



2025/73

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COMMISSION IMPLEMENTING REGULATION (EU) 2025/73

of 17 January 2025

**amending Regulation (EC) No 2245/2002 implementing Council Regulation (EC) No 6/2002 on
Community designs**

(Text with EEA relevance)

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 Community designs ⁽¹⁾, and in particular Article 107(3) thereof,

Whereas:

- (1) The reform of the Union's legislation on design protection included the amendment of Regulation (EC) No 6/2002 by Regulation (EU) 2024/2822 of the European Parliament and of the Council ⁽²⁾.
- (2) That amendment contained an update of the terminology of Regulation (EC) No 6/2002 in order to align it with the terminology of both the Lisbon Treaty and Regulation (EU) 2017/1001 of the European Parliament and of the Council ⁽³⁾. To ensure coherence, the terminology of Commission Regulation (EC) No 2245/2002 ⁽⁴⁾ should be updated accordingly.
- (3) Furthermore, the amendment of Regulation (EC) No 6/2002 streamlined certain aspects of the EU design registration system, such as the deletion of the marginally used options to file a specimen instead of a representation of a design and to file an EU design application through the central industrial property office of a Member State and not directly with the European Union Intellectual Property Office (EUIPO) ('the Office'). For the sake of coherence, it is therefore necessary to make corresponding adjustments to certain implementing rules contained in Regulation (EC) No 2245/2002.
- (4) In the context of the necessary alignment of Regulation (EC) No 6/2002 with Articles 290 and 291 of the Lisbon Treaty, a number of rules involving essential elements of legislation that are currently contained in Regulation (EC) No 2245/2002 were incorporated into Regulation (EC) No 6/2002. For reasons of efficiency and the avoidance of duplication, the relevant rules contained in Regulation (EC) No 2245/2002 therefore need to be deleted.
- (5) The incorporation of new provisions into Regulation (EC) No 6/2002 that are currently contained in Regulation (EC) No 2245/2002 also affects a number of provisions concerning fees payable to the Office. It is therefore necessary to adapt the existing references to those rules in Regulation (EC) No 2245/2002 to the corresponding new provisions incorporated into Regulation (EC) No 6/2002.
- (6) In accordance with the amendment of Regulation (EC) No 6/2002 by Regulation (EU) 2024/2822, it is necessary to align the provisions of Regulation (EC) No 2245/2002 on duration of time limits and representation before the Office with the Agreement on the European Economic Area in order to refer to the territory of the European Economic Area (EEA) instead of to 'the Community'.

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

⁽²⁾ 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>).

⁽³⁾ 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, p. 1, ELI: <http://data.europa.eu/eli/reg/2017/1001/oj>).

⁽⁴⁾ Commission Regulation (EC) No 2245/2002 of 21 October 2002 implementing Council Regulation (EC) No 6/2002 on Community designs (OJ L 341, 17.12.2002, p. 28, ELI: <http://data.europa.eu/eli/reg/2002/2245/oj>).

- (7) Regulation (EC) No 2245/2002 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 109 of Regulation (EC) No 6/2002,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2245/2002 is amended as follows:

- (1) the title is replaced by the following:

‘Commission Regulation (EC) No 2245/2002 of 21 October 2002 implementing Council Regulation (EC) No 6/2002 on European Union designs’;
- (2) throughout the Regulation, the words ‘Community design’ are replaced by ‘EU design’ and any necessary grammatical changes are made;
- (3) in Article 24(2), Article 25(3), Article 31(6), Article 48(2), Article 62(3), Article 68(3), Article 70(4), Article 80, point (c), Article 81(2), Article 82(1), (3) and (4), the words ‘the Community’ are replaced by the words ‘the Union’ and any necessary grammatical changes are made;
- (4) Article 1 is amended as follows:
 - (a) in paragraph 1, point (c) is replaced by the following:

‘(c) a representation of the design in accordance with Article 4;’;
 - (b) in paragraph 2, point (a) is replaced by the following:

‘(a) a single description per design not exceeding 100 words explaining the representation of the design; the description must relate only to those features which appear in the reproductions of the design; it shall not contain statements as to the purported novelty, the individual character of the design, or its technical value;’;
- (5) Article 2 is amended as follows:
 - (a) paragraph 1 is replaced by the following:

‘1. An application may be a multiple application requesting the registration of up to 50 designs.’;
 - (b) paragraph 2 is deleted;
- (6) in Article 3, paragraphs 3 and 4 are replaced by the following:

‘3. The indication of products shall be worded in such a way as to indicate clearly the nature of the products and to enable each product to be classified in only one class and subclass of the Locarno classification, preferably using the terms appearing in the list of products set out therein.

