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**COVER NOTE**

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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 15 January 2026

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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No. Cion doc.: C(2026) 54 final

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 15.1.2026 supplementing Council Regulation (EC) No 6/2002 on European Union designs with rules specifying the details of certain proceedings concerning registered designs, and repealing Commission Regulation (EC) No 2245/2002

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Delegations will find attached document C(2026) 54 final.

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Encl.: C(2026) 54 final



Brussels, 15.1.2026  
C(2026) 54 final

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 15.1.2026**

**supplementing Council Regulation (EC) No 6/2002 on European Union designs with rules specifying the details of certain proceedings concerning registered designs, and repealing Commission Regulation (EC) No 2245/2002**

## EXPLANATORY MEMORANDUM

### **1. CONTEXT OF THE DELEGATED ACT**

The recent reform of the EU design system aims to streamline procedures to apply and register an EU design at the European Union Intellectual Property Office ('the Office'). It also aims to increase legal certainty by clarifying provisions and removing ambiguities. Under this reform, the powers conferred upon the Commission under Council Regulation (EC) No 6/2002 on European Union designs ('the EU Design Regulation')<sup>1</sup>, were aligned with Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFEU). The delegated and implementing acts to be adopted on the basis of the new conferrals under the amended EU Design Regulation are to replace Commission Regulation (EC) 2245/2002 of 21 October 2002 implementing Council Regulation (EC) No 6/2002 on European Union designs.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

This draft delegated act was presented and discussed with experts at the Group of Experts on Industrial Property Policy meetings on 15 July and 11 September 2025. The consultation process brought a broad consensus on the draft delegated act.

This draft delegated act was also published for feedback on the Commission's Better Regulation portal, from 29 October until 26 November 2025.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

The provisions adopted under this delegated Regulation aim to enhance the level of transparency, effectiveness and efficiency in proceedings before the Office, and to adapt them to market reality and the everyday needs of users. To fulfil these main goals, the provisions of this Regulation provide a high level of clarity, legal certainty, flexibility, and simplification in comparison with the previous legal framework, and, for reasons of consistency, are aligned, as much as possible, with the corresponding provisions applicable to EU trade marks as laid down in Commission Delegated Regulation (EU) 2018/625<sup>2</sup> ('the EU Trade Mark Delegated Regulation'). They have also been adapted to take account of future communication exclusively by electronic means.

#### **– Amendment of the application (Article 1)**

New Articles 47a and 50e of the EU Design Regulation form part of a new regime allowing design representation changes in immaterial details, either to remedy a deficiency or on the applicant's motion. This new regime follows the provisions of withdrawal, amendments and alterations governing EU trade marks (Articles 49 and 54 of the EU Trade Mark Regulation<sup>3</sup>) but it is adapted to the particularities of design representations, with the aim of facilitating the filing process for designers. It is understood that the possibility for amending the

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<sup>1</sup> Council Regulation (EC) No 6/2002 of 12 December 2001 on European Union designs (OJ L 3, 5.1.2002, p.1), as amended by 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 (OJ L, 2024/2822, 18.11.2024).

<sup>2</sup> Commission Delegated Regulation (EU) 2018/625 of 5 March 2018 supplementing Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark, and repealing Delegated Regulation (EU) 2017/1430 (OJ L 104, 24.4.2018, p.1).

<sup>3</sup> Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154, 16.6.2017).

representation under Article 47a(2) of the EU Design Regulation and Article 50e of the EU Design Regulation as amended includes the possibility to withdraw views, under the condition of amending it in immaterial details only, given that the term representation refers to the design as shown in all reproductions/views.

– **Application for a declaration of invalidity (Article 2)**

The structure of Article 2 follows the well-established current law that does not differentiate between admissibility and substantiation of the application for declaration of invalidity. It allows to identify the content that must form part of any application for declaration of invalidity (paragraph 1) and the specific content that must form part of such application depending on the ground invoked (paragraph 2), which is structured following the order of grounds under Article 25(1) of the EU Design Regulation as amended. This structure offers an easier and clearer reading, as well as a more detailed information about the specific requirements under each ground. Furthermore, by permitting online substantiation (paragraph 3), invalidity proceedings on designs are aligned with current practice in trade mark proceedings.

– **Admissibility of an application for a declaration of invalidity (Article 5)**

Article 5 is based on Article 30 of Regulation (EC) No 2245/2002 and has been aligned with the corresponding trade mark provisions, to the extent possible. In design invalidity proceedings, no separate substantiation period after the admissibility stage is foreseen. On account of this specificity of design proceedings vis-à-vis trade mark oppositions/cancellations, all the documents necessary for the substantiation must be translated on par with those relevant for the admissibility.

