



**OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)**

The President

DECISION No EX-11-04 OF THE PRESIDENT OF THE OFFICE

of 1 August 2011

concerning the administration charges related to Mediation

THE PRESIDENT OF THE OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS),

Having regard to Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark¹, and in particular Article 124(2)(a) thereof;

Having regard to Council Regulation (EC) No 6/2002 of 12 December 2001 on Community Designs² and Commission Regulation (EC) No 2245/02 of 21 October 2002 implementing the Council Regulation³, and in particular Article 100 thereof,

Having regard to Commission Regulation (EC) No 2869/95 of 13 December 1995 on the fees payable to the Office for Harmonisation in the Internal Market (Trade Marks and Designs)⁴, and in particular Article 3(1) thereof;

Having regard to Commission Regulation (EC) No 2246/2002 of 16 December 2002 on the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs) in respect of the registration of Community designs⁵, and in particular Article 3(1) thereof;

Whereas:

Article 1(3) of Decision No 2011-1 of the Presidium of the Boards of Appeal of 14 April 2011 on the amicable settlement of disputes⁶ provides that the charges for the mediation held with the assistance of an Office's mediator during the suspension of appeal proceedings before the Boards should be laid down by the President of the Office;

In order to minimize any administrative burden on both the parties and the Office the payment of the administrative charges related to mediation proceedings should be made through current account or bank transfer and fixed at the lowest possible level;

A mediation held at the Office premises in Alicante should be free of charge. In case of mediation at the Office premises in Brussels, charges should be laid down in the form of a lump sum payment to cover, where applicable, the mediator's expenses including travel and accommodation;

¹ OJ L 78, 24.03.2009, p. 1.

² OJ L 3, 5.1.2002, p. 1, as last amended by Council Regulation (EC) No 1891/2006, OJ L 386, 29.12.2006, p. 14.

³ OJ L 341, 17.12.2002, p. 28, as last amended by Commission Regulation (EC) No 876/2007, OJ L 193, 25.7.2007, p. 13.

⁴ OJ L 303, 15.12.1995, p. 33, as last amended by Regulation (EC) No 335/2009, OJ L 109, 30.4.2009, p. 3.

⁵ OJ L 341 17, 12.2002, p. 54, as amended by Regulation (EC) No 877/2007, OJ L 193, 25.7.2007, p. 16.

⁶ OHIM OJ [...]

HAS ADOPTED THE FOLLOWING DECISION:

**Article 1
Amount**

Mediation proceedings held at the premises of the Office in Alicante shall be free of charge.

The amount of the administration charges to be paid when mediation proceedings are held at the premises of the Office in Brussels shall be EUR 750.

**Article 2
Payment**

The administrative charges relating to mediation proceedings shall be shared by the parties unless otherwise agreed by them.

Payment of the administrative charges shall be made through current account or bank transfer.

The parties to the mediation proceedings shall bear their own costs unless otherwise agreed by them.

**Article 3
Initiation of a mediation process at its Brussels premises**

The Office will initiate mediation processes at its Brussels premises only once payment of the administrative charges is received.

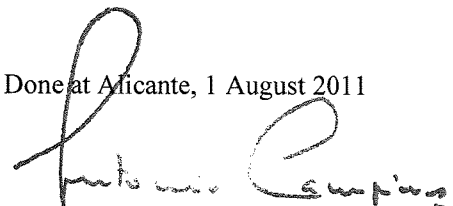
**Article 4
Refund**

In case the mediation fails, the administration charges shall not be refunded.

**Article 5
Entry into force**

This Decision shall enter into force on the day following its publication in the Official Journal of the Office.

Done at Alicante, 1 August 2011



António Campinos
President