4. The products shall be grouped according to the classes of the Locarno classification, each group being preceded by the number of the class and subclass to which that group of products belongs and presented in the order of the classes and subclasses under that classification.’;
- (7) in Article 4(1), point (d), Article 8(1), Article 41(2), Article 45(4), Article 46(5), Article 48(1), Article 51, Article 52(2), Article 58(1), (2), and (4), Article 66(4), Article 83(2), and Article 85(1), the words ‘the President’ are replaced by ‘the Executive Director’ and any necessary grammatical changes are made;
- (8) Articles 5, 6, 7 and 10 are deleted;
- (9) in Article 11, paragraph 1 is replaced by the following:

‘1. Where, pursuant to Article 47 of Regulation (EC) No 6/2002, the Office finds, in the course of carrying out the examination of grounds for non-registrability, that the design for which protection is sought does not correspond to the definition of design provided in Article 3, point (1), of that Regulation, or that the design is contrary to public policy or to accepted principles of morality, it shall inform the applicant that the design is non-registrable, specifying the ground for non-registrability.’;

(10) Article 11a is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

‘1. Where, pursuant to Article 106e(1) of Regulation (EC) No 6/2002, the Office finds, in the course of carrying out an examination of an international registration, that the design for which protection is sought does not correspond to the definition of design provided for in Article 3, point (1), of that Regulation, or that the design is contrary to public policy or to accepted principles of morality, it shall send to the International Bureau of the World Intellectual Property Organisation (“the International Bureau”) a notification of refusal not later than six months from the date of publication of the international registration, specifying the grounds for refusal pursuant to Article 12(2) of the Geneva Act of the Hague Agreement concerning the International Registration of Industrial Designs (*) (“the Geneva Act”).

2. The Office shall specify a time limit within which the holder of the international registration has the possibility, pursuant to Article 106e(2) of Regulation (EC) No 6/2002, to renounce the international registration in respect of the Union, to limit the international registration to one or some of the industrial designs in respect of the Union or to submit observations.

(*) OJ L 386, 29.12.2006, p. 30, ELI: <http://data.europa.eu/eli/dec/2006/954/oj>;

(b) paragraph 6 is replaced by the following:

‘6. Where the holder renounces the international registration or limits the international registration to one or some of the industrial designs in respect of the Union, the holder shall inform the International Bureau by way of recording procedure in accordance with Article 16(1), points (iv) and (v), of the Geneva Act. The holder can inform the Office by submitting a corresponding statement.’;

(11) Article 13 is deleted;

(12) Article 15 is deleted;

(13) Article 16 is replaced by the following:

‘Article 16

Publication after the period of deferment

Where the holder has complied with the requirements laid down in Article 50 of Regulation (EC) No 6/2002, the Office shall, at the expiry of the period for deferment or in the case of a request for earlier publication, as soon as technically possible:

(a) publish the registered EU design in the *European Union Designs Bulletin*, with the indications set out in Article 14(2), together with an indication of the fact that the application contained a request for deferment of publication pursuant to Article 50 of Regulation (EC) No 6/2002;

(b) make available for public inspection any file relating to the design;

(c) open to public inspection all the entries in the Register, including any entries withheld from inspection pursuant to Article 74(5) of Regulation (EC) No 6/2002.’;

(14) in Article 17, paragraph 1 is replaced by the following:

‘1. After publication, the Office shall issue to the holder a certificate of registration which shall contain the entries in the Register provided for in Article 72(2) of Regulation (EC) No 6/2002 and a statement to the effect that those entries have been recorded in the Register.’;

(15) Chapter III is deleted;

(16) in Article 23, paragraph 3 is deleted;

(17) in Article 27, paragraph 3 is replaced by the following:

