Changes to legislation: *Commission Regulation (EC) No 1687/2005 is up to date with all changes known to be in force on or before 25 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commission Regulation (EC) No 1687/2005 of 14 October 2005 amending Regulation (EC) No 2869/95 on the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs) with regard to adapting certain fees (Text with EEA relevance)

COMMISSION REGULATION (EC) No 1687/2005

of 14 October 2005

amending Regulation (EC) No 2869/95 on the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs) with regard to adapting certain fees

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark[(1)], and in particular Article 139(3) thereof,

Whereas:

(1) Article 139(2) of Regulation (EC) No 40/94 lays down that the amounts of the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs) (hereinafter referred to as 'the Office') are to be fixed at such a level as to ensure that the revenue in respect thereof is sufficient to ensure its budget is balanced.

(2) A considerable increase in the Office's revenue is expected in the medium term, as a result, in particular, of the payment of renewal fees for Community trade marks.

(3) The accession of the European Community to the Protocol relating to the Madrid Agreement concerning the international registration of marks approved by Council Decision 2003/793/EC[(2)] (hereinafter referred to as the 'Madrid Protocol') and the administration of the electronic registration procedure should simplify the said procedure and decrease its costs. The efficiency of the Office's management should also reduce expenditure.

(4) A reduction in fees would therefore be an appropriate measure for ensuring that the budget is balanced as required, while fostering access to the system for users. Nonetheless, it should be pointed out that a slight surplus is always justified, as it makes it possible to deal with more or less unforeseeable situations as they arise, and to avoid undesirable deficits.

(5) It would therefore be justified to modify the fees by an overall total of approximately EUR 35 to 40 million per year. This sum should be divided between the application and registration fees on the one hand, and the renewal fee on the other. Moreover, a lower fee should be provided for if the application is made electronically.

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(6) Fluctuations in the main indicators should be monitored regularly in order to ensure that revenue is balanced with expenditure.

(7) Commission Regulation (EC) No 2869/95[3] should therefore be amended accordingly.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Fees, Implementation Rules and the Procedure of the Boards of Appeal of the Office for Harmonization in the Internal Market (Trade Marks and Designs),

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2869/95 is hereby amended as follows:

1. The table in Article 2 shall be amended as follows:

(a) Point 1 shall be replaced by the following:

1. Basic fee for the application for an individual mark [Article 26(2), Rule 4(a)]	900.

(b) The following point 1b shall be inserted:

1b. Basic fee for the application for an individual mark by electronic means [Article 26(2), Rule 4(a)]	750.

(c) Points 2 to 4 are replaced by:

2. Fee for each class of goods and services exceeding three for an individual mark [Article 26(2), Rule 4(a)]	150
3. Basic fee for the application for a collective mark [Article 26(2) and Article 64(3), Rule 4(a) and Rule 42]	1 300
4. Fee for each class of goods and services exceeding three for a collective mark [Article 26(2) and Article 64(3), Rule 4(b) and Rule 42]	300.

(d) Points 7 to 10 are replaced by:

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7. Basic fee for the registration of an individual mark [Article 45, Rule 23(1)(a)]	850
8. Fee for each class of goods and services exceeding three for an individual mark [Article 45, Rule 23(1)(b)]	150
9. Basic fee for the registration of a collective mark [Article 45, Rule 23(1)(a)] and Rule 42]	1 700
10. Fee for each class of goods and services exceeding three for a collective mark [Article 45 and Article 64(3); Rule 23(1)(b) and Rule 42]	300.

(e) Points 12 to 15 are replaced by:

12. Basic fee for the renewal of an individual mark [Article 47(1), Rule 30(2)a)]	1 500
12a. Basic fee for the renewal for an individual mark by electronic means [Article 47(1), Rule 30(2)a)]	1 350
13. Fee for the renewal of each class of goods and services exceeding three for an individual mark [Article 47(1), Rule 30(2)(b)]	400
14. Basic fee for the renewal of a collective mark [Article 47(1) and Article 64(3); Rule 30(2)(a) and Rule 42]	3 000
15. Fee for the renewal of each class of goods and services exceeding three for a collective mark [Article 47(1) and Article 64(3); Rule 30(2)(b) and Rule 42]	800

2. In Article 5(1), points (b) and (c) shall be deleted.

3. Article 8 is amended as follows: