

We have asked the PAC members to answer the following questionnaire regarding the e-Filing system in their respective countries.

Contents

1. Are e-filing procedures available before your National Trade Mark Authority (NTA)?.....	2
2. What type of e-filing procedures are available before your National Trade Mark Authority? E.g. e-filing of trade mark applications, renewals, oppositions, etc.?	2
3. When exactly have e-filing procedures been introduced in your country?	6
4. Who is entitled to use the e-filing system before your NTA?	8
5. Depending on the type of e-filing procedures, is there any receipt or certificate issued by the e-filing system for the filing of applications through the e-filing procedure?	10
6. Is there a limitation to the size of the files uploaded with each e-filing application?	11
7. Is there limitation to the number of characters included in the e-filing applications?	13
8. Does your NTA provide a specific form for e-filing applications or the applicant can submit his own?	15
9. Is there any benefit provided for the applicant for the use of e-filing procedures (e.g. lower official fees)?	16
10. Do the conditions on payment differ when using e-filing procedures and how?	18
11. Is the database of the NTA immediately updated with the data inserted with the e-filing system? If not, when approximately the updating of the NTA's database occurs?	20
12. Are e-filing procedures specifically regulated under the applicable national law?	21
13. Does your NTA provide any advisory services and assistance for the use of e-services?	23
14. How would you evaluate the e-filing system in your country?	25
15. Is there any statistical information concerning the use of the e-filing system in your country? If so, can you provide it?	27

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16. What measures would you propose in order to improve the e-filing system in your country and/or to confront possible problems or irregularities? 29

We received feedback from Austria, Bulgaria, Benelux, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Great Britain Hungary, Ireland, Italy, Spain, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, and Switzerland.

Please find below respective answers with some conclusions drawn therefrom.

Kindly note also, that any views expressed in the document below are the views of ECTA members who gave input for the project and do not necessarily constitute the views of ECTA. Also, we have made an effort to verify the information given below via at least one additional member from the same jurisdiction, however, this was not possible for all of the countries.

1. Are e-filing procedures available before your National Trade Mark Authority (NTA)?

Yes: AT, BG, BX, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IT, LT, LV, MT, PL, PT, RO, SE, SI, SK.

No: -

Conclusions:

All countries consulted have an e-filing system in their respective national offices. This is certainly a very positive aspect for the filing and management of trade marks in a telematic way.

2. What type of e-filing procedures are available before your National Trade Mark Authority? E.g. e-filing of trade mark applications, renewals, oppositions, etc.?

AT: Basically all filings can be done online. However, there are no specific online templates for all types of filings.

Our NTA provided for specific templates for applications, renewals, change of name and address, restriction of goods and services, assignments, the

joint request of a cooling off-period in opposition proceedings and ‘other filings regarding national marks’.

The section ‘other filings regarding national marks’ includes ‘additional documents and late-filings’, ‘request for extension of time’, ‘reinstatement’, ‘continuation application’, ‘rectification request’, ‘voluntary cancellation of a mark’, ‘request for recordal of a pledge’, ‘cancellation of a pledge’, ‘recordal of a license’, ‘cancellation of a license’, ‘splitting of a mark’ and ‘other requests’. All filings in that section also require the upload of the writ and possible attachments as .pdf.

A specific template for the online filing of an opposition has been announced but not yet realised. Oppositions can currently be filed via ‘other filings regarding national marks’ - ‘other requests’.

BG: All filings may be done online via e-mail, if the documents are signed with a Qualified Electronic Signature.

Apart from the above option, the Patent office’s portal offers the following services via an e-filing platform:

- searches (patents, trade marks, utility models) – without registration with the portal;
- filings of trade mark applications, IR applications, utility model applications, design applications, patent applications, EP validations;
- virtually any secondary action can also be filed through the portal, in relation to trade marks, designs, patents, utility models and EP: objection, opposition, appeal, cancellation, revocation, withdrawal and limitation of trade mark, surrendering of rights, assignment, license agreement recordal, renewal, change of name and address, appointment/deletion of representative, and ‘others’. A Qualified Electronic Signature is required to complete the process;
- electronic filing of EP also available (through EPO’s, e-OLF or WIPO’s e-PCT).

BX: Filing of Benelux and international trade mark application and Benelux design applications, renewals of Benelux trade marks and designs, oppositions, changes of name and/or address of the holders, transfers of trade marks and designs, appointment or change of representatives (attorneys).

CH: Trade marks and designs, renewals, oppositions, cancellation requests, responding to provisional refusals.

CY: We can file electronically most of the trade mark-related applications and renewals.

CZ: In general, e-filings are available for all type of actions including trade mark applications, renewals, license and lien recordals etc.

DE: (a) Everyone (incl. individuals) for: trade mark and design applications, applications for international registration of marks and application for the determination or declaration of invalidity – design.

(b) If you have successfully applied for patent attorney/attorney-at-law: trade mark and design applications, application for international registration (of a mark) and subsequent designation to the international registration, a power of attorney or notification of representation, translation of the foreign-language application, applications for determination/declaration of invalidity - design procedures, specification of purpose of use of SEPA mandate, appeals in trade mark procedures, request for extension of time limit and general submission of any document for all intellectual property rights of the DPMA (submission or subsequent filing of documents/requests).

