

# The EUIPO Boards of Appeal

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25 October 2024  
ERA Conference

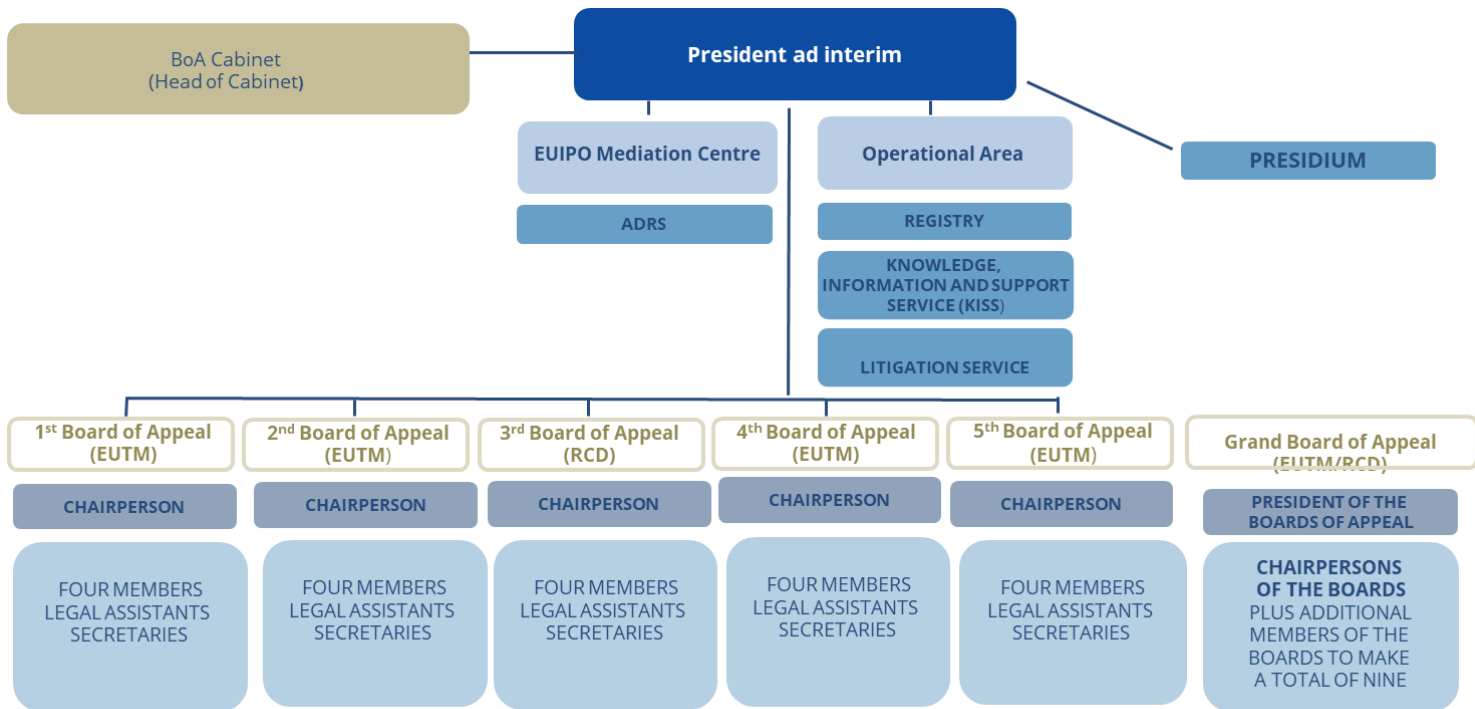


# The EUIPO Boards of Appeal



- **2nd instance of the EUIPO**
- **Review EUIPO 1st instance decisions concerning European Union trade marks and registered Community designs.**
- **Guiding the practice of the 1st instance.**

## STRUCTURE THE BOARDS OF APPEAL



## THE BOARDS OF APPEAL

- The Boards of Appeal are part of the EUIPO administrative structure
- According to Art. 166 (7) EUTMR, The President of Boards of Appeal, the Chairpersons and Members of the Boards of Appeal shall be **independent**.
- According to the Court of Justice, the Boards are **quasi judicial**.
- The Boards of Appeal **President** and the **Chairpersons** are appointed by the **Council of the European Union**.
- **Members** are appointed by the **Management Board of the EUIPO** (mandate for a renewable term of 5 years)

## THE BOARDS OF APPEAL: DECISION-TAKING AREA

**Decision-taking** → appeals against EUIPO first instance decisions

- Examination
  - Opposition proceedings
  - Cancellation proceedings
  - Registration or invalidity of Registered Community Designs
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- **The 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Boards** are exclusively dedicated to appeals concerning trade mark matters
  - **The 3<sup>rd</sup> Board** works on design appeals

## COMPOSITION OF THE BOARDS OF APPEAL

### Usual composition:

**3 Member** panel deciding (Chairperson plus two rotating members of that Board)

### Special composition:

- The Grand Board or
- A Single Member Board.

**In all compositions: secrecy of deliberations**

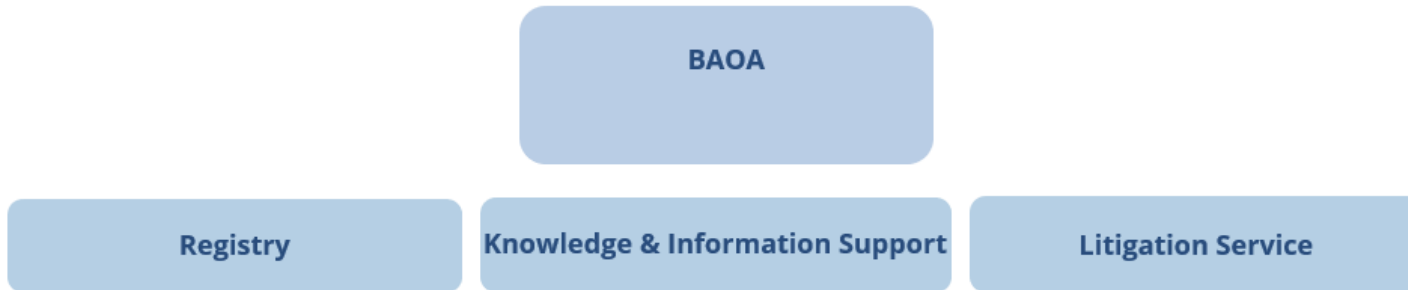


## THE GRAND BOARD OF APPEAL

- Composition: BoA President, 4 Chairpersons, 4 BoA Members (rotating)
- Decisions of the Grand Board are binding for individual Boards.
- Referral to the Grand Board:
  - Legal difficulty
  - Importance of the particular case or circumstances
  - Divergent case-law
- Referral by an individual Board or by the Presidium
- Possibility for groups or bodies representing manufacturers, producers, suppliers of services, traders or consumers