

The Executive Director

DECISION No EX-17-5 OF THE EXECUTIVE DIRECTOR OF THE OFFICE

of 18 September 2017

**concerning the formal requirements of a priority claim for a registered
Community design**

THE EXECUTIVE DIRECTOR OF THE EUROPEAN UNION INTELLECTUAL PROPERTY
OFFICE,

Having regard to Council Regulation (EC) No 6/2002 of 12 December 2001 on Community
designs, as amended by Council Regulation No 1891/2006 of 18 December 2006 (CDR)¹,

Having regard to Commission Regulation (EC) No 2245/2002 of 21 October 2002
implementing Council Regulation (EC) No 6/2002 on Community designs (CDIR)²,

Whereas:

- (1) Decision EX-03-5 of 20 January 2003 concerning the formal requirements of a priority
or seniority claim lays down the formal requirements of priority claims for registered
Community designs and priority and seniority claims for European Union trade marks;
- (2) further to Regulation (EU) 2017/1001 of the European Parliament and of the Council of
14 June 2017 on the European Union trade mark³, it is appropriate to repeal Decision
EX-03-5 of 20 January 2003, and to issue two separate Decisions to deal exclusively
with priority and seniority claims for European Union trade marks, and priority claims
for registered Community Designs, respectively;
- (3) Article 8(1) CDIR states that the Executive Director of the Office shall determine what
evidence the applicant must provide when claiming priority;

HAS ADOPTED THE FOLLOWING DECISION:

Article 1

Priority documents for registered Community designs

1. The evidence to be provided by the applicant for a Community design pursuant to
Article 8(1) CDIR shall consist of a copy of the previous application or registration. It
shall contain the same information as the original application or registration and state
the filing date of the previous application. If the original document contains a
representation of the design in colour, the copy shall also be in colour.

¹ OJ L 1, 5.1.2002, p. 1.

² OJ L 341, 17.12.2002, p. 28.

³ OJ L 154, 16.6.2017, p. 1.

2. Where the priority of a previous application for a Community design is claimed, the applicant shall indicate the application number of the previous application for a Community design and its date of filing. The Office shall *ex officio* include a copy of the previous application in the file of the Community design application.

Article 2
Repeal

Communication No 12/04 of the President of the Office of 20 October 2004 concerning the acceptance and processing of priority documents in CD ROMs issued by the United States Patent and Trademark Office (USPTO) for Community designs is repealed.

Article 3
Entry into force

This decision shall enter into force on 1 October 2017. It shall be published in the Official Journal of the Office.

Done at Alicante, 18 September 2017



António Campinos
Executive Director