The amendments map, simplify and clarify diverging rules currently applicable to applications and supporting documents, as well as its translations. Finally, the changes propose clear remedies (as the documents need to be complete for admissibility, the applicant is guided by the Office requesting to remedy deficiencies or submit translations to the extent needed for admissibility, rather than waiting for the applicant to submit it on its own motion). Therefore, the proposed regime is user-friendlier.

– **Examination of the application for a declaration of invalidity (Article 6)**

Article 6 is based on Article 31 of Regulation (EC) No 2245/2002 and has been aligned with Articles 17 and 19 of the EU Trade Mark Delegated Regulation to the extent possible.

Paragraph 1 reflects the Office practice according to which if the application is deemed to be admissible, the holder is notified and given a deadline to respond.

Paragraph 2 clarifies that if there is no reply from any of the parties, proceedings are closed, and the Office decides on the basis of the evidence before it. The new wording applies to any party, whereas previously it was applicable only to the holder. This change aligns with the existing practice of the Office where the adversarial part is closed also when the applicant does not reply to the holder's submissions.

Paragraph 3 codifies current practice, ensuring the possibility of a genuine use defence, in accordance with trade mark law. The General Court confirmed that a request of proof of use is possible when an application for a declaration of invalidity has been brought on the basis of the earlier sign (12/05/2010, T-148/08, Instruments for writing, EU:T:2010:190, §§ 65-72). This provision is aligned with Article 53(3) of the EU Design Regulation, and structured similarly to Articles 64(2) and (3) of the EU Trade Mark Regulation.

– **Proceedings before the Invalidity Division as a matter of priority (Article 7)**

Article 7 concerns the possibility to examine an application for a declaration of invalidity as a matter of priority. It implies that all straightforward cases with no response from the holder shall automatically follow a special fast-track procedure, which essentially ensure that a decision is reached in a shorter time compared to ordinary proceedings. To prevent abuse of the system and in line with the explicit delegated powers granted by Article 53a of the EU Design Regulation, the applicant shall not be able to initiate such process. Further details and specifics regarding this procedure should be clarified in the EUIPO guidelines.

– **Multiple applications for a declaration of invalidity (Article 8)**

Article 8 is based on Article 32 of Regulation (EC) No 2245/2002 and has been aligned with the corresponding Articles 9 and 18 of the EU Trade Mark Delegated Regulation, while also adapting it to the specific nature of design invalidity proceedings.

– **General provisions on notifications by the Office (Article 12)**

In view of future communication exclusively by electronic means, Article 12 clarifies that a document must not necessarily be transmitted but that providing access to the content of the document (e.g. providing access to data only) is sufficient, e.g. through links to the document.

– **Communications to the Office (Article 17)**

Article 17 goes beyond Article 63 of the EU Trade Mark Delegated Regulation as it provides not only for the transmission of documents but also for the provision of access to data in line with Article 12.

Paragraph 3 on incomplete or illegible communication makes explicit that this must be due to technical reasons. It does not apply if the party forgets to submit one page. The provision further makes clear that the date of the original communication is to be retained as the filing date if the complete version is retransmitted within the deadline set by the Office.

– **Forms (Article 18)**

In view of future communication exclusively by electronic means, and taking into account that it will not be forms strictly speaking but that the user will be guided through the filing process, the wording of Article 18 on forms has been made broader than that of Article 68 of Regulation (EC) No 2245/2002 and Article 65 of the EU Trade Mark Delegated Regulation.

– **Expiry of time limits in special cases (Article 22)**

Deviating from Article 69 of the EU Trade Mark Delegated Regulation, Article 22 only refers to the days on which the Office is either not open (Saturday, Sundays and public holidays) or on which there is an actual interruption of the Office's connection to electronic means of communication, without reference to delivery by ordinary mail any more in view of future exclusive electronic communication.

– **Cancellation of an entry in the Register or revocation of a decision (Article 23)**

While aligned on substance with Article 70 of the EU Trade Mark Delegated Regulation, the wording in Article 23 was tailored to reflect the wording of Article 66h of the EU Design Regulation as amended and distinguishes between the cancellation of an entry in the Register and the revocation of a decision.