DK: E-filing of trade mark applications.

EE: Applications, renewals, recordals through e-filing (i.e. through PTO's website platform). Otherwise, all documents can be digitally signed (by Estonian ID-card or Mobile-ID – officially equal to original signature) and filed by emails.

ES: All.

FI: Applicant may practically only apply for a trade mark online. The Finnish NTA can only accept applications filed on paper or by email for a special reason. This also applies to trade mark renewals. Also, reply to an office action, complete an application, file an application about a registered trade mark, lodge an opposition, complete an opposition, renewal of trade mark, change of name and or domicile, transfer of trade mark, license, pledge, as well as file a revocation of invalidation application through administrative action may be applied online. The service requires user identification. At the moment it is possible to identify oneself also by eIDAS identification with regard to Czech Republic, Croatia, Denmark, Estonia, Germany, Italy, Portugal and Spain.

FR: All proceedings.

GB: Trade mark applications, trade mark renewals and Notices of Threatened Opposition may be filed electronically via the IPO website. Responses to exam reports may be filed electronically via a link included in such reports. All other actions can be filed via email.

GR: Trade mark applications, trade mark renewals, change of name of the owner, change of legal form of the owner, change of address of the owner, appointment of a representative, appointment of the attorney authorised to receive documents, change of details of the representative, change of details of the attorney authorised to receive documents, change of the representative, change of the attorney authorised to receive documents.

HR: Filing of IP rights applications (including trade mark, industrial designs, patents, etc.), subsequent filing of documents, request for correction, request for issuance of the certificate of registration, requests for recordals of changes, request for renewals and various petitions.

HU: E-filing of trade mark applications, renewals, request for registration of data changes, request for certified trade mark registry extract, request for deadline extension, request for file inspection and e-filing of other communication with the authority are available.

IE: Trade mark applications, renewals, recordals of assignment, change of name/address, etc.

IT: E-filing of trade mark applications (inclusive of 'fast track'), limitations, withdrawals, renewals, change of applicant's address/denomination, change of ownership, oppositions, requests of certified copies, e-payment.

LT: E-filing of trade mark applications, renewals, changes, oppositions.

LV: All.

MT: Filing of trade mark applications and more recently (although with teething problems) filing of trade mark renewal applications. Oppositions can also be filed through the e-filing system, however here we again have experienced problems, particularly when it comes to the size of documents. We have had to file oppositions without documents, then we send the documents via email due to the size, since they do not go through them when filed via the e-filing system.

PL: Generally, all e-filings procedures are available, inclusive of 'fast track' trade mark application. If we cannot find any specific online template we need, we can apply via 'other requests'. However, in case of adverse actions, a paper copy of the brief to the other party is required anyway.

PT: E-filing for all acts to be performed before the NTA (applications, renewals, oppositions, recordals, certificates, etc.).

RO: Trade mark applications, renewals, changing the trade mark owner, changing the representative, transfer of trade mark rights, recording license.

SE: Trade mark application, renewal of trade mark, change of name and or address (application and registration), transfer of trade mark (application and registration), administrative cancellation action.

SI: Applications, renewals, assignments, oppositions, recordals of changes.

SK: All applications and procedures before NTA are available via e-filing, although, strictly speaking, 'e-filing' was never fully functional.

Conclusions:

We see at this point that there is a difference in the telematic services offered by the national offices.

All of them offer, in general, basic services such as the filing of applications, trade mark renewals or changes of ownership or address.

The positive point is that many offices offer all services through e-filing, thus generating an advantage for applicants when carrying out their actions before the national office. However, many national offices still do not offer the possibility of filing and/or managing oppositions telematically. This means that the physical filing of these proceedings must continue to be dependent on them, and this entails a time limitation (since national offices have opening and closing hours) as well as the need to file the briefs in a specific place and not from just any location. The exception is Estonia where, besides the limited options for e-filing procedures, all documents can be filed electronically (by emails), if being signed digitally (by Estonian ID-card or Mobile-ID).

3. When exactly have e-filing procedures been introduced in your country?

AT: 2015.

BG: For trade mark applications from November 2013, for ID applications from December 2013, for renewals, recordals etc. from April 2014.

BX: 2010/2011.

CH: In 2002 (by using specific electronic forms). Since 2010 all kind of filings are accepted (e-mails, electronic forms).

CY: In 2015..

CZ: Approximately 2-3 years ago.

DE: 2007.

DK: We don't know exactly, 10 years ago probably (2007).

EE: 2011.

ES: Trade mark applications in 2005. Renewals some years later. The remaining procedures in 2014.

FI: First version was introduced in 2007. Based on the co-operation with the EUIPO, a new version was launched then in 2013. Following steps were e-filing service for design matters in 2015 and trade mark renewals in 2016. The other previously mentioned services were introduced through e-filing in 2019.

FR: 2018.

GB: We don't know exactly, since at least 2012.

GR: October 2014.

HR: 2011.

HU: 2015.

IE: 2012.

IT: It started in May 2015 with the trade mark filings and renewals and then further implemented.

LT: 2016.

LV: 2014/2015.

MT: 2014.

PL: Launched in 2017, initially limited to trade mark applications. Actual functionalities were introduced in 2020.

PT: 2008.

RO: Last version is dated 12/12/2016.

SE: Renewal was introduced in 2012. Change of name and or address (application and registration) was introduced in 2016. Transfer of trade mark

(application and registration) was introduced in 2016. Administrative cancellation action was introduced in 2016.

SI: December 2014.

SK: 2010. It is fully functional since 2017.

Conclusions:

As mentioned above, all offices offer e-filing services. The office that first implemented this system was Switzerland in 2004, followed by Spain (2005), Germany (2007) and Portugal (2008). The rest of the offices implemented it in the following years.

4. Who is entitled to use the e-filing system before your NTA?

AT: Any applicant or its representative.

BG: Any person after registration with user name and password. The registration requires a valid e-mail address for access. Some of the services are available also without registration through the portal. All communication may also be done via email with a QES by any person.

BX: Anyone who has an account, which can be obtained without special requirements.

CH: Everybody (trade mark owner, IP professionals, etc.)

CY: A registered person.

CZ: Anyone who has been registered

DE: Everyone can use e-filing (trade mark owner, IP professionals, etc.)

DK: Everyone is entitled to use the e-filing system.

EE: Everyone having Estonian ID card or Mobile-ID.

ES: Applicants and/or their representatives.

FI: Any applicant or its representative, who is able to identify oneself either through Suomi.fi portal or eIDAS service.

FR: Owner, lawyer, trade mark attorney.

GB: Direct applicants or professional advisors.

GR: Applicants and/or their representatives.

HR: The e-filing can be used by attorneys, representatives and any other entity or individual as a present or future right holder.

HU: The trade mark applicant or the authorised representative, who hold a registered client code with the Hungarian Intellectual Property Office or who are registered in the online customer portal.

IE: Anyone.

IT: You have to be logged in order to use the e-filing form. Entitled people:
(i) Legal entity/natural person directly; (ii) Trade mark attorney (iii) Lawyer.

LT: Everyone.

LV: Any person.

MT: A registered person.

PL: Everyone is entitled to use the e-filing system. Registration with username, password and a valid e-mail address is required.

PT: Applicants, IP attorneys and lawyers.

RO: E-filing system is open to everybody.

SE: Anyone can use the e-filing system.

SI: Everyone.

SK: Any physical person with Slovak citizenship, or registered company with a seat in Slovakia. Although, when representing foreign entities, only Slovak patent attorneys and attorneys at law are allowed to act in the name of his/her client.

Conclusions:

All national offices allow anyone to act before them. In some cases it is necessary that the applicant (either on his own or through a representative or lawyer assisting him) is registered through a user account.

5. Depending on the type of e-filing procedures, is there any receipt or certificate issued by the e-filing system for the filing of applications through the e-filing procedure?

AT: A receipt is issued.

BG: Yes.

BX: Yes, after e-filing, we receive a receipt.

CH: Yes, each e-filing is followed by a FIIP receipt.

CY: Yes.

CZ: Yes.

DE: Yes, every action is confirmed.

DK: An immediate receipt is issued with a date and payment receipt, however, without an application number.

EE: Yes, a filing receipt.

ES: Yes, a filing receipt. Yes. An immediate receipt is issued with a date and payment receipt, and with an application number.

FI: Yes, a filing receipt.

FR: Yes, systematically and for all acts of procedure.

GB: An acknowledgement is issued. This is either an e-filing receipt or an auto-acknowledgement email.

GR: Yes, a filing receipt is issued and a copy of the application as filed.

HR: Yes, confirmation of receipt is delivered by email. Also, filing receipts for applications can be downloaded containing the classification number.

HU: Yes, after filing the application, the system generates a receipt of filing.

IE: Limit to 10 PDF attachments.

IT: Yes.

LT: Yes.

LV: Yes.

MT: Yes.

PL: Yes.

PT: Yes.

RO: The system is releasing a receipt after the submission.

SE: When an application has been filed, the filing party receives a filing receipt in PDF-form, which can be downloaded. Simultaneously, the same filing receipt is sent to the e-mail address that has been provided by the filing party. The filing receipt contains all information that was provided in the application, including application number, the mark, classes, priority, applicant, agent, as well as payment information and fees.

SI: Yes, following each e-filing, a receipt confirmation is issued automatically.

SK: For three of the 4 available e-filing systems a receipt is available. The original e-filing procedure did not have this possibility and any filing, or procedure initiated by e-filing had to be supplemented by paper form filing within 30 days of the e-filing.

Conclusions:

All national offices issue a filing receipt when using any act through the e-filing system.

6. Is there a limitation to the size of the files uploaded with each e-filing application?

AT: No.

BG: For specimens of marks or ID the size is limited to 2MB in JPEG or PNG format. There are also very specific requirements with regard to the height and resolution of the image, as well as the colour scheme used and the transparency of the background.

For the other attached files, the size is limited to 2MB in PDF.

BX: Yes, maximum sizes apply to trade mark and design applications.

CH: Basically not.

CY: Yes (20MB in total).

CZ: Yes, there is a 100 MB limit for e-filing, 20 MB for electronic data box correspondence and 15 MB for filings by e-mail.

DE: 20MB for a maximum of 20 files.

DK: Not to our knowledge.

EE: Yes. For labels: GIF and JPEG files – max 2MB, MP3 file – max 10MB, MP4 file – max 20MB.

ES: Yes, there is limitation of number of documents or its size. Those limitations are different depending on the proceeding.

FI: Yes, there is maximum size of 15 MB for a separate data file to be submitted. Formats available PDF (documents), JPEG (pictures), MP4 (videos) and MP3 (sound).

FR: Yes, for trade mark applications, no for documents submitted in procedures.

GB: For 3D and motion trade marks, the maximum file size is 20 MB. For sound marks, the maximum file size is 2 MB. For submissions made via email, the size of any attachment(s) should not be more than 20 MB.

GR: Yes. For labels: jpeg format, max 2MB, resolution min 150x150 and max 300x300 pixels, dimensions 8x8cm. Other supporting documents: max 2MB.

HR: The limit for the size of the files uploaded is 10 MB.

HU: In this category there are many differences between the offices, since all of them have restrictions either by the number of files, the size of the files or by the type of file that can be presented through the e-filing system.

IE: Not to our knowledge.

IT: 10MB. In case of MP4 files: 20 MB.

LT: Yes.

LV: Yes.

MT: Yes.

PL: Yes, there is limitation of number of documents or its size. These limitations are different depending on a type of action.

PT: 10MB.

RO: 2MB.

SE: Images: 3MB; PDFs: 2MB; Audio files: 1MB.

SI: Yes, depending on the type of e-filing procedure, e.g. for opposition, the attachments containing grounds/reasoning of the opposition is maximum 20MB, while for evidence is maximum 50MB.

SK: Yes, there is, but it is not known what is the maximum size of the uploaded file. 50MB did not cause any issues, while over 100MB files sometimes cannot be uploaded.

Conclusions:

In this category there are many differences between the offices, since all of them have restrictions either by the number of files, the size of the files or by the type of file that can be presented through the e-filing system.

7. Is there limitation to the number of characters included in the e-filing applications?

AT: For name change and assignment records not more than four attachments are accepted.

BG: Depending on the specific applications, there are certain limitations to characters, which vary.

BX: No.

CH: Basically not.

CY: No.

CZ: Not aware of it.

DE: No.

DK: Not to our knowledge.

EE: No cases up to now. Concerning the list of goods/services, the list per each class is limited up to 200 symbols, but it is possible to upload the document in the separate file.

ES: Yes, in relation to the applicant's name or address.

FI: No.

FR: No.

GB: Not to our knowledge.

GR: Yes, only in relation to the characters of the applicant's name.

HR: No.

HU: The maximum number of characters of the names of uploaded files shall be 25.

IE: 25 characters is the maximum.

IT: No

LT: No.

LV: No.

MT: Yes.

PL: Not to our knowledge.

PT: No.

RO: The limitation concerns the number of applicants (maximum 99) and not the characters.

SE: Input fields (such as work mark, name, address, etc): 100 characters maximum. Field for goods and services (provided free-form by the filing party): 2000 characters maximum.

SI: No.

SK: Not to our knowledge.

Conclusions:

Not all national offices have character restrictions. In those that do have restrictions, these are due to limitations in the field of the applicant's name or in the field of the goods and services to be applied for.

8. Does your NTA provide a specific form for e-filing applications or the applicant can submit his own?

AT: Yes, an online template must be used.

BG: E-filing application form is provided.

BX: A form is provided.

CH: Yes, a form is provided, but using this form is not mandatory.

CY: A specific form is provided.

CZ: A specific form must be used.

DE: Every applicant must use the official form applications.

DK: The Danish NTA has a specific e-form to be used (like EUIPO).

EE: Yes, specific form.

ES: A specific form is provided for every proceeding.

FI: Yes, a specific form is provided.

FR: You must use the online form, or when not available, the specific form provided by NTA and sent through the e-portal.

GB: A form is provided.

GR: Yes, an online template must be used.

HR: Yes, for filing of a new application. Petitions can be filed in any form.

HU: A form is provided.

IE: A form is provided.

IT: The online fields provided by the system need to be filled in.

LT: Yes.

LV: A specific form.

MT: There is a specific form.

PL: The forms provided by the system have to be used. If there is no specific form for a request, the user can submit his/her own form.

PT: A specific form is provided for every proceeding.

RO: Yes. The system is working, to some extent, in a similar way as e-filing at the EUIPO.

SE: Specific form, with some free-form option in terms of goods and services.

SI: Concerning most procedures NTA provides specific forms, not allowing applicants to submit their own forms. However, for example, the applicant must upload their own opposition form (scanned or saved in PDF-A format)

SK: Both is possible and available. Both types are accepted by NTA, also due to the confusion of 4 concurrent e-filing before NTA.

Conclusions:

All national offices provide specific forms for e-filing procedures.

9. Is there any benefit provided for the applicant for the use of e-filing procedures (e.g. lower official fees)?

AT: Yes, for trade mark applications the filing fees are lower (280 Euros, instead of 300 Euros for paper filings).

BG: No.

BX: Fees for paper trade mark and design applications are higher.

CH: At the moment, no.

CY: Slightly lower fees.

CZ: No.

DE: Trade mark and design application fees are slightly cheaper.

DK: No benefits and no lower official fee, however, it is possible to pay with credit card, which is otherwise not a possibility.

EE: No.

ES: Yes, 15% discount. E-filing is mandatory when the filing is made by a representative.

FI: Yes, but it is mainly due to very exceptional reasons. There is a higher fee for filing on paper but it is available only for a particularly weighty reason. E-filing is the default.

FR: It is mandatory for all communications with the office.

GB: £30 reduction in official fees for filing trade mark applications.

GR: Yes 1) lower official fees and 2) filing anytime during the day as opposed to having to visit the Greek trade mark office during certain working hours, when it is open for the public.

HR: Yes, 20% discount.

HU: No.

IE: No.

IT: The official fees are the same. However, when using e-filing, the administrative fees for paper filing of the Chambers of Commerce are not due. Moreover, as for trade mark filings and renewals and other records (such as limitations, changes in ownership, etc.) data are swiftly inserted in the NTA database.

LT: No.

LV: Discount.

MT: E-filing can take place outside ordinary office hours.

PL: Slightly lower official fees.

PT: Yes, 50% reduction on official fees when using e-filing procedures.

RO: No. The official fees are the same for e-filing as for paper filing.

SE: Lower official fees. 1.800 SEK for e-filing as opposed to 2.300 SEK for paper or free-form filing. The application will also be handled more quickly since the examination can be handled easier.

SI: No.

SK: 50% reduction in official fees (not all, but for most of them). Usually also in expedited proceedings. The whole society is more or less forced to switch to e-communication, thus in the matter of 1-2 years (different deadlines

apply to different entities), the e-filing and communication with state organs will be mandatory.

Conclusions:

Except for France where e-filing is mandatory, only a small number of national offices (Austria, Benelux, Germany, Greece, Spain, Great Britain, Croatia, Sweden, and Slovakia) have reduced their official fees. This is at least surprising since it is assumed that through e-filing many of the administrative costs of the national offices are reduced, so the fees should be reduced as well.

10. Do the conditions on payment differ when using e-filing procedures and how?

AT: For fast track application, which can only be e-filed, credit card payment is accepted.

BG: No.

BX: It is possible to pay by credit card during the procedure.

CH: No.

CY: Yes. E-filing may only be completed by credit card payment, whereas payments by cheque are accepted at the trade mark office. Cash is no longer accepted, there.

CZ: No

DE: No

DK: It is possible to pay with credit card, which is otherwise not a possibility.

EE: Generally no but, if we are using the e-filing form, there is a link to the direct payment by bank transfer.

ES: Yes. With e-filing fees must be paid at the time of filing, while if the application is made on paper, fees can be paid belatedly. This practice is contrary to the Spanish Patent and Trade Mark Law and the Trade Mark Law Treaty. The Spanish Patent and Trade Mark Office is aware of this irregularity, but has not changed its practice.

FI: Filing fees must be paid at the time of filing to get an application date and become pending. When using e-filing system the applicant is directed to pay the application fee either by online bank transfer or by credit card.

FR: No.

GB: For applications filed electronically, payment is taken at the time of filing. For paper filings, payment can be made by cheque or bank transfer

GR: No.

HR: Conditions are the same.

HU: Yes, the payment shall be made separately when using e-filing system. Otherwise the payment can be carried out together with the filing.

IE: No, can only pay by credit card. IPOI do not hold deposit accounts.

IT: No, it is the same.

LT: No.

LV: No.

MT: No, as far as we are aware.

PL: For fast track application, which can only be e-filed, only payment via electronic payment service (e-Payments) is accepted.

PT: Yes, e-filing provides 2 days for the payment of the official fees.

RO: No, the system does not work for making the payment. A proof of payment is to be uploaded.

SE: The conditions do not differ.

SI: There are more options to pay the fees (e.g. credit card).

SK: The conditions on payment do not differ, apart from the reduction of official fees.

Conclusions:

The payment conditions do not vary in the vast majority of national offices despite the use of e-filing.

11. Is the database of the NTA immediately updated with the data inserted with the e-filing system? If not, when approximately the updating of the NTA's database occurs?

AT: No, usually the update takes about 2-3 days.

BG: No, the update takes a few days.

BX: Soon after filing.

CH: No, only 5-6 days after the filing the Swissreg-database is updated.

CY: Yes, in principle.

CZ: No, it usually takes a few days.

DE: It varies extremely.

DK: No immediate update is available. The database is updated within 4-6 days from the filing.

EE: No immediate update. The database is updated once a day.

ES: No, the update takes about one day.

FI: It varies and may take until the next day. The details of a trade mark will be visible on the NTA's online database.

FR: Not before publication, i.e. 3 weeks.

GB: Normally within one day of submission.

GR: It is not immediately updated.

HR: No, it takes about 2-3 months for the application, registration or change to be visible in the database.

HU: No, the update does not follow immediately after the e-filing. It still takes a couple of days, just as when not filing online.

IE: The next day.

IT: A few days later.

LT: When formal examination of the application is made, it becomes available in NTA's database.

LV: Yes.

MT: Data is normally updated within approx. 5-7 working days.

PL: The database is updated with a significant delay. The time of recording changes varies.

PT: No, it normally takes 3 days.

RO: Not immediately. A trade mark application is published after 7 days from the filing date provided that the filing conditions are fulfilled.

SE: The database is updated daily, after the application has been filed the application will be visible in the Swedish Trade Mark Database at www.prv.se and in TMview.

SI: No. The time to update the database depends on the type of the e-application. NTA supposedly updates the database once each working day.

SK: No, it is not updated immediately. Unfortunately, the databases are physically updated by the clerks at their discretion (usually 1-3 weeks).

Conclusions:

Updates to the office's database when e-filing has been used differs significantly depending on the national offices in question.

We have two main groups: 1) those that update quickly (Austria, Bulgaria, Benelux, Switzerland, Estonia, Spain, Great Britain, Hungary, Ireland, Italy, Latvia, Portugal, Romania, Sweden, and Slovenia) and 2) those that take longer than desired (the rest).

12. Are e-filing procedures specifically regulated under the applicable national law?

AT: No.

BG: The law mentions them as a possibility, but they are not regulated as such.

BX: No.

CH: There are two general decrees on e-communication with authorities. Specific e-filing rules are found in the FIIP Terms of Use.

CY: Yes, but not to a large extent.

CZ: Yes.

DE: It's just mentioned in the so called Marken Verordnung (MarkenV) and Design Verordnung (DesignV) + the Ordinance on Electronic Legal Transactions with the German Patent and Trade Mark Office.

DK: No.

EE: Not yet, but will be.

ES: Yes, implementing regulation RD 687/2002 of the Spanish Trade mark Act 17/2001.

FI: Yes, the fees for e-filing are regulated in a special regulation Decree on paid services of the National Board of Patents and Registration (NTA) i.e. the Finnish Trade Mark Office. Above all, according to the Finnish Trade Marks Act (2019/544) Section 16 and 30 it is mandatory to use e-filing when filing a trade mark application and a renewal application unless there are special weighty reasons.

FR: Yes, they are mandatory for all procedures.

GB: Not to our knowledge, regulated by UKIPO and its procedure and policies.

GR: Yes, by circular no.1209/2012.

HR: No.

HU: Yes, the Hungarian Trade Mark Act mentions the possibility of e-communication with the NTA and stipulates a few specific rules, e.g. additional data the application shall include when using the e-filing system, and at the same time refers to the rules of Act CCXXII of 2015 on the general rules on e-administration and trust services.

IE: No.

IT: No.

LT: Yes.

LV: No.

MT: Yes.

PL: Yes, but these rules are not comprehensive.

PT: No.

RO: The national law stipulates the e-filing alternative.

SE: Yes, the procedures for e-filing are regulated in a special regulation: 'PRVFS 2011:3 V:9 Patent- och registreringsverkets (PRV) föreskrifter om elektronisk varumärkesansökan', i.e. the Swedish Trade Mark Office's regulations for e-filing of trade marks.

SI: Yes, the competent ministry adopted Rules on e-filing. However, these rules are not comprehensive.

SK: Yes, they are, by several laws and amendments. Depending on which type of e-filing procedure is used.

Conclusions:

Almost the half of the countries have e-filing regulated by law/rules/circulars, while the other half does not regulate e-filing at all.

13. Does your NTA provide any advisory services and assistance for the use of e-services?

AT: Yes.

BG: Yes, manuals are provided on the website.

BX: A video as well as a chat box are available.

CH: Yes. In case of difficulties the FIIP can be contacted by telephone or by e-mail.

CY: Yes, if requested.

CZ: Yes, there are available guidelines.

DE: Yes, on the website www.dpma.de.

DK: The Danish NTA is always available for advisory services and assistance - also for the use of e-services.

EE: Yes, if need be.

ES: Yes, by e-mail.

FI: Yes, on the website and also other guidance is available.

FR: Yes, through a hotline and training (for patents mostly).

GB: On-line guidance and telephone assistance available.

GR: Yes.

HR: The Office has a manual on procedures and they have organised working groups for education once the e-filing was introduced. At this point it is possible to contact the officer at the IP Office and arrange for a meeting for further educations.

HU: Yes, there are some guideline materials available on the website.

IE: Yes.

IT: Yes (Helpdesk - phone or e-mail).

LT: Yes.

LV: Yes.

MT: Yes.

PL: An on-line guidance as well as a chat box are available.

PT: Yes.

RO: Yes.

SE: Each e-service has its own 'advisory area' and a specific section 'About e-service'. In the more recent e-services there are information icons at each section that explains in detail what the section is and what is required. In addition, prv.se can be used for support, with information about what to consider when applying for a trade mark.

SI: Yes, technical support is available via telephone and email.

SK: Yes, they are generally helpful, and also organise seminars and workshops for professionals as well as for the general public.

Conclusions:

All national offices provide guidance or assistance concerning e-filing systems.

14. How would you evaluate the e-filing system in your country?

AT: There's definitely room for improvement, however it works.

BG: Good and useful in some instances, far too complex in other (e.g. too specific requirements for attached images).

BX: Ok, but should be extended to cancellation procedures.

CH: The system is very good, quick and uncomplicated.

CY: Ok, could be improved.

CZ: It is clear and easy to use.

DE: User friendly in case of trade mark and design filings. Well, the pro-System (for IP professionals version b) has been created for patents and has multiple functions. To the contrary the trade mark and design functions are very limited and only rarely used due to a lack of clarity and functions. Summarising, the EUIPO system is a lot more convenient and provides better tools in trade mark and design matters. The current e-filing system works very well for patent and utility model cases, the trade mark and design sections need improvement.

DK: At a scale from 1-10 I would evaluate the Danish Filing system to an 8.

EE: It needs improving.

ES: While SPTO's e-filing is less flexible than EUIPO's, I think that it is pretty good. However, there is always room for improvement: there should be no limit on the number of files or their size in the files that must be attached in some procedures. These files should also be automatically organised as they are added to the system.

FI: Yes, it functions well, but there is room for improvement (e.g. by way of payment possibilities and identification alternatives available).

FR: It is satisfying.

GB: Most applicants now use this system, and very few now file documents in paper form.

GR: Good but can be further improved.

HR: Good. It is very helpful in everyday work, saves money and time.

HU: It needs to be further developed.

IE: 8 out of 10.

IT: Good, but it could be further implemented.

LT: It works fine. There are some troubles or errors from time to time, but NTA reacts to our remarks very quickly.

LV: Good.

MT: Average – at present the National database is not fully functional to the extent that electronic filings are not possible at the moment. All filings are being done manually due to problems with the online system, which has been inactive for quite some time now.

PL: It works fine. The improvements in some areas would be warmly welcomed.

PT: Very good.

RO: There is a big need of improvement.

SE: It is good, but there is room for improvement. The change that was made in 2016 certainly was a step in the right direction.

SI: Great start and very useful especially concerning trade mark applications. It needs improvement regarding other e-applications to be truly beneficial.

SK: As very confusing, inconsistent, unreliable and with many flaws that need to be addressed well before the e-filing becomes mandatory.

Conclusions:

Most of the members are more or less satisfied with the e-filing system of their respective national offices, although there is always room for improvement.

However, there are some cases (Estonia, Hungary, Romania, and Slovakia) where improvement is very much needed in order to obtain a satisfactory and useful e-filing system in their respective national offices.

15. Is there any statistical information concerning the use of the e-filing system in your country? If so, can you provide it?

AT: No.

BG: 55% of the trade mark/design application are e-filed.

BX: Not to our knowledge.

CH: According to the FIIP Information about 95% of all filings are done by e-filing.

CY: Roughly 50% of the users prefer e-filing nowadays, especially after the Covid-19 crisis has emerged. It used to be much lower (20%) at the beginning of the year.

CZ: According to the IPO it is about 95 % people who prefers e-filing

DE: We don't have figures about that.

DK: The Danish NTA most probably have statistical information about the use of e-filing system and I will be able to ask for it, if necessary.

EE: Not available, but probably in quite active use.

ES: Information can be found here → www.oepm.es/es/sobre_oepm/actividades_estadisticas/.

FI: In principle all trade mark applications and trade mark renewal applications should be online as on paper and other alternatives are for exceptional cases only. Thus, e-filing is the main route for the basic services available. However, additional e-filing services including amongst others filing designs varies between 85-100%, amendments made to trade mark information between 80-90%, oppositions/invalidity applications between 80-100%. So far, the lowest rate of utilisation is with respect to possibility to use e-filing for submitting responses to official notifications or withdrawals is between 40-65%.

FR: All procedures, so there is no 'paper' procedure anymore.

GB: Not available publicly, but information can be obtained upon request.

GR: Not official and to our knowledge.

HR: Not available publicly. But all necessary information can be obtained upon request.

HU: I do not know about such information publicly available.

IE: Yes, by annual report.

IT: No. In 2020 the NTA provided figures about the total number of filings of trade marks, designs and patents filed in 2019 but the report does not contain any specific reference to the use of the e-filing platform.

LT: Yes, NTA has statistical data and provided figures during a seminar, but I cannot provide it now.

LV: According to the official statistics published by national office about 65% of national trade mark applications in 2020 was filed using e-system. The statistics for 2021 is not published yet.

MT: No, as far as we are aware.

PL: Each year Polish Patent Office presents annual report. As for 2020, 56,2% trade mark applications were filed electronically.

PT: No.

RO: No.

SE: The statistics for applications show that approximately 81% are e-filings and for renewals the number is approximately 87%, according to the 2016 figures. For the other e-services there are no statistics as of yet, mainly because these services are relatively new and not used as frequently.

SI: No, there is no official statistical information published. We can obtain unofficial statistical information from NTA.

SK: Since there are 4 different e-filing systems, no such statistical information is available. Partial information could be retrieved from the annual report of the Intellectual Property Office. The last one published is, alas, from 2015.

Conclusions:

According to information given, some national offices offer or provide statistics regarding e-filing vs traditional filing. However, just a few members have given such data.

16. What measures would you propose in order to improve the e-filing system in your country and/or to confront possible problems or irregularities?

AT: It would be advantageous if it would be possible to import the data from earlier applications (just as with EUIPO), in particular, representative's data.

In addition, a current account with the NTA would also facilitate the procedures.

BG: Reduction of the official fees in case of e-filing.

BX: E-filing should be extended to cancellation procedures.

CH: -

CY: Fast track procedure, just like at the EUIPO (obviously, with relative grounds examination, according to Cypriot national legislation).

CZ: -

DE: It works well, no reasons to improve.

DK: The Danish NTA e-filing system could be improved by providing an application No. upon receipt of the e-application.

EE: Acceptance of scanned documents, not very user-friendly as designed without involvement of attorneys. Records of transfers/assignments possible only for registered marks. No requests possible for multiple marks.

ES: There should be no limit on the number of files or their size in the files that must be attached in some procedures. These files should also be automatically organized as they are added to the system. E-filing should allow to pay the filing fees belatedly as provided by the Spanish Law.

FI: E-identification should have more alternatives compared to current practice. It would also be useful to be able to save a specific application and

duplicate its content for further use if you would like to file variations of the same mark with all the information of the applicant, goods and services etc. being the same.

FR: Introduce an identification with a card like EPO.

GB: The introduction of online filing or a portal for submissions for all actions.

GR: The introduction of e-filing in all procedures, the creation of an ID for the applicant and the representative, the possibility to import data from earlier applications, the possibility (when filing) to save the application in order to file similar ones.

HR: We requested to have the email confirmation of the various e-filing documents not only in Croatian but in English as well. However, we do not think that this will be accomplished soon.

HU: The form itself should be incorporated into the e-filing system, as now it has to be downloaded and uploaded separately along with its attachments. The number and size of attachments should not be limited.

IE: A better way/facility to save your trade mark application in draft.

IT: It should become more user friendly and extended to all the possible filings. Moreover, the services should be active 24h per day and not only from 8am to 7pm..

LT: Communication and good relations with local NTA.

LV: The main concern of the users is that the current system has very limited number of accepted terms of goods and services available for choosing within the system, especially if an applicant is willing to use 'fast track' procedure. As a consequence, the system often does not allow entering of additional terms in the application manually, causing the inadequate scope of protection claimed. The list of accepted terms must be broaden in according to the harmonised practice CP1 (where Latvian Trademark Office is taking participation).

The filing e-system still has a discrepancy from the national law in terms of payment of official fees. In particular, if you are using e-filing, you must pay a fee at the time of filing, otherwise the application is deemed to be not filed and the application date is not designated. However, the national law clearly allows late payment (i.e. within one month since the filing date) saving the initial filing date as a date of application. That should be improved as well.

MT: At present the system is not functioning properly. The need for a more efficient and updated system is required – at the moment the Office is undergoing structural changes and it has been brought to our attention that the system is also being updated, therefore we expect to see an improved e-filing system.

PL: Quicker update of the database. Payment for fast track via bank transfer would be welcomed - not every user wants to use/is able to use the electronic payment service (e-Payments). The changes with respect to adversary proceedings would be also welcomed. Currently, the briefs in adversary proceedings may be filed electronically but their copies to the opposite party have to follow in paper.

PT: Since it works quite well, I believe there is not much need to improve. Probably, the forms could be more friendly use.

RO: Lowering official fees when the applicant is using e-filing. Expanding the e-filing procedures to all procedures. Increasing transparency by making the files available to the public after first publication.

SE: One specific change, that would be appreciated, would be to save a specific application and duplicate its content (for example if you wish to file variations of the same mark but with all the information of the applicant, goods and services etc. being the same). Another measure would be to allow an applicant or agent to have a specific number or ID to use, instead of always having to type all the information by hand.

SI: There are many specific problems with e-filing, which we regularly report to NTA. However, NTA is very slow and reluctant to change the system. E.g. it is not possible to file an opposition against the Slovenian part of IR. And in the last 2 years nothing has been done to change this.

SK: First of all, unite 4 different e-filing systems that (somehow) function concurrently into one fully functional e-filing system, or, at most, into 2 systems - one for trade marks and designs, the other one for industrial rights (patents, utility models, etc.). Then the government should make sure it is reliable, and user friendly - which is not currently.

GENERAL CONCLUSION

It is evident that e-filing has entered into our trade mark lives for good. However, nowadays the pandemic has shown that e-filing is not only an improvement in our work but a necessity.
