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COMMISSION DELEGATED REGULATION (EU) 2026/1841

of 28 July 2026

supplementing Regulation (EU) 2026/715 of the European Parliament and of the Council with rules specifying the details of certain proceedings concerning registered EU designs, and repealing Commission Delegated Regulation (EU) 2026/137

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2026/715 of the European Parliament and of the Council of 11 March 2026 on European Union designs ([1]), and in particular Article 58, Article 75, Article 78, Article 82, Article 84, Article 86, Article 89, Article 91, Article 94, Article 98, Article 117 and Article 147 thereof,

Whereas:

(1) Council Regulation (EC) No 6/2002 ([2]) created a system specific to the Union for the protection of designs obtained at Union level on the basis of an application to the European Union Intellectual Property Office ('the Office').

(2) Regulation (EU) 2024/2822 of the European Parliament and of the Council ([3]) amended Regulation (EC) No 6/2002 by aligning the powers conferred upon the Commission with Articles 290 and 291 of the Treaty on the Functioning of the European Union. Commission Delegated Regulation (EU) 2026/137 ([4]) and Commission Implementing Regulation (EU) 2026/138 ([5]) were adopted to conform with the new legal framework resulting from that alignment.

(3) Regulation (EC) No 6/2002 was codified as Regulation (EU) 2026/715. For reasons of clarity and simplification, the references contained in a delegated regulation are to reflect the renumbering of articles resulting from such a codification of the relevant basic act. The provisions of Delegated Regulation (EU) 2026/137 should therefore be updated with the references to Regulation (EU) 2026/715.

(4) The Office is responsible for the registration of both the EU trade mark and the registered EU design. Therefore, in the interest of legal certainty, consistency and simplification, the rules set out in this Regulation should be aligned to the extent possible with the rules applicable to EU trade marks as laid down in Commission Delegated Regulation (EU) 2018/625 ([6]).

([1]) OJ L, 2026/715, 30.3.2026, ELI: http://data.europa.eu/eli/reg/2026/715/oj.
([2]) Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ L 3, 5.1.2002, p. 1, ELI: http://data.europa.eu/eli/reg/2002/6/oj).
([3]) 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).
([4]) Commission Delegated Regulation (EU) 2026/137 of 15 January 2026 supplementing Council Regulation (EC) No 6/2002 on European Union designs with rules specifying the details of certain proceedings concerning registered designs, and repealing Commission Regulation (EC) No 2245/2002 (OJ L, 2026/137, 19.3.2026, ELI: http://data.europa.eu/eli/reg_del/2026/137/oj).
([5]) Commission Implementing Regulation (EU) 2026/138 of 15 January 2026 laying down detailed rules for implementing certain provisions of Council Regulation (EC) No 6/2002 on European Union designs (OJ L, 2026/138, 19.3.2026, ELI: http://data.europa.eu/eli/reg_impl/2026/138/oj).
([6]) Commission Delegated Regulation (EU) 2018/625 of 5 March 2018 supplementing Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark, and repealing Delegated Regulation (EU) 2017/1430 (OJ L 104, 24.4.2018, p. 1, ELI: http://data.europa.eu/eli/reg_del/2018/625/oj).

(5) The examination and registration of EU design applications should be carried out in an effective, efficient and expeditious manner, using procedures which are transparent, thorough, fair and equitable. In the interest of clarity and legal certainty, it is necessary to clearly specify the details on the procedure for amending an EU design application in immaterial details, either to remedy a deficiency or on the applicant's own motion. While following the provisions governing the amendment of EU trade marks, that procedure should be adapted to the particularities of design representations to facilitate the filing process for designs.

(6) The procedural provisions governing the declaration of invalidity of a registered EU design should ensure that a registered EU design can be declared invalid in an effective and efficient way by means of a transparent, thorough, fair and equitable procedure. For the sake of greater legal certainty, clarity and consistency, it is appropriate to align, to the extent possible, those procedural provisions with those applicable to EU trade mark invalidity proceedings. To that effect, it is appropriate to clearly specify both the content that should form part of any application for invalidity and the specific content requirements depending on the invoked grounds for invalidity. With a view to reducing administrative burden, it is also appropriate to include the requirements for the substantiation of earlier rights in cases where the content of the relevant evidence is accessible online from a source recognised by the Office. It is further necessary to confirm the current practice of the Office in relation to requests for proof of use when the application for declaration of invalidity is based on an earlier trade mark.