## Commission Delegated Regulation (EU)

.../... of 15.1.2026

### **supplementing Council Regulation (EC) No 6/2002 on European Union designs with rules specifying the details of certain proceedings concerning registered designs, and repealing Commission Regulation (EC) No 2245/2002**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 6/2002 of 12 December 2001 on European Union designs<sup>1</sup>, and in particular Article 47b, Article 53a, Article 55a, Article 64a, Article 65a, Article 66a, Article 66d, Article 66f, Article 66i, Article 67c, Article 78a and Article - 106a thereof,

Whereas:

- (1) Regulation (EC) No 6/2002 created a system specific to the Union for the protection of designs to be obtained at the level of the Union on the basis of an application to the European Union Intellectual Property Office ('the Office').
- (2) Regulation (EU) 2024/2822 of the European Parliament and of the Council<sup>2</sup> amended Regulation (EC) No 6/2002 by aligning the powers conferred upon the Commission with Articles 290 and 291 of the Treaty on the Functioning of the European Union. In order to conform with the new legal framework resulting from that alignment, certain rules are to be adopted by means of implementing and delegated acts. Those new rules should replace the current rules laid down in Commission Regulation (EC) No 2245/2002<sup>3</sup>. Regulation (EC) No 2245/2002 should therefore be repealed.
- (3) The Office is responsible for the registration of both the EU trade mark and the registered EU design. Therefore, in the interest of legal certainty, consistency and simplification, the rules to be adopted by means of this Regulation should be aligned to the extent possible with the rules applicable to EU trade marks as laid down in Commission Delegated Regulation (EU) 2018/625<sup>4</sup>.
- (4) The examination and registration of EU design applications should be carried out in an effective, efficient and expeditious manner, using procedures which are transparent, thorough, fair and equitable. In the interest of clarity and legal certainty, it is necessary

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<sup>1</sup> OJ L 3, 5.1.2002, p. 1, ELI: <http://data.europa.eu/eli/reg/2002/6/oj>.

<sup>2</sup> 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 (OJ L, 2024/2822, 18.11.2024, ELI: <http://data.europa.eu/eli/reg/2024/2822/oj>).

<sup>3</sup> Commission Regulation (EC) No 2245/2002 of 21 October 2002 implementing Council Regulation (EC) No 6/2002 on European Union designs (OJ L 341, 17.12.2002, p. 28, ELI: <http://data.europa.eu/eli/reg/2002/2245/oj>).

<sup>4</sup> Commission Delegated Regulation (EU) 2018/625 of 5 March 2018 supplementing Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark, and repealing Delegated Regulation (EU) 2017/1430 (OJ L 104, 24.4.2018, p. 1, ELI: [http://data.europa.eu/eli/reg\\_del/2018/625/oj](http://data.europa.eu/eli/reg_del/2018/625/oj)).

to clearly specify the details on the procedure for amending an EU design application in immaterial details, either to remedy a deficiency or on the applicant's own motion. While following the provisions governing the amendment of EU trade marks, that regime should be adapted to the particularities of design representations to facilitate the filing process for designs.

- (5) The procedural provisions governing the declaration of invalidity of a registered EU design should ensure that a registered EU design can be declared invalid in an effective and efficient way by means of a transparent, thorough, fair and equitable procedure. For the sake of greater legal certainty, clarity and consistency, it is appropriate to align, to the extent possible, the procedural provisions with those applicable to EU trade mark invalidity proceedings. To this effect, it is appropriate to clearly specify both the content that should form part of any application for invalidity and the specific content requirements depending on the invoked ground for invalidity. With a view to reducing administrative burden, the provisions of this Regulation should also include the requirements for the substantiation of earlier rights in cases where the content of the relevant evidence is accessible online from a source recognised by the Office. It is further necessary to confirm the current practice of the Office in relation to requests for proof of use when the application for declaration of invalidity is based on an earlier trade mark.
- (6) As a countermeasure to the limited substantive examination of EU design applications before registration and in order to facilitate the efficient invalidation of unlawfully registered EU designs, an accelerated invalidity procedure should be made available for cases where the holder of the registered EU design does not contest the grounds of invalidity or the relief sought.
- (7) In order to ensure an effective, efficient and complete review of decisions taken by the Office in the first instance by means of a transparent, thorough, fair and equitable appeal procedure suited to the specific nature of intellectual property law, it is appropriate to reinforce legal certainty, predictability, and consistency of the legal framework by applying the existing procedural provisions for EU trade marks in Delegated Regulation (EU) 2018/625. The relevant provisions of Delegated Regulation (EU) 2018/625 should also apply when it comes to ensuring an effective and efficient organisation of the Boards of Appeal in the area of EU designs.
- (8) For reasons of legal certainty and consistency, and in order to ensure a smooth, effective and efficient operation of the EU design system, it is further appropriate to apply the existing procedural provisions for EU trade marks in Delegated Regulation (EU) 2018/625 in relation to the requirements as to the details on oral proceedings and the detailed arrangements for taking of evidence, certain provisions concerning notifications by the Office and communications to the Office, the rules governing the calculation, duration and extension of time limits, the detailed arrangements for the resumption of proceedings after their interruption, and the details on representation before the Office in design matters.
- (9) In order to modernise the EU design system, it is further appropriate to provide for both notifications by and communications to the Office by electronic means as the only means of notification and communication. In the interest of efficiency, it should be permissible for the Office to effect the transmission of documents to parties concerned by providing electronic access to those documents. Furthermore, for reasons of efficiency, transparency and user-friendliness, the Office should make

available online the electronic forms in all the official languages of the Union for communication in proceedings before the Office.

- (10) The rules laid down in this Regulation supplement provisions of Regulation (EC) No 6/2002 that have been amended by Regulation (EU) 2024/2822 with effect from 1 July 2026. It is therefore necessary that this Regulation becomes applicable on the same date.
- (11) Notwithstanding the repeal of Regulation (EC) No 2245/2002, it is necessary to continue to apply specific provisions of that Regulation to certain proceedings that had been initiated before the abovementioned date until the conclusion of those proceedings,

HAS ADOPTED THIS REGULATION:

### *Article 1*

#### **Amendment of the application**

1. A request for amendment of the representation of the EU design application in immaterial details pursuant to Article 47a(2) of Regulation (EC) No 6/2002 shall contain:
  - (a) the file number of the application;
  - (b) the name and the address of the applicant in accordance with Article 1(1), point (a), and Article 1(2) of Commission Implementing Regulation (EU) [XXX]<sup>5</sup> [OP: please insert the reference to C(2026)90];
  - (c) an indication of the features to be amended and of the view or views to be amended or withdrawn;
  - (d) a representation of the design as amended, in accordance with Article 2 of Implementing Regulation (EU) [XXX] [OP: please insert the reference to C(2026)90].
2. Where the requirements set out in paragraph 1 are not fulfilled, the European Union Intellectual Property Office ('the Office') shall communicate the deficiency to the applicant and shall specify a time limit for remedying the deficiency. Where the applicant does not remedy the deficiency within the specified time limit, the Office shall reject the request for amendment.
3. A single request for amendment may be made for the amendment of the same features in two or more designs provided that the applicant is the same for all designs covered by the request.

### *Article 2*

#### **Application for a declaration of invalidity**

1. An application for a declaration of invalidity pursuant to Article 52 of Regulation (EC) No 6/2002 shall contain:

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<sup>5</sup> Commission Implementing Regulation (EU) [XXX] [OP: please insert the reference to C(2026)90] of ... laying down detailed rules for implementing certain provisions of Council Regulation (EC) No 6/2002 on European Union designs.

- (a) the registration number of the registered EU design in respect of which the declaration of invalidity is sought and the name of its holder;
  - (b) an indication of the grounds as laid down in Article 25 of Regulation (EC) No 6/2002 on which the invalidity application is based;
  - (c) a reasoned statement setting out the facts, evidence and arguments in support of the grounds for invalidity invoked;
  - (d) the supporting evidence referred to in point (c);
  - (e) the identification of the applicant for a declaration of invalidity in accordance with Article 1(1), point (a), and Article 1(2) of Implementing Regulation (EU) [XXX] *[OP: please insert the reference to C(2026)90]* and, where applicable, the identification of the appointed representative in accordance with Article 1(1), point (c), and Article 1(3) of Implementing Regulation (EU) [XXX] *[OP: please insert the reference to C(2026)90]*;
  - (f) an indication concerning the authorisation or entitlement to file the application for a declaration of invalidity pursuant to Article 25(2) to (6) of Regulation (EC) No 6/2002 and supporting evidence.
2. In addition to the requirements laid down in paragraph 1, an application for a declaration of invalidity shall contain, in particular, the following:
- (a) where the ground laid down in Article 25(1), point (b), in conjunction with Articles 5 and 6 of Regulation (EC) No 6/2002 is invoked, the indication and evidence of disclosure of the prior design(s) under Article 7 of Regulation (EC) No 6/2002;
  - (b) where the ground laid down in Article 25(1), point (c), of Regulation (EC) No 6/2002 is invoked, a final decision of the competent court or authority of the Member State concerned regarding the entitlement to the EU design under Article 14 of Regulation (EC) No 6/2002;
  - (c) where the ground laid down in Article 25(1), point (d), of Regulation (EC) No 6/2002 is invoked, the representation and particulars identifying the prior design, accompanied, when it is not a registered EU design, by evidence of its filing or registration, consisting of a copy of the relevant filing, registration, and, if applicable, the renewal certificate or an equivalent document from the administration with which the design was filed or registered proving the existence and validity;
  - (d) where the ground laid down in Article 25(1), point (e), of Regulation (EC) No 6/2002 is invoked:
    - (i) an indication of the kind or nature of the prior distinctive sign and its representation;
    - (ii) an indication of whether this distinctive sign exists in the whole of the Union or in one or more Member States, and if so, an indication of those Member States;
    - (iii) where the prior distinctive sign is a registrable right, particulars identifying it;

- (iv) evidence of its existence, validity and scope of protection, including the right to prohibit the contested use conferred on its right holder, and that evidence shall encompass, in particular:
    - (a) where the distinctive sign, other than a trade mark, is invoked pursuant to the law of a Member State, an indication of the content of the national law relied upon by adducing publications of the relevant provisions or jurisprudence;
    - (b) where the distinctive sign is a registrable right other than an EU trade mark, a copy of the relevant filing, registration or the renewal certificate or an equivalent document from the administration with which the distinctive sign was filed or registered;
  - (e) where the ground laid down in Article 25(1), point (f), of Regulation (EC) No 6/2002 is invoked:
    - (i) an indication and particulars identifying the work protected by copyright and its representation;
    - (ii) an indication of the Member State where it is protected and of the content of the national law relied upon by adducing publications of the relevant provisions or jurisprudence;
    - (iii) evidence of authorship of the prior work protected by copyright or acquisition of the rights to that work, and of its scope of protection under the national law relied upon, including the right to prohibit the contested use conferred on its right holder;
  - (f) where the ground laid down in Article 25(1), point (g), of Regulation (EC) No 6/2002 is invoked, the representation and particulars of the relevant item as referred to in that Article.
3. Where the evidence referred to in paragraph 2 concerning the filing or registration of the invoked rights or prior designs, or concerning the contents of the relevant national law is accessible online from a source recognised by the Office, the applicant for a declaration of invalidity may provide such evidence by making reference to that source.
4. Where the application for a declaration of invalidity pursuant to Article 52 of Regulation (EC) No 6/2002 is based on more than one prior design or earlier right, paragraphs 1, 2 and 3 of this Article shall apply for each of those designs or rights.

### *Article 3*

#### **Languages used in invalidity proceedings**

Parties to the invalidity proceedings may inform the Office before the expiry of a period of two months of receipt by the holder of the communication referred to in Article 6(1) of this Regulation, that a different language of proceedings has been agreed pursuant to Article 98(5) of Regulation (EC) No 6/2002. Where the application has not been filed in that language, the holder may request that the applicant file a translation of the application in that language. Such a request shall be received by the Office before the expiry of the period of two months of receipt by the registered EU design holder of the communication referred to in Article 6(1) of this Regulation. The Office shall specify a time limit for the applicant to file such a

translation. Where that translation is not filed or it is filed late, the language of the proceedings shall remain unchanged.

#### *Article 4*

##### **Information to the parties concerning an application for a declaration of invalidity**

An application for a declaration of invalidity and any document submitted by the applicant, as well as any communication addressed to one of the parties by the Office prior to the finding on admissibility, shall be sent by the Office to the other party for the purposes of informing of the introduction of an application for a declaration of invalidity.

#### *Article 5*

##### **Admissibility of an application for a declaration of invalidity**

1. Where the fee for an application for a declaration of invalidity required under Article 52(2) of Regulation (EC) No 6/2002 has not been paid, the Office shall invite the applicant to pay the fee within a period specified by it. Where the required fee is not paid within the specified period, the Office shall inform the applicant that the application for a declaration of invalidity is deemed not to have been filed. Where the fee has been paid after the expiry of the specified period, it shall be refunded to the applicant.
2. Where the application for a declaration of invalidity does not comply with the requirements laid down in Article 2, the Office shall inform the applicant accordingly and shall require the applicant to remedy the deficiencies noted within a period of two months. If the deficiencies are not remedied within the time limit, the Office shall reject the application as inadmissible.
3. Where the application for a declaration of invalidity filed pursuant to the requirements laid down in Article 2 of this Regulation has been filed in a language other than the language of proceedings according to Article 98(4) of Regulation (EC) No 6/2002, the Office shall request the applicant to produce a translation in that language within a period of one month. Where that translation is not filed within the time limit, the Office shall reject the application for a declaration of invalidity as inadmissible. When the missing translation is limited to supporting evidence under Article 2(1), point (d), and Article 2(3) and (4) of this Regulation and no other grounds for inadmissibility apply, the Office shall disregard that evidence as inadmissible and proceed with the examination of the application.
4. Article 15 of Implementing Regulation (EU) [XXX] *[OP: please insert the reference to C(2026)90]* shall apply to any other supporting documents not required for admissibility of an application for a declaration of invalidity pursuant to Article 2 of this Regulation.
5. The Office shall notify the parties of any finding pursuant to paragraph 1 that the application for a declaration of invalidity is deemed not to have been filed and of any decision to reject the application for a declaration of invalidity on the grounds of inadmissibility under paragraphs 2 or 3. Where an application for a declaration of invalidity is rejected as inadmissible prior to the sending of the communication referred to in Article 6(1), no decision on costs shall be taken.

