deemed to be for all the designs by default.

7.3 Languages

Article 146(6) EUTMR Article 68 and Article 80(b) and (c) EUDIR

The request for renewal may be filed in any of the five languages of the Office. The chosen language becomes the language of the renewal proceedings. However, when the request for renewal is filed by using the form provided by the Office pursuant to Article 65(1)(g) EUTMDR or Article 68(1)(e) EUDIR, such a 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. This concerns, in particular, the list of goods and services in the event of a partial renewal of an EUTM.

7.4 Time limits

Article 52 and Article 53(3) EUTMR

Article 69(1) EUTMDR

Article 66(3) EUDR

Articles 20 and 22 EUDDR

Communication No 3/2024 of the Executive Director of the Office of 11 December 2024

7.4.1 Six-month period for renewal before expiry (basic period)

The request for renewal and the renewal fee must be submitted in the 6-month period prior to the expiry of the registration ('the basic period').

For example, where the EUTM has a filing date of 10/06/2021, the day on which protection ends will be 10/06/2031. Therefore, a request for renewal must be introduced and the renewal fee paid as from 11/12/2030 until 10/06/2031 or, where this is a Saturday, Sunday or other day on which the Office is closed, or does not receive ordinary mail within the meaning of Article 69(1) EUTMDR, the first following working day on which the Office is open to the public and does receive ordinary mail.

For example, where the EUD has a filing date of 10/06/2021, the day on which protection ends will be 10/06/2026. Therefore, a request for renewal must be introduced and the renewal fee paid as from 11/12/2025 until 10/06/2026 or, where the latter date is a Saturday, Sunday or other day on which the Office is not open within the meaning of Article 22 EUDDR, the first following working day on which the Office is open to the public.

7.4.2 Six-month period following expiry (grace period)

Where the EUTM/EUD is not renewed within the basic period, the request may still be submitted and the renewal fee may still be paid, upon payment of an additional fee (see paragraph 7.5), within a further period of 6 months ('the grace period').

For example, where the EUTM has a filing date of 10/06/2021, the day on which protection ends will be 10/06/2031. Therefore, the grace period during which a request for renewal may still be introduced upon payment of the renewal fee plus the additional fee is counted from the day after 10/06/2031, namely from 11/06/2031, and ends on 10/12/2031 or, if 10/12/2031 is a Saturday, Sunday or other day on which the Office is closed, or does not receive ordinary mail within the meaning of Article 69(1) EUTMDR, the first following working day on which the Office is open to the public and receives ordinary mail. This also applies if in the above example 11/06/2031 was a Saturday or Sunday; the rule that a time limit to be observed vis-à-vis the Office is extended until

the next working day applies only once and to the end of the basic period, and not to the starting date of the grace period. The same approach applies to EUD renewals albeit that the period of protection is 5 years and not 10.

During the 6-month grace period, the only action that may be carried out in an EUTM or EUD is the payment of the renewal fee (including the payment of the additional fee for late payment). In the event the Office receives any other request during the grace period, such as a transfer, registration of a licence, surrender, change of name, etc. or any other request for entry into the Registers, the Office will put the request on hold until the renewal fee is paid. Only once the renewal fee is paid in full, and the EUTM or EUD is officially renewed, will the Office examine any requests that had been placed on hold.

7.4.3 Transitional arrangements for calculating the basic and grace periods for EUDs

The EUDR changed the calculation of the renewal periods for EUDs, which is now aligned with those for EUTMs. Now, the basic period for renewal of EUDs ends on the date of expiry of the registration (previously the last day of the month in which expiry occurred). The 6-month grace period for renewal, therefore, starts on the day after the expiry of the registration.

The practice of the Office reflecting the transitional arrangements is laid down in Communication No 3/2024 of the Executive Director of the Office of 11 December 2024 concerning the calculation of the Registered Community Design renewal fees and the basic and grace period for renewal in view of the entry into force of the Regulation (EU) 2024/2822 of the European Parliament and of the Council of 23 October 2024 amending Council Regulation (EC) No 6/2002 on Community designs and repealing Commission Regulation (EC) No 2246/2002.