‘3. Where a claim relating to the entitlement to a registered EU design has been brought before the competent court or authority of the Member State concerned pursuant to Article 15 of Regulation (EC) No 6/2002, a declaration of consent to the surrender, signed by the claimant or the claimant’s representative, shall be sufficient proof of the claimant’s agreement to the surrender.’;

(18) in Article 57(1), the first subparagraph is replaced by the following:

‘1. Where Regulation (EC) No 6/2002 or this Regulation provide for a time limit to be specified by the Office, such time limit shall, when the party concerned has its domicile or its principal place of business or an establishment within the European Economic Area (EEA), be not less than one month, or, when those conditions are not fulfilled, not less than two months, and no more than six months.’;

(19) Article 60 is deleted;

(20) in Article 62, paragraph 2 is deleted;

(21) Article 64 is replaced by the following:

‘Article 64

Amendment of the special list of professional representatives in design matters

1. The entry of a professional representative in the special list of professional representatives in design matters referred to in Article 78(4) of Regulation (EC) No 6/2002 shall be deleted at the request of the professional representative.

2. The entry of a professional representative in the list referred to in paragraph 1 shall be deleted automatically:

- (a) in the event of the death or legal incapacity of the professional representative;
- (b) where the professional representative is no longer a national of a Member State of the EEA, unless the Executive Director has granted an exemption pursuant to Article 78(6), point (a), of Regulation (EC) No 6/2002;
- (c) where the place of business or employment of the professional representative is no longer in the EEA;
- (d) where the professional representative no longer possesses the entitlement referred to in Article 78(4), point (c), of Regulation (EC) No 6/2002.

3. The entry of a professional representative in the list referred to in paragraph 1 shall be suspended of the Office’s own motion where the entitlement of the professional representative to represent natural or legal persons before the Benelux Office for Intellectual Property or before the central industrial property office of a Member State of the EEA as referred to in Article 78(4), point (c), of Regulation (EC) No 6/2002 has been suspended.

4. A professional representative whose entry has been deleted shall, upon request pursuant to Article 78(5) of Regulation (EC) No 6/2002, be reinstated in the list referred to in paragraph 1 if the conditions for deletion no longer exist.

5. The Benelux Office for Intellectual Property and the central industrial property offices of the Member States of the EEA concerned shall, where they are aware thereof, promptly inform the Office of any relevant events referred to in paragraphs 2 and 3.

6. The amendments to the list referred to in paragraph 1 shall be published in the *Official Journal* of the Office.’;

(22) Article 65 is replaced by the following:

‘Article 65

Communication in writing or by other means

Applications for the registration of an EU design as well as any other application or declaration provided for in Regulation (EC) No 6/2002 and all other communications addressed to the Office shall be submitted in one of the following ways:

- (a) by submitting a signed original of the document in question to the Office, by post, personal delivery, or by any other means; annexes to documents submitted need not be signed;
- (b) by transmitting a signed original by fax in accordance with Article 66;
- (c) by transmitting the contents of the communication by electronic means in accordance with Article 67.’;

(23) in Article 67, paragraphs 1 and 2 are replaced by the following:

‘1. Applications for registration of an EU design may be submitted by electronic means, including the representation of the design.

The conditions shall be laid down by the Executive Director.

2. The Executive Director shall determine the modalities for communication by electronic means, such as the means to be used, technical details of communication, and methods of identifying the sender.’;

(24) Article 69 is replaced by the following:

‘Article 69

Register of EU designs

In addition to the entries set out in Article 72(2) and (3) of Regulation (EC) No 6/2002, the Register shall contain the following entries, each accompanied by the date of recording such entry:

- (a) changes in the name or the city and country of the holder;
- (b) the notice of an amendment to the design pursuant to Article 25(6) of Regulation (EC) No 6/2002, including, if applicable, a reference to the disclaimer made or the court decision or the decision by the Office declaring the partial invalidity of the design right, as well as corrections of mistakes and errors pursuant to Article 20 of this Regulation;
- (c) the grant or transfer of a licence pursuant to Article 16(2) or Article 32 of Regulation (EC) No 6/2002 and, where applicable, the type of licence pursuant to Article 25 of this Regulation.’;

(25) Article 71 is deleted;

(26) Chapter XVI is deleted.

Article 2

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 May 2025.

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

Done at Brussels, 17 January 2025.

For the Commission
The President
Ursula VON DER LEYEN