## Article 6

### **Examination of the application for a declaration of invalidity**

1. Where the application is found admissible pursuant to Article 5, the Office shall send a communication to the parties informing them that the adversarial part of the invalidity proceedings has commenced and inviting the holder of the contested registered EU design to file observations within a specified period.
2. Where the Office has invited a party in accordance with Article 53(2) of Regulation (EC) No 6/2002 to file observations within a specified period and that party does not submit any observations within that period, the Office shall close the adversarial part of the proceedings and base its ruling on the invalidity on the basis of the evidence before it.
3. If the holder of the contested registered EU design requests proof of genuine use under Article 53(3) of Regulation (EC) No 6/2002, the Office shall invite the applicant for a declaration of invalidity to provide proof of genuine use of the EU trade mark or national mark invoked as a distinctive sign, or to provide proper reasons for non-use, within a specified period. Article 19(2) of Delegated Regulation (EU) 2018/625 shall apply *mutatis mutandis*.
4. All observations filed by the parties pursuant to Article 53(2) of Regulation (EC) No 6/2002 shall be sent by the Office to the other party concerned.
5. Where the holder wishes to surrender the contested registered EU design, it shall do so by way of a separate document and the proceedings shall be closed except where the applicant shows a legitimate interest in obtaining a decision on the merits in accordance with Article 24(2) of Regulation (EC) No 6/2002.
6. Where the Office declares invalid the effects of an international registration in the territory of the Union, it shall notify its decision to the International Bureau of the World Intellectual Property Organisation ('the International Bureau') upon the decision becoming final.

## Article 7

### **Examination of proceedings before the Invalidity Division as a matter of priority**

Where the application for a declaration of invalidity is based on Article 25(1), point (b), of Regulation (EC) No 6/2002, in conjunction with Articles 5 and 6 of that Regulation, and the holder of the contested registered EU design has not contested the grounds of invalidity or the relief sought, the Office shall rule on the invalidity as a matter of priority.

## Article 8

### **Multiple applications for a declaration of invalidity**

1. Where several applications for a declaration of invalidity have been filed related to the same registered EU design, the Office may deal with them in one set of proceedings. The Office may subsequently decide to examine those applications for a declaration of invalidity separately.
2. Where a preliminary examination of one or more applications reveals that the registered EU design may be invalid, the Office may suspend the other invalidity proceedings. The Office shall inform the remaining applicants affected by the

suspension of any relevant decisions taken in the context of those ongoing proceedings.

3. Once a decision declaring the invalidity of the design has become final, the applications in respect of which the proceedings have been suspended in accordance with paragraph 2 shall be deemed to have been disposed of and the Office shall inform the applicants concerned accordingly. Such a disposition shall be considered to constitute a case which has not proceeded to judgment within the meaning of Article 70(4) of Regulation (EC) No 6/2002.
4. The Office shall refund 50 % of the fee for an application for a declaration of invalidity referred to in Article 52(2) of Regulation (EC) No 6/2002 paid by each applicant whose application is deemed to have been disposed of in accordance with paragraph 3 of this Article.

#### *Article 9*

### **Participation of an alleged infringer**

Where, pursuant to Article 54 of Regulation (EC) No 6/2002, an alleged infringer seeks to join the proceedings, the provisions of Articles 2, 3, 4 and 5 of this Regulation shall apply to the alleged infringer.

#### *Article 10*

### **Appeals**

Articles 21 to 48 of Delegated Regulation (EU) 2018/625 shall apply *mutatis mutandis* to appeals dealt with by the Boards of Appeal under Article 55 of Regulation (EC) No 6/2002 and to the details concerning the organisation of the Boards of Appeal under Article 106 of Regulation (EC) No 6/2002.

#### *Article 11*

### **Oral proceedings and taking of evidence**

Articles 49 to 55 of Delegated Regulation (EU) 2018/625 shall apply *mutatis mutandis* to oral proceedings and taking of evidence under Articles 64 and 65 of Regulation (EC) No 6/2002, including the detailed arrangements for the use of languages in accordance with Article 98 of Regulation (EC) No 6/2002.

#### *Article 12*

### **General provisions on notifications by the Office**

In proceedings before the Office, notifications to be made by the Office in accordance with Article 66(2) of Regulation (EC) No 6/2002 shall consist of the transmission of the document to be notified to the parties concerned. The transmission may be effected by providing electronic access to that document.

#### *Article 13*

### **Notification to representatives**

1. Where a representative has been appointed or where the applicant first named in a common application is considered to be the common representative pursuant to Article 26 of this Regulation in conjunction with Article 73(1) of Delegated Regulation (EU) 2018/625, notifications shall be effected by the Office to such appointed or common representative.
2. Where a single party has appointed several representatives, notification shall be effected by the Office in accordance with Article 1(3) of Implementing Regulation (EU) [XXX] [OP: please insert the reference to C(2026)90]. Where several parties have appointed a common representative, notification to the common representative shall be sufficient.
3. A notification addressed by the Office to the duly authorised representative shall have the same effect as if it had been addressed to the represented person.