This practice is that where the basic 6-month period for renewal started to run **before** the applicability date of the EUDR, the provisions contained in the former Article 13(3) EUDR (before amendment) will apply for calculating both the basic period and, where applicable, the grace period.

For example, where the EUD has a filing date of 15/03/2020, the basic renewal period will run up to and include the last day of the month in which protection ends, namely 31/03/2025. Therefore, a request for renewal must be introduced and the renewal fee paid between 01/10/2024 and 31/03/2025 (both dates inclusive). The grace period would then run from 01/04/2025 up to and including 30/09/2025.

Where the basic 6-month period for renewal starts to run on or after the applicability date of the EUDR, the provisions contained in Article 66 EUDR will apply for calculating both the basic period and, where applicable, the grace period.

For example, where the EUD has a filing date of 24/11/2020, it will expire on 24/11/2025. The basic period for renewal will run from 25/05/2025 up to and including 24/11/2025 (date of expiry). The grace period would then run from 25/11/2025 up to and including 24/05/2026.

7.5 Fees

As regards the calculation of the amount of the renewal fees, the due date for the renewal fees is the date of expiry of the registration (Article 53(3) EUTMR and Article 66(3) EUDR). This principle applies regardless of the moment at which renewal is actually requested and paid for, with the exception of the transitional arrangements for EUD renewals (see paragraph 7.5.3).

7.5.1 Fees payable for EUTMs

Article 53(3) and Annex I A(11), (12), (13), (14), (15), (16), (17), (18) and (19) EUTMR Communication No 2/16 of the President of the Office of 20/01/2016

The fees payable for the renewal of an EUTM consist of:

- a basic fee that covers the first class of goods/services;
- one or more class fees for each class of goods/services exceeding the first one;
- any additional fee applicable for late payment of the renewal fee or late submission of the request for renewal.

The amount of the renewal fee is as follows.

Basic fee (by e-renewal):

- for an individual mark: EUR 850, and
- for a collective or certification mark: EUR 1 500.

Basic fee (other than by e-renewal):

- for an individual mark: EUR 1 000, and
- for a collective or certification mark: EUR 1 800.

Class fees:

- for the second class: EUR 50,
- for each class exceeding two: EUR 150.

The fee must be submitted in the 6-month period prior to the expiry of the registration (see paragraph 7.4 above).

The additional fee for late payment or late submission is:

- 25% of the belated renewal fee, subject to a maximum of EUR 1 500.

7.5.2 Fees payable for EUDs

Article 66(3) EUDR Article 150 and Annex I (6) and (8) EUDR

The fees payable for the renewal of an EUD consist of:

- a renewal fee;
- any additional fee applicable for late payment of the renewal fee or late submission of the request for renewal.

The amount of the renewal fee, per design, whether or not included in a multiple registration, is as follows:

- for the first renewal: EUR 150;
- for the second renewal: EUR 250;
- for the third renewal: EUR 400;
- for the fourth renewal: EUR 700.

The fee must be paid within a period of 6 months prior to the expiry of the registration (see paragraph 7.4 above).

The additional fee for late payment or late submission is:

- 25% of the renewal fee.

7.5.3 Transitional arrangements for calculating the amount of EUD renewal fees

The practice of the Office laid down in Communication No 3/2024 is that the fees applied to each renewal will depend on the **DATE OF REQUEST** of the renewal.

For example:

- if the request for renewal is received **on or after** the applicability date of the legal reform, the fees set out in Annex I of the EUDR will apply, regardless of the payment method and whether it is debit now or debit later;
- if a renewal request is received **before** the applicability date of the legal reform, the fees set out in the Annex to the CDFR will apply.

Holders are encouraged to check whether a renewal before or after the applicability is more beneficial to them and act accordingly.

7.5.4 Time limit for payment

Articles 53(3) and 180(3) and Annex I A(19) EUTMR Article 66(3) EUDR and Annex I (6) and (8) EUDR Article 8(c) and (h) of Decision No EX-25-06 of the Executive Director of the Office of 07/04/2025.

The fee must be paid within a basic period of 6 months (for calculation of the period, see paragraphs 7.4.1 and 7.4.3 above).

The fee may be paid within a further grace period of 6 months (see paragraph 7.4.2 and 7.4.3 above), provided that an additional fee for late payment is paid, which amounts to 25 % of the total renewal fee, including any class fees.

Renewal will be effected only if payment of **all** fees reaches the Office within the grace period, this includes all renewal fees, additional fees for payment within the grace period, and surcharges for late payment by bank transfer (see Part A, Section 3, Payment of Fees, Costs and Charges, paragraph 4.1.1) where applicable.

Fees that are paid **before** the start of the basic period of 6 months will not, in principle, be taken into consideration and will be refunded.

7.5.5 Payment by third parties

Article 5 of Decision No EX-25-06 of the Executive Director of the Office of 07/04/2025.

Payment may also be made by the other persons identified in paragraph 7.1 above.

Payment by debiting a current account held by a third party requires an explicit authorisation of the holder of the current account that the account can be debited for the benefit of the particular fee. In such cases, the Office will check if there is an authorisation. If there is no authorisation, a letter will be sent to the renewal applicant asking them to submit the authorisation to debit the account held by a third party. In such cases, payment is considered to be effected on the date the Office receives the authorisation.

7.5.6 Fee refund

Article 53(8) EUTMR Article 66(8) EUDR

Renewal fees and, where applicable, the additional fee for late payment may be refunded under certain circumstances. For more information, please see the Guidelines, Part A, General rules, Section 3, Payment of fees, costs and charges.

8 Procedure Before the Office

8.1 Examination of formal requirements

The examination of the request for renewal is limited to formalities and relates to the following points.

8.1.1 Observation of time limits

Article 53(3), (4) and (8) EUTMR

Article 66(3), (4) and (8) and Article 149(1) and (4) EUDR

8.1.1.1 Payment during the basic period or the grace period

Where the request for renewal is filed and the renewal fee is paid within the basic period, the Office will record the renewal, provided that the other conditions laid down in the EUTM or EUD Regulations are fulfilled (see paragraph 8.1.2).

Where no request for renewal has been filed, but the payment of a renewal fee reaches the Office that contains the minimum identification elements (see paragraph 7.2), this constitutes a valid request and no further formalities need be complied with. This is pursuant to Article 53(4) EUTMR, last sentence and Article 66(4) EUDR, last sentence.

Where this option is relied on in EUTM renewals, the payment must be of the renewal fee laid out in Annex I A, paragraphs (11) or (15) EUTMR and **not of the discounted fee for renewal by electronic means** pursuant to Annex I A, paragraphs (12) or (16). Consequently, as payment alone cannot constitute a valid request for e-renewal, the fee discount may only be relied on where a renewal application is submitted by electronic means. The requester will either have to submit a valid e-renewal application form, or pay the difference in the basic fee, in all cases before the expiry of the renewal period. Furthermore, if this is carried out during the grace period, the additional fee for late payment will also be due.

Where no request for renewal has been filed but a renewal fee has been paid that does not contain the minimum identification elements, the Office will invite the person requesting renewal to provide the missing indications. A letter will be sent out as early as is reasonably possible after receipt of the fee, so as to enable the request to be filed before the additional fee becomes due.

Where a request for renewal has been submitted but the renewal fee has not been paid in full, the Office will, where possible, remind the person requesting renewal to pay the remaining part thereof within the basic renewal period and the additional fee for late payment if within the grace period.

The lack of payment is not a remediable deficiency that the Office will set the party a time limit to remedy.

In the case of incomplete payment of an EUTM renewal fee, the proprietor may, instead of paying the missing amount, restrict its request for renewal to the corresponding number of classes.