(7) As a countermeasure to the limited substantive examination of EU design applications before registration and in order to facilitate the efficient invalidation of unlawfully registered EU designs, an accelerated invalidity procedure should be made available for cases where the holder of the registered EU design does not contest the grounds of invalidity or the relief sought.

(8) In order to ensure an effective, efficient and complete review of decisions taken by the Office in the first instance by means of a transparent, thorough, fair and equitable appeal procedure suited to the specific nature of intellectual property law, it is appropriate to reinforce legal certainty, predictability, and consistency of the legal framework by applying the existing procedural provisions for EU trade marks in Delegated Regulation (EU) 2018/625, also to registered EU designs. The relevant provisions of Delegated Regulation (EU) 2018/625 should also apply when it comes to ensuring an effective and efficient organisation of the Boards of Appeal in the area of EU designs.

(9) For reasons of legal certainty and consistency, and in order to ensure a smooth, effective and efficient operation of the EU design system, it is further appropriate to apply to the EU design system the existing procedural provisions for EU trade marks in Delegated Regulation (EU) 2018/625 in relation to the requirements as to the details on oral proceedings and the detailed arrangements for taking of evidence, certain provisions concerning notifications by the Office and communications to the Office, the rules governing the calculation, duration and extension of time limits, the detailed arrangements for resuming proceedings after their interruption, and the details on representation before the Office in design matters.

(10) In order to modernise the EU design system, it is further appropriate to provide for both notifications by the Office and communications to the Office by electronic means as the only means of notification and communication. In the interest of efficiency, it should be possible for the Office to effect the transmission of documents to parties concerned by providing electronic access to those documents. Furthermore, for reasons of efficiency, transparency and user-friendliness, the Office should make available online the electronic forms in all the official languages of the Union for communication in proceedings before the Office.

(11) Delegated Regulation (EU) 2026/137 should therefore be repealed.

(12) Commission Regulation (EC) No 2245/2002 ([7]) was repealed. Its rules were replaced by Delegated Regulation (EU) 2026/137 and Implementing Regulation (EU) 2026/138. Notwithstanding that repeal, it is necessary to continue to apply specific provisions of that Regulation (EC) No 2245/2002 to certain proceedings that had been initiated before the date of applicability of Delegated Regulation (EU) 2026/137 until the conclusion of those proceedings,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of the application

1. A request for amendment of the representation of the EU design applied for in immaterial details pursuant to Article 57(2) of Regulation (EU) 2026/715 shall contain the following information:

(a) the file number of the application;

(b) the name and the address of the applicant in accordance with Article 1(1), point (a), and Article 1(2) of Commission Implementing Regulation (EU) 2026/1842 ([8]);

(c) an indication of the features to be amended and of the view or views to be amended or withdrawn;

(d) a representation of the design as amended, in accordance with Article 2 of Implementing Regulation (EU) 2026/1842.

2. Where the requirements set out in paragraph 1 are not fulfilled, the European Union Intellectual Property Office ('the Office') shall communicate the deficiency to the applicant and shall specify a time limit for remedying the deficiency. Where the applicant does not remedy the deficiency within the specified time limit, the Office shall reject the request for amendment.

3. A single request for amendment may be made for the amendment of the same features in two or more designs provided that the applicant is the same for all designs covered by the request.

Article 2

Application for a declaration of invalidity

1. An application for a declaration of invalidity pursuant to Article 73 of Regulation (EU) 2026/715 shall contain the following information:

(a) the registration number of the registered EU design in respect of which the declaration of invalidity is sought and the name of its holder;

(b) an indication of the grounds for invalidity as laid down in Article 27 of Regulation (EU) 2026/715, on which the invalidity application is based;

(c) a reasoned statement setting out the facts, evidence and arguments in support of the grounds for invalidity referred to in point (b);

(d) the evidence in support of the reasoned statement referred to in point (c);

([7]) 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).

([8]) Commission Implementing Regulation (EU) 2026/1842 of 28 July 2026 laying down detailed rules for the application of Regulation (EU) 2026/715 of the European Parliament and of the Council as regards proceedings relating to a registered EU design, and repealing Commission Implementing Regulation (EU) 2026/138 (OJ L, 2026/1842, 28.10.2026, ELI: http://data.europa.eu/eli/reg_impl/2026/1842/oj).

(e) the identification of the applicant for a declaration of invalidity in accordance with Article 1(1), point (a), and Article 1(2) of Implementing Regulation (EU) 2026/1842 and, where applicable, the identification of the appointed representative in accordance with Article 1(1), point (c), and Article 1(3) of Implementing Regulation (EU) 2026/1842;

(f) an indication concerning the authorisation or entitlement to file the application for a declaration of invalidity pursuant to Article 27(2) to (6) of Regulation (EU) 2026/715 and supporting evidence.

2. In addition to the requirements laid down in paragraph 1, an application for a declaration of invalidity shall contain, in particular, the following information:

(a) where the ground laid down in Article 27(1), point (b), in conjunction with Articles 6 and 7 of Regulation (EU) 2026/715 is invoked, the indication and evidence of disclosure of the prior design or designs under Article 8 of Regulation (EU) 2026/715;

(b) where the ground laid down in Article 27(1), point (c), of Regulation (EU) 2026/715 is invoked, a final decision of the competent court or authority of the Member State concerned regarding the entitlement to the EU design in accordance with Article 14 of that Regulation;

(c) where the ground laid down in Article 27(1), point (d), of Regulation (EU) 2026/715 is invoked, the representation and particulars identifying the prior design, accompanied, where it is not a registered EU design, by evidence of its filing or registration, consisting of a copy of the relevant filing, registration, and, if applicable, the renewal certificate or an equivalent document from the administration with which the design was filed or registered proving the existence and validity;

(d) where the ground laid down in Article 27(1), point (e), of Regulation (EU) 2026/715 is invoked the following shall be provided:

  (i) an indication of the kind or nature of the prior distinctive sign and its representation;

  (ii) an indication of whether the distinctive sign referred to in point (i) exists in the whole of the Union or only in one or more Member States, and in the latter case, an indication of those Member States;

  (iii) where the prior distinctive sign referred to in point (i) is a registrable right, the particulars identifying it;

  (iv) evidence of the existence, validity and scope of protection of the distinctive sign referred to in point (i), including the right to prohibit the contested use conferred on its right holder, which evidence shall include, in particular the following:

    (a) where the distinctive sign referred to in point (i), other than a trade mark, is invoked pursuant to the law of a Member State, an indication of the content of the national law relied upon by adducing publications of the relevant provisions or jurisprudence;

    (b) where the distinctive sign referred to in point (i) is a registrable right other than an EU trade mark, a copy of the relevant filing, registration or the renewal certificate or an equivalent document from the administration with which the distinctive sign was filed or registered;

(e) where the ground laid down in Article 27(1), point (f), of Regulation (EU) 2026/715 is invoked, the following information shall be provided:

  (i) an indication and particulars identifying the work protected by copyright and its representation;

  (ii) an indication of the Member State where it is protected and of the content of the national law relied upon by adducing publications of the relevant provisions or jurisprudence;

  (iii) evidence of authorship of the prior work protected by copyright or acquisition of the rights to that work, and of its scope of protection under the national law relied upon, including the right to prohibit the contested use conferred on its right holder;

(f) where the ground laid down in Article 27(1), point (g), of Regulation (EU) 2026/715 is invoked, the representation and particulars of the relevant item as referred to in that Article.

3. Where the evidence referred to in paragraph 2 concerning the filing or registration of the invoked rights or prior designs, or concerning the contents of the relevant national law is accessible online from a source recognised by the Office, the applicant for a declaration of invalidity may provide such evidence by making reference to that source.

4. Where the application for a declaration of invalidity pursuant to Article 73 of Regulation (EU) 2026/715 is based on more than one prior design or earlier right, paragraphs 1, 2 and 3 of this Article shall apply for each of those designs or rights.

Article 3

Languages used in invalidity proceedings

1. Parties to the invalidity proceedings may inform the Office before the expiry of a period of two months after receipt by the registered EU design holder of the communication referred to in Article 6(1) of this Regulation, that a different language of proceedings has been agreed pursuant to Article 137(6) of Regulation (EU) 2026/715.

2. Where the application has not been filed in the language referred to in paragraph 1, the holder may request that the applicant file a translation of the application in that language. Such a request shall be received by the Office before the expiry of the period of two months after receipt by the registered EU design holder of the communication referred to in Article 6(1) of this Regulation. The Office shall set a time limit for the applicant to file such a translation. Where that translation is not filed or it is filed after the expiry of the set time limit, the language of the proceedings shall remain unchanged.

Article 4

Information to the parties concerning an application for a declaration of invalidity

The Office shall, prior to the finding on admissibility, send an application for a declaration of invalidity and any document submitted by the applicant, as well as any communication addressed to one of the parties by the Office to the other party for information purposes regarding the introduction of an application for a declaration of invalidity.

Article 5

Admissibility of an application for a declaration of invalidity

1. Where the fee for an application for a declaration of invalidity required pursuant to Article 73(2) of Regulation (EU) 2026/715 has not been paid, the Office shall invite the applicant to pay the fee within a period specified by it. Where the required fee is not paid within the specified period, the Office shall inform the applicant that the application for a declaration of invalidity is deemed not to have been filed. Where the fee has been paid after the expiry of the specified period, it shall be refunded to the applicant.

2. Where the application for a declaration of invalidity does not comply with the requirements laid down in Article 2, the Office shall inform the applicant accordingly and shall require the applicant to remedy the deficiencies noted within a period of two months. If the deficiencies are not remedied within that time limit, the Office shall reject the application as inadmissible.

3. Where the application for a declaration of invalidity filed pursuant to Article 2 of this Regulation has been filed in a language other than the language of proceedings in accordance with Article 137(4) of Regulation (EU) 2026/715, the Office shall request the applicant to produce a translation in that language within a period of one month. Where that translation is not filed within that time limit, the Office shall reject the application for a declaration of invalidity as inadmissible. Where the missing translation concerns only supporting evidence under Article 2(1), point (d), and Article 2(3) and (4) of this Regulation and no other grounds for inadmissibility apply, the Office shall disregard that evidence as inadmissible and proceed with the examination of the application.

4. Any other supporting documents not required for the admissibility of an application for a declaration of invalidity pursuant to Article 2 of this Regulation may be filed in any official language of the Union. Where the language of such supporting documents is not the language of proceedings as determined in accordance with Article 137 of Regulation (EU) 2026/715, the Office may, of its own motion or upon a reasoned request by the other party, require that a translation be supplied in that language, within a period determined by it.

5. The Office shall notify the parties where, pursuant to paragraph 1, the application for a declaration of invalidity is deemed not to have been filed and where a decision has been taken to reject the application for a declaration of invalidity on the grounds of inadmissibility pursuant to paragraphs 2 or 3 of this Article. Where an application for a declaration of invalidity is rejected as inadmissible prior to the sending of the communication referred to in Article 6(1), no decision on costs shall be taken.

Article 6

Examination of the application for a declaration of invalidity

1. Where the application is found admissible pursuant to Article 5, the Office shall send a communication to the parties informing them that the adversarial part of the invalidity proceedings has commenced and inviting the holder of the contested registered EU design to file observations within a specified period fixed by the Office.

2. Where the Office has invited a party in accordance with Article 74(2) of Regulation (EU) 2026/715 to file observations within a specified period and that party does not submit any observations within that period, the Office shall close the adversarial part of the proceedings and rule on the invalidity on the basis of the evidence before it.

3. Where the holder of the contested registered EU design requests proof of genuine use in accordance with Article 74(3) of Regulation (EU) 2026/715, the Office shall invite the applicant for a declaration of invalidity to provide, within a specified period, proof of genuine use of the EU trade mark or national mark invoked as a distinctive sign, or to provide proper reasons for non-use. Article 19(2) of Delegated Regulation (EU) 2018/625 shall apply *mutatis mutandis*.

4. All observations filed by the parties pursuant to Article 74(2) of Regulation (EU) 2026/715 shall be sent by the Office to the other party concerned.

5. Where the holder wishes to surrender the contested registered EU design, it shall do so by way of a separate document and the proceedings shall be closed except where the applicant shows a legitimate interest in obtaining a decision on the merits in accordance with Article 26(2) of Regulation (EU) 2026/715.

6. Where the Office declares invalid the effects of an international registration in the territory of the Union, it shall notify its decision to the International Bureau of the World Intellectual Property Organisation ('the International Bureau') upon the decision becoming final.

Article 7

Examination of proceedings before the Invalidity Division as a matter of priority

Where the application for a declaration of invalidity is based on Article 27(1), point (b), of Regulation (EU) 2026/715, in conjunction with Articles 6 and 7 of that Regulation, and the holder of the contested registered EU design has not contested the grounds of invalidity or the relief sought, the Office shall rule on the invalidity as a matter of priority.

Article 8

Multiple applications for a declaration of invalidity

1. Where several applications for a declaration of invalidity have been filed in relation to the same registered EU design, the Office may deal with them in one set of proceedings. The Office may subsequently decide to examine separately those applications for a declaration of invalidity.

2. Where a preliminary examination of one or more applications referred to in paragraph 1 reveals that the registered EU design may be invalid, the Office may suspend the other invalidity proceedings. The Office shall inform the remaining applicants affected by the suspension of any relevant decisions taken in the context of those ongoing proceedings.

3. Once a decision declaring the invalidity of the design has become final, the applications in respect of which the proceedings have been suspended in accordance with paragraph 2 shall be deemed to have been disposed of and the Office shall inform the applicants concerned accordingly. Those applications shall be considered to constitute a case which has not proceeded to judgment within the meaning of Article 101(4) of Regulation (EU) 2026/715.

4. The Office shall refund 50 % of the fee for an application for a declaration of invalidity referred to in Article 73(2) of Regulation (EU) 2026/715, paid in respect of the applications referred to in paragraph 3 of this Article.

Article 9

Participation of an alleged infringer

Where, in accordance with Article 76 of Regulation (EU) 2026/715, an alleged infringer seeks to join the proceedings, the provisions of Articles 2 to 5 of this Regulation shall apply to that alleged infringer.

Article 10

Appeals

Articles 21 to 48 of Delegated Regulation (EU) 2018/625 shall apply *mutatis mutandis* to appeals dealt with by the Boards of Appeal in accordance with Article 77 of Regulation (EU) 2026/715 and to the details concerning the organisation of the Boards of Appeal set out in accordance with Article 147 of Regulation (EU) 2026/715.

Article 11

Oral proceedings and taking of evidence

Articles 49 to 55 of Delegated Regulation (EU) 2018/625 shall apply *mutatis mutandis* to oral proceedings and taking of evidence in accordance with Articles 81 and 83 of Regulation (EU) 2026/715, including the detailed arrangements for the use of languages set out in accordance with Article 137 of Regulation (EU) 2026/715.

Article 12

Notification by the Office

In proceedings before the Office, notifications to be made by the Office in accordance with Article 85(2) of Regulation (EU) 2026/715 shall consist of the transmission of the document to be notified to the parties concerned. The transmission may be effected by providing electronic access to that document.

Article 13

Notification to representatives

1. Where a representative has been appointed or where the applicant first named in a common application is considered to be the common representative pursuant to Article 26 of this Regulation in conjunction with Article 73(1) of Delegated Regulation (EU) 2018/625, notifications shall be addressed by the Office to such appointed or common representative.

2. Where a single party has appointed several representatives, notification shall be effected by the Office in accordance with Article 1(3) of Implementing Regulation (EU) 2026/1842. Where several parties have appointed a common representative, notification to the common representative shall be sufficient.

3. A notification addressed by the Office to the duly authorised representative shall have the same effect as if it had been addressed to the represented person.

Article 14

Irregularities in notification

Article 61 of Delegated Regulation (EU) 2018/625 shall apply *mutatis mutandis* to irregularities in notification of documents in accordance with Articles 12 and 13 of this Regulation.

Article 15

Notification of documents in the case of several parties

The requirements of Article 62 of Delegated Regulation (EU) 2018/625 shall apply *mutatis mutandis* to the notification of documents pursuant to this Regulation in the case of several parties.

Article 16

Communication with the International Bureau

Communications with the International Bureau shall be in a manner and format agreed on between the International Bureau and the Office, and, wherever possible, by electronic means.

Article 17

Communications to the Office

1. Applications for the registration of an EU design as well as any other application provided for in Regulation (EU) 2026/715 and all other communications addressed to the Office shall be transmitted by electronic means. The indication of the name of the sender shall be deemed to be equivalent to the signature.

2. In proceedings before the Office, the date on which a communication is received by or made electronically accessible to the Office shall be considered to be its date of filing or submission.

3. Where a communication is incomplete or illegible due to technical reasons or where the Office has reasonable doubts as to the accuracy of the transmission, the Office shall inform the sender accordingly and shall invite the sender to retransmit or provide access to the content of the document within a period fixed by the Office. Where that request is complied with within the fixed period, the date of receipt shall be deemed to be the date of the receipt of the original communication or the date the original contents were made available to the Office. However, where the deficiency concerns the granting of a filing date for an application to register a design, the provisions in Article 46 of Regulation (EU) 2026/715 regarding the filing date shall apply. Where the request is not complied with within the fixed period, the communication shall be deemed not to have been received.

Article 18

Forms

The Office shall make electronic forms available to the public free of charge in all the official languages of the Union.

Article 19

Communications by representatives

Any communication addressed to the Office by the duly authorised representative referred to in Articles 115 and 116 of Regulation (EU) 2026/715 shall have the same effect as if it originated from the represented person.

Article 20

Calculation and duration of time limits

1. The calculation of a time limit referred to in Article 90 of Regulation (EU) 2026/715 shall start on the day following the day on which the relevant event occurred, either a procedural step or the expiry of another time limit. Where that procedural step is a notification, the event shall be the receipt of the document notified.

2. Where a time limit referred to in Article 90 of Regulation (EU) 2026/715 is expressed as one year or a certain number of years, it shall expire on the same month and the same day of the relevant subsequent year as the month and the day on which the relevant event occurred. Where the relevant month has no day with the same number, the time limit shall expire on the last day of that month.

3. Where a time limit referred to in Article 90 of Regulation (EU) 2026/715 is expressed as one month or a certain number of months, it shall expire on the same day of the relevant subsequent month as the day on which the relevant event occurred. Where the relevant subsequent month has no day with the same number, the time limit shall expire on the last day of that month.

4. Where a time limit referred to in Article 90 of Regulation (EU) 2026/715 is expressed as one week or a certain number of weeks, it shall expire on the same day of the relevant subsequent week as the day on which that event occurred.

Article 21

Extension of time limits

Subject to specific or maximum time limits laid down in Regulation (EU) 2026/715, Implementing Regulation (EU) 2026/1842 or this Regulation, the Office may grant an extension of a time limit referred to in Article 90 of Regulation (EU) 2026/715, upon a reasoned request. Such request shall be submitted by the party concerned before the time limit in question expires. Where there are two or more parties, the Office may subject the extension of a time limit to the agreement of the other parties.

Article 22

Expiry of time limits in special cases

1. Where a time limit expires on a day on which the Office is not open, the time limit shall be extended until the first working day thereafter.

2. Where a time limit expires on a day on which there is an actual interruption of the Office's connection to electronic means of communication referred to in Article 90(3) of Regulation (EU) 2026/715, the time limit shall be extended until the first day thereafter on which the electronic communication is restored.

Article 23

Cancellation of an entry in the Register or revocation of a decision

1. Where the Office finds of its own motion or pursuant to corresponding information provided by the parties to the proceedings that an entry in the Register or a decision is subject to cancellation or revocation pursuant to Article 93 of Regulation (EU) 2026/715, it shall inform the affected party about the intended cancellation or revocation.

2. The affected party shall submit observations on the intended cancellation or revocation within a time limit fixed by the Office.

3. Where the affected party agrees to the intended cancellation or revocation, or does not submit any observations within the fixed time limit referred to in paragraph 2, the Office shall cancel the entry in the Register or revoke the decision. If the affected party does not agree to the intended cancellation or revocation, the Office shall take a decision on the intended cancellation or revocation.

4. Where the intended cancellation or revocation is likely to affect more than one party, paragraphs 1, 2 and 3 shall apply *mutatis mutandis*. In those cases, the observations submitted by one of the parties pursuant to paragraph 3 shall be communicated by the Office to the other party or parties with an invitation to submit observations within a time limit fixed by the Office.

5. Where the cancellation of an entry in the Register or the revocation of a decision affects an entry or a decision that has been published, the cancellation or revocation shall also be published.

6. The department or unit which took the decision shall be competent for the cancellation of any entry or revocation of a decision pursuant to paragraphs 1 to 4.

Article 24

Conditions for suspension of proceedings

1. The Invalidity Division or Board of Appeal may suspend proceedings regarding a declaration of invalidity and appeal proceedings in the following cases:

(a) of its own motion where a suspension is appropriate under the circumstances of the case;

(b) at the reasoned request of one of the parties in inter partes proceedings where a suspension is appropriate under the circumstances of the case, taking into account the interests of the parties and the stage of the proceedings.

2. At the request of both parties in inter partes proceedings, the Invalidity Division or Board of Appeal shall suspend the proceedings for a period which shall not exceed six months. That suspension may be extended upon a request of both parties up to a total maximum of two years.

3. Any time limits related to the proceedings, other than the time limits for the payment of the applicable fee, shall be interrupted as from the date of suspension referred to in paragraphs 1 and 2. Without prejudice to Article 170(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council ([9]), the time limits shall be recalculated and shall begin in full as from the day on which the proceedings are resumed.

4. Where appropriate in the circumstances of the case, the Invalidity Division or Board of Appeal may invite the parties to submit their observations as regards the suspension or resumption of the proceedings.

([9]) Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European trade mark (OJ L 154, 16.6.2017, p. 1, ELI: http://data.europa.eu/eli/reg/2017/1001/oj).

Article 25

Resumption of proceedings

1. Where proceedings before the Office have been interrupted pursuant to Article 97 of Regulation (EU) 2026/715, the Office shall be informed of the identity of the person authorised to continue the proceedings before it pursuant to Article 97(2) of Regulation (EU) 2026/715. The Office shall communicate to that person and to any interested third parties that the proceedings shall be resumed from a date to be fixed by the Office.

2. Where, three months after the date of interruption of the proceedings pursuant to Article 97(1), point (c), of Regulation (EU) 2026/715, the Office has not been informed of the appointment of a new representative, it shall provide the applicant for, or holder of, a registered EU design with the following information:

(a) where Article 115(2) of Regulation (EU) 2026/715 applies, the application for a registered EU design shall be deemed to be withdrawn where the information about the appointment of a new representative is not submitted within two months;

(b) where Article 115(2) of Regulation (EU) 2026/715 does not apply, the proceedings shall be resumed with the applicant for, or the holder of, a registered EU design from the date on which this communication is notified.

3. The time limits in force as regards the applicant for, or holder of, a registered EU design at the date of interruption of the proceedings, other than the time limit for paying the renewal fees, shall begin again as from the day on which the proceedings are resumed.

Article 26

Representation

Articles 73, 74 and 75 of Delegated Regulation (EU) 2018/625 shall apply *mutatis mutandis* to the provisions of Article 116 of Regulation (EU) 2026/715 regarding representation in design matters.

Article 27

Repeal and transitional provisions

1. Delegated Regulation (EU) 2026/137 is repealed.

2. Article 28(2) of Delegated Regulation (EU) 2026/137 shall continue to apply to requests for correction of an application for a registered design filed before 1 July 2026.

3. Article 28(3) of Delegated Regulation (EU) 2026/137 shall continue to apply to evidence in support of the applications for a declaration of invalidity filed before 1 July 2026.

4. Article 28(4) of Delegated Regulation (EU) 2026/137 shall continue to apply to oral proceedings initiated before 1 July 2026.

5. Article 28(5) of Delegated Regulation (EU) 2026/137 shall continue to apply to applications for a registered EU design and to applications for the registration of a transfer received before 1 July 2026.

Article 28

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 28 July 2026.

For the Commission
The President
Ursula VON DER LEYEN