



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

The President

**DECISION No EX-13-3 OF THE PRESIDENT OF THE OFFICE**

**of 26 November 2013**

**concerning the availability of decisions of refusal of CTM applications  
based on absolute grounds**

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 mark (codified version, hereinafter referred to as CTMR), and in particular Article 124(2)(a) pursuant to which the President of the Office shall take all necessary steps, including the adoption of internal administrative instructions and the publication of notices, to ensure the functioning of the Office,

Having regard to Commission Regulation (EC) No 2868/95 of 13 December 1995 implementing Council Regulation (EC) No 40/94 on the Community trade mark, as amended (hereinafter referred to as CTMIR), in particular Rule 87 thereof,

Pursuant to Rule 87 CTMIR, the President of the Office shall determine the conditions of access to the data bank which contains the particulars of applications for registrations of trade marks and entries in the Register; the President shall also determine the manner in which the contents of this data bank may be made available in machine-readable form, including the charges for these acts,

Whereas:

- (1) It is appropriate, in order to safeguard the interests of third parties consulting the Register of Community Trade Marks, to give full and accurate information about the particulars of refused applications for the purpose of guaranteeing the transparency of the CTM system as fundamental value.
- (2) Whereas the predictability, consistency and quality of OHIM's decisions require that users are informed about the exact reasons for the refusal of applications based on absolute grounds.
- (3) Whereas the goals of harmonisation and convergence may only be achieved by offering to the stakeholders and interested users a complete, transparent and intelligible case-law database which includes decisions refusing CTM applications,

HAS ADOPTED THE FOLLOWING DECISION:

**Article 1**

Decisions of refusal of CTM applications based on absolute grounds shall be made publicly available in the Office case-law database.

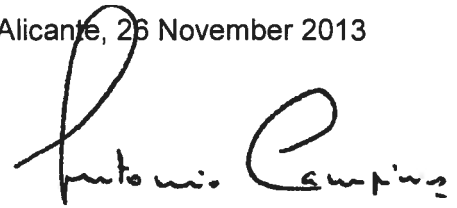
**Article 2**

The case-law database shall be accessible on the Office website free of charge. The Office will announce the availability of the database through its website in due course.

**Article 3**

This Decision enters into force on the 2 December 2013. It shall be published in the Official Journal of the Office.

Done at Alicante, 26 November 2013

A handwritten signature in black ink, appearing to read 'António Campinos', written in a cursive style.

António Campinos  
President