In the case of incomplete payment of an EUD renewal fee, the holder may, instead of paying the missing amount, restrict its request for renewal to the corresponding number of multiple designs.

8.1.1.2 Insufficient payments and payment after the expiry of the grace period

Article 53(5) and (8) and Article 99 EUTMR

Article 66(5) and (8) EUDR

Where a request for renewal has not been submitted or is submitted only after the expiry of the grace period, or the fees have not been paid, the Office will determine that the registration has expired and will issue a notification on loss of rights to the proprietor/holder.

Where the fees received in the grace period are not paid in full (i.e. the fee received amounts to less than the required basic fee and the additional fee for late payment) or are received only after expiry of the grace period, the Office will determine that the registration has expired and will issue a notification on loss of rights to the proprietor/holder.

For EUTMs, where the insufficient fee received in the grace period covers the basic fee and the additional fee for late payment, but not all class fees, the Office will only renew the registration for some classes. The determination of which classes of goods and services are to be renewed will be made according to the following criteria:

- Where the request for renewal is expressly limited to particular classes, only those classes will be renewed.
- Where it is otherwise clear from the request which class or classes are to be covered by the request, that class or those classes will be renewed.
- The Office may contact the proprietor to ask for the class preferences in the event of partial payment.
- In the absence of other criteria, the Office will take the classes into account in the numerical order of classification, beginning with the class having the lowest number.

Where not all class fees are paid and the Office determines that the registration has expired for some of the classes of goods or services, it will issue the renewal confirmation to the proprietor, as well as a notification of loss of rights for those classes of goods or services to the proprietor. If the person concerned considers that the finding of the Office is inaccurate, he or she may, within 2 months of the notification of the loss of rights, apply for a decision on the matter.

For EUDs, where the fee paid covers the basic fee and the fee for late payment, but the fees paid are insufficient to cover all designs identified in the renewal application, the Office will only renew the registration for some designs. In the absence of an indication of the designs to be renewed, or of any other criteria for determining which designs are intended to be covered, the Office will determine the designs to be renewed by taking them in numerical order.

8.1.1.3 Situation where the requester holds a current account

The Office will not debit a current account unless there is an express request for renewal. It will debit the account of the person requesting renewal.

Where the renewal applicant has a current account at the Office, the renewal fee will only be debited once a request for renewal has been filed and the renewal fee (including any class fees) will be debited on the day of receipt of the request, unless other instructions are given. In the event the request for renewal is filed during the 6-month grace period, the renewal fee and the additional fee for late payment will both be debited from the current account.

For payment by third parties, see paragraph 7.5.4 above.

8.1.2 Compliance with formal requirements

8.1.2.1 Renewal requested by an authorised person

Article 53(1) EUTMR Article 66(1) EUDR

Where a renewal request is filed on behalf of the proprietor/holder, there is no need to file an authorisation. However, such an authorisation should exist in favour of the person filing the request should the Office request it.

8.1.2.2 Further requirements

Article 53(4) and (7) EUTMR Article 66(4) and (7) EUDR

Where the request for renewal does not comply with other formal requirements, namely where the name and address of the person requesting renewal has not been sufficiently indicated, where the registration number has not been indicated, where it has not been properly signed or, for EUTMs, if partial renewal was requested but the goods and services to be renewed have not been properly indicated, the Office will inform the person requesting renewal of the deficiencies found.

The Office will consider the request to be made for the renewal for all goods and services or all the designs covered by the multiple registration, unless partial renewal is expressly requested. In the event of a partial renewal, please refer to paragraph 7.2.3 above.

If the request for renewal is filed by a person authorised by the proprietor/holder (see paragraph 7.1(c) above), the proprietor/holder will receive a copy of the deficiency notification.

Article 53(5), (8) and Article 99 EUTMR

Article 66(8) and Article 87 EUDR

Where these deficiencies are not remedied before the expiry of the relevant time limit, the Office will proceed as follows.

