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Breaking news! The Executive Director asks the Grand Board if an appeal is required to allow conversion of a refused EUTM.

Sara Parrello, Fabio Angelini (Bugnion S.p.A) · Wednesday, April 3rd, 2024

On April 2nd, the EUIPO has publicly announced the first referral by the Executive Director to the Grand Board of Appeal pursuant to Article 159(4)(l) of the EUTMR n. 2017/1001 in conjunction with Article 37(4) and (5) of EUTMDR n. 2018/625 (see at <https://www.euipo.europa.eu/es/news/first-referral-of-questions-by-the-executive-director-to-the-grand-board-of-appeal>).

The main issue regards the Board of Appeal (BOA) decision in ‘NIGHTWATCH’ case (R 1241/2020-4 of 26/09/2022 – see [here](#) our previous comment). The BOA, diverging from EUIPO Guidelines, allowed the conversion of a refused EUTM application following its withdrawal within the expiration of the appeal period, without the necessity to file an appeal.

The full referral will be published in the April edition of the Official Journal of the Office and interested parties like user groups have the right to present observations to the Grand Board on this matter under Article 37(6) EUTMDR. We will follow next developments and report about it after publication!

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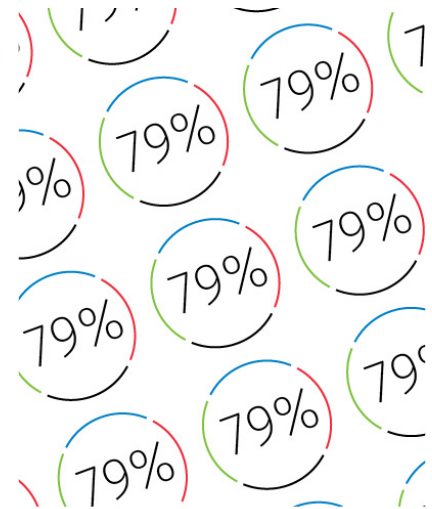
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