COMMISSION REGULATION (EC) No 781/2004

of 26 April 2004

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

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 thereof,

Having regard to the Commission Regulation (EC) No 2868/95 of 13 December 1995 implementing Council Regulation (EC) No 40/94 on the Community trade mark [2],

Having regard to Commission Regulation (EC) No 2869/95 of 13 December 1995 on the fees payables to the Office for Harmonization [3],

Whereas:

(1) Article 142 of Council Regulation (EC) No 40/94, 'hereinafter the Regulation', provides that a fee shall be levied for international applications based on a Community trade mark or on a Community trade mark application filed at the Office.

(2) Article 154 of the same Regulation provides that for a conversion of a designation of the European Community through an international registration into a national trade mark application or into a designation of the Member States under the Madrid Agreement or the Madrid Protocol, Articles 108 to 110 shall apply *mutatis mutandis*, and in particular Article 109 paragraph 1, provides that the request for conversion shall not be deemed to be filed until the conversion fee has been paid.

(3) Article 139 paragraph 2 of such Regulation provides that the amounts of the fees to be paid to the Office shall be fixed at such a level as to ensure that the revenue thereof is sufficient for the budget of the Office to be balanced.

(4) Articles 11, 12 and 13 of the present Regulation provides for the fees to be paid to the International Bureau according to their rules of payment.

(5) Article 139 paragraph 3 of such Regulation provides that the fees regulation shall be amended in accordance with the procedure established in Article 158.

(6) 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 mark and designs),

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2869/95 on the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs) shall be amended as follows:

1. Article 2 point 20 shall read as follows:

	(in EUR)
'20. Fee for the conversion of a Community trade mark application or a Community trade mark (Article 109(1), also in conjunction with Article 154(1); Rule 45(2), also in conjunction with Rule 123(2)) (a) into a national trade mark application (b) into a designation of Member States under the Madrid Agreement or the Madrid Protocol	200'

[1] OJ L 11 of 14.1.1994, p. 1.
[2] OJ L 303, 15.12.1995, p. 1.
[3] OJ L 303, 15.12.1995, p. 33.