- If the deficiency consists of failing to indicate the goods and services of the EUTM to be renewed, the Office will renew the registration for all the classes for which the fees have been paid, and if the fees paid do not cover all the classes of the EUTM registration, the determination of which classes are to be renewed will be made according to the criteria set out in paragraph 8.1.1.2 above. The Office will issue, at the end of the grace period, a notification of loss of rights for those classes of goods or services the Office deems expired to the proprietor.
- If the deficiency consists of the proprietor's/holder's failure to respond to a request for clarification of who the authorised person is, the Office will accept the request for renewal filed by the authorised representative on file. If neither of the requests for renewal has been filed by an authorised representative on file, the Office will accept the renewal request that was first received by the Office.
- If the deficiency lies in the fact that there is no indication of the designs to be renewed, and the fees paid are insufficient to cover all the designs for a multiple application for which renewal is requested, the determination of which designs are to be renewed will be made according to the criteria set out in paragraph 8.1.1.2 above. The Office will determine that the registration has expired for all designs for which the renewal fees have not been paid in part or in full.
- In the case of the other deficiencies, it will determine that the registration has expired and will issue a notification of loss of rights to the proprietor/holder and, where applicable, the person requesting renewal.

The person concerned may apply for a decision on the matter under Article 99 EUTMR or Article 87 EUDR within 2 months.

8.2 Items not to be examined

No examination will be carried out on renewal for the registrability of the mark or design, nor will any examination be carried out as to whether the EUTM has been put to genuine use.

No examination will be carried out by the Office on renewal as to the correct classification of the EUTM, nor will a registration be reclassified that has been registered in accordance with an edition of the Nice Classification that is no longer in force at the point in time of renewal. All of this is without prejudice to the application of Article 57 EUTMR.

The Office will not examine the product classification of the EUD nor will an EUD be reclassified that was registered in accordance with an edition of the Locarno

Classification no longer in force at the time of renewal. Such reclassification will not even be available at the holder's request.

9 Partial Renewals of EUTMs

Article 53(4)(c) and Article 53(8) EUTMR Annex I A(19) EUTMR

An EUTM may be renewed in part for some of the goods and/or services for which it has been registered.

A partial renewal is not a partial surrender for those goods and/or services for which the EUTM has not been renewed.

An EUTM may be partially renewed several times during the initial basic renewal period of 6 months or during the 6-month grace period. See to this extent 22/06/2016, C-207/15 P, CVTC, EU:C:2016:465.

For each partial renewal, the full amount of the corresponding fee has to be paid, and in the event a partial renewal request is submitted within the grace period, the additional fee for the late payment of the renewal fee must also be paid, namely 25 % of the belated renewal fee (subject to a maximum of EUR 1 500).

For example:

An EUTM registration has 10 classes.

If within the basic period the Office receives an e-renewal request for 5 classes (out of the 10) the fees payable would be:

Basic e-renewal fee (including 1 class):	EUR 850
Second class:	EUR 50
Remaining classes (150 EUR x 3):	EUR 450
Total renewal fee:	**EUR 1 350**

If, within the grace period, the Office receives a new renewal request for two more classes of the registration, the fees payable would be:

Additional classes (EUR 150 x 2):	EUR 300
25 % surcharge of the belated fee:	EUR 75
Total additional fees payable:	**EUR 375**

Total additional fees payable: EUR 375.

Using the same example, at the end of the grace period the Office would issue a notification to the proprietor of loss of rights for the remaining three classes of goods or services which were not renewed, for which registration is deemed expired.

10 Entries in the Register

Articles 53(5), 111(6) and Article 111(3)(k) EUTMR

Article 66(6) and Article 104(3)(n) and Article 104(6) EUDR

Where the request for renewal complies with all the requirements, the renewal will be registered.

The Office will notify the proprietor/holder of the renewal of the EUTM/EUD, of its entry in the Register, and the date from which renewal takes place. Where the renewal applicant is a person other than the registered proprietor/holder or its representative on file, they will also be informed of the renewal.

Where renewal has taken place only for some of the goods and services contained in the registration, the Office will notify the proprietor of the goods and services for which the registration has been renewed and the entry of the renewal in the Register and of the date from which renewal takes effect (see paragraph 11 below). After the expiry of the grace period, the Office will notify the proprietor of expiry of the registration for the remaining goods and services and of their removal from the Register.

Where only some of the designs contained in a multiple application have been renewed, the Office will notify the holder of the designs for which the registration has been renewed, of the entry of the renewal in the Register and of the date from which renewal takes effect (see paragraph 11 below). After the expiry of the grace period, the Office will notify the holder of expiry of the registration for the remaining designs and of their removal from the Register.

Article 53(5), (8) and Article 99 EUTMR

Article 66(6) and (8) and Article 87 EUDR

Where the Office has made a determination pursuant to Article 53(8) EUTMR or Article 66(8) EUDR that the registration has expired, the Office will cancel the mark/ design in the Register and notify the proprietor/holder accordingly. The proprietor/ holder may apply for a decision on the matter under Article 99 EUTMR or Article 87 EUDR within 2 months.

11 Date of Effect of Renewal or Expiry, Conversion

11.1 Date of effect of renewal

Article 53(6) and (8) EUTMR

Article 67(2) EUTMDR

Article 13 and Article 66(6) EUDR

Renewal will take effect from the day following the date on which the existing registration expires.

For example:

- Where the filing date of the EUTM registration is 01/04/2010, the registration will expire on 01/04/2020. Therefore, renewal takes effect from the day following 01/04/2020, namely 02/04/2020. Its new term of registration is 10 years from this date, which will end on 01/04/2030.
- Where the filing date of the EUD is 01/04/2015, the registration will expire on 01/04/2020. Therefore, renewal takes effect from the day following 01/04/2020, namely 02/04/2020. Its new term of registration is five years from this date, which will end on 01/04/2025.

It is immaterial whether any of these days is a Saturday, Sunday or an official holiday. Even in cases where the renewal fee is paid within the grace period, the renewal takes effect from the day following the date on which the existing registration expires.

Where the EUTM or EUD has expired and is removed from the Register, the cancellation will take effect from the day following the date on which the existing registration expired. Using the same two examples listed above, the removal from the Register would take effect on 02/04/2020 (for the EUTM) and 02/04/2020 (for the EUD).

11.2 Conversion of lapsed EUTMs

Articles 53(3) and 139(5) EUTMR

Where the owner wants to convert its lapsed EUTM into a national mark, the request must be filed within 3 months from the day following the last day of the 6-month grace period. The time limit of 3 months for requesting conversion starts automatically without notification (see the Guidelines, Part E, Register Operations, Section 2, Conversion).

12 Renewal of International Marks Designating the EU

Article 202(1) EUTMR

The procedure for renewal of international marks is managed entirely by the International Bureau. The Office will not deal with renewal requests or payment of renewal fees. The International Bureau will send notice for renewal, receive the renewal fees and record the renewal in the International Register. The effective date of the renewal is the same for all designations contained in the international registration, irrespective of the date on which such designations were recorded in the International Register. Where an international registration designating the EU is renewed, the Office will be notified by the International Bureau.

If the international registration is not renewed for the designation of the EU, it can be converted into national marks or into subsequent designations of Member States under the Madrid Protocol. The 3-month time limit for requesting conversion starts on the day following the last day on which renewal may still be effected before WIPO pursuant to Article 7(4) of the Madrid Protocol (see the Guidelines, Part E, Register Operations, Section 2, Conversion).

13 Renewal of International Design Registrations Designating the EU

Article 152 and 158 EUDR

International registrations must be renewed directly at the International Bureau of WIPO in compliance with Article 17 of the Geneva Act. The Office will not deal with renewal requests or payments of renewal fees in respect of international registrations.

The procedure for the renewal of international design registrations is managed entirely by the International Bureau, which sends out the notice for renewal, receives the renewal fees and records the renewal in the International Register. When international registrations designating the EU are renewed, the International Bureau also notifies the Office.