#### *Article 14*

##### **Irregularities in notification**

Article 61 of Delegated Regulation (EU) 2018/625 shall apply *mutatis mutandis* to the consequences regarding irregularities in notification of documents.

#### *Article 15*

##### **Notification of documents in the case of several parties**

Article 62 of Delegated Regulation (EU) 2018/625 shall apply *mutatis mutandis* to the requirements regarding notification of documents in the case of several parties.

#### *Article 16*

##### **Communication with the International Bureau**

Communications with the International Bureau shall be in a manner and format agreed on between the International Bureau and the Office, and, wherever possible, by electronic means.

#### *Article 17*

##### **Communications to the Office**

1. Applications for the registration of an EU design as well as any other application provided for in Regulation (EC) No 6/2002 and all other communications addressed to the Office shall be transmitted by electronic means. The indication of the name of the sender shall be deemed to be equivalent to the signature.
2. In proceedings before the Office, the date on which a communication is received by or made electronically accessible to the Office shall be considered to be its date of filing or submission.
3. Where a communication is incomplete or illegible due to technical reasons or where the Office has reasonable doubts as to the accuracy of the transmission, the Office shall inform the sender accordingly and shall invite the sender to retransmit or provide access to the content of the document within a period specified by the Office. Where that request is complied with within the period specified, the date of receipt shall be deemed to be the date of the receipt of the original communication or the date the original contents were made available to the Office. However, where the

deficiency concerns the granting of a filing date for an application to register a design, the provisions on the filing date shall apply pursuant to Article 38 of Regulation (EC) No 6/2002. Where the request is not complied with within the period specified, the communication shall be deemed not to have been received.

*Article 18*

**Forms**

The Office shall make electronic forms available to the public free of charge in all the official languages of the Union.

## *Article 19*

### **Communications by representatives**

Any communication addressed to the Office by the duly authorised representative referred to in Articles 77 and 78 of Regulation (EC) No 6/2002 shall have the same effect as if it originated from the represented person.

## *Article 20*

### **Calculation and duration of time limits**

1. The calculation of a time limit referred to in Article 66e of Regulation (EC) No 6/2002 shall start on the day following the day on which the relevant event occurred, either a procedural step or the expiry of another time limit. Where that procedural step is a notification, the event shall be the receipt of the document notified, unless otherwise provided for.
2. Where a time limit referred to in Article 66e of Regulation (EC) No 6/2002 is expressed as one year or a certain number of years, it shall expire on the relevant subsequent year in the month having the same name and on the day having the same number as the month and the day on which the relevant event occurred. Where the relevant month has no day with the same number, the time limit shall expire on the last day of that month.
3. Where a time limit referred to in Article 66e of Regulation (EC) No 6/2002 is expressed as one month or a certain number of months, it shall expire on the relevant subsequent month on the day which has the same number as the day on which the relevant event occurred. Where the relevant subsequent month has no day with the same number, the time limit shall expire on the last day of that month.
4. Where a time limit referred to in Article 66e of Regulation (EC) No 6/2002 is expressed as one week or a certain number of weeks, it shall expire on the relevant subsequent week on the day having the same name as the day on which that event occurred.

## *Article 21*

### **Extension of time limits**

Subject to specific or maximum time limits laid down in Regulation (EU) 6/2002, Implementing Regulation (EU) [XXX] [OP: please insert the reference to C(2026)90] or this Regulation, the Office may grant an extension of a time limit upon reasoned request. Such request shall be submitted by the party concerned before the time limit in question expires. Where there are two or more parties, the Office may subject the extension of a time limit to the agreement of the other parties.

## *Article 22*

### **Expiry of time limits in special cases**

1. Where a time limit expires on a day on which the Office is not open, the time limit shall be extended until the first day thereafter on which the Office is open.
2. Where a time limit expires on a day on which there is an actual interruption of the Office's connection to electronic means of communication referred to in Article

66e(3) of Regulation (EC) No 6/2002, the time limit shall be extended until the first day thereafter on which the electronic communication is restored.

### *Article 23*

#### **Cancellation of an entry in the Register or revocation of a decision**

1. Where the Office finds of its own motion or pursuant to corresponding information provided by the parties to the proceedings that an entry in the Register or a decision is subject to cancellation or revocation pursuant to Article 66h of Regulation (EC) No 6/2002, it shall inform the affected party about the intended cancellation or revocation.
2. The affected party shall submit observations on the intended cancellation or revocation within a time limit specified by the Office.
3. Where the affected party agrees to the intended cancellation or revocation, or does not submit any observations within the time limit, the Office shall cancel the entry in the Register or revoke the decision. If the affected party does not agree to the intended cancellation or revocation, the Office shall take a decision on the intended cancellation or revocation.
4. Where the intended cancellation or revocation is likely to affect more than one party, paragraphs 1, 2 and 3 shall apply *mutatis mutandis*. In those cases, the observations submitted by one of the parties pursuant to paragraph 3 shall be communicated by the Office to the other party or parties with an invitation to submit observations within a time limit specified by the Office.
5. Where the cancellation of an entry in the Register or the revocation of a decision affects an entry or a decision that has been published, the cancellation or revocation shall also be published.
6. Competence for cancellation or revocation pursuant to paragraphs 1 to 4 shall lie with the department or unit which took the decision.

### *Article 24*

#### **Conditions for suspension of proceedings**

1. As regards declaration of invalidity and appeal proceedings, the Invalidity Division or Board of Appeal may suspend proceedings:
  - (a) of its own motion where a suspension is appropriate under the circumstances of the case;
  - (b) at the reasoned request of one of the parties in inter partes proceedings where a suspension is appropriate under the circumstances of the case, taking into account the interests of the parties and the stage of the proceedings.
2. At the request of both parties in inter partes proceedings, the Invalidity Division or Board of Appeal shall suspend the proceedings for a period which shall not exceed six months. That suspension may be extended upon a request of both parties up to a total maximum of two years.
3. Any time limits related to the proceedings in question, other than the time limits for the payment of the applicable fee, shall be interrupted as from the date of suspension. Without prejudice to Article 170(5) of Regulation (EU) 2017/1001, the time limits

shall be recalculated to begin in full as from the day on which the proceedings are resumed.

4. Where appropriate under the circumstances of the case, the Invalidity Division or Board of Appeal may invite the parties to submit their observations as regards the suspension or resumption of the proceedings.

#### *Article 25*

##### **Resumption of proceedings**

1. Where proceedings before the Office have been interrupted pursuant to Article 67b of Regulation (EC) No 6/2002, the Office shall be informed of the identity of the person authorised to continue the proceedings before it pursuant to Article 67b(2) of Regulation (EC) No 6/2002. The Office shall communicate to that person and to any interested third parties that the proceedings shall be resumed as from a date to be fixed by the Office.
2. Where, three months after the beginning of the interruption of the proceedings pursuant to Article 67b(1), point (c), of Regulation (EC) No 6/2002, the Office has not been informed of the appointment of a new representative, it shall inform the applicant for, or holder of, a registered EU design that:
  - (a) where Article 77(2) of Regulation (EC) No 6/2002 shall apply, the application for a registered EU design shall be deemed to be withdrawn if the information is not submitted within two months after the communication is notified;
  - (b) where Article 77(2) of Regulation (EC) No 6/2002 does not apply, the proceedings will be resumed with the applicant for, or the holder of, a registered EU design as from the date on which this communication is notified.
3. The time limits in force as regards the applicant for, or holder of, a registered EU design at the date of interruption of the proceedings, other than the time limit for paying the renewal fees, shall begin again as from the day on which the proceedings are resumed.

#### *Article 26*

##### **Representation**

Articles 73, 74 and 75 of Delegated Regulation (EU) 2018/625 shall apply *mutatis mutandis* to representation in design matters under Article 78 of Regulation (EC) No 6/2002.

#### *Article 27*

##### **Repeal**

Regulation (EC) No 2245/2002 is repealed.

#### *Article 28*

##### **Transitional provisions**

1. Notwithstanding Article 27 of this Regulation, Regulation (EC) No 2245/2002 as applicable on 30 June 2026 shall continue to apply to ongoing proceedings where this Regulation does not apply pursuant to paragraphs 2 to 5 of this Article, until such proceedings are concluded.

2. Article 12(2), (3) and (6) of Regulation (EC) No 2245/2002 as applicable on 30 June 2026 shall continue to apply to requests for correction of the application filed before 1 July 2026.
3. Article 29(5) of Regulation (EC) No 2245/2002 as applicable on 30 June 2026 shall continue to apply to evidence in support of the applications for a declaration of invalidity filed before 1 July 2026.
4. Article 46 of Regulation (EC) No 2245/2002 as applicable on 30 June 2026 shall continue to apply to oral proceedings initiated before 1 July 2026.
5. Article 61 of Regulation (EC) No 2245/2002 as applicable on 30 June 2026 shall continue to apply to applications for a registered EU design and to applications for transfer received before 1 July 2026.

*Article 29*

**Entry into force and application**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2026.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 15.1.2026

*For the Commission*  
*The President*  
*Ursula VON DER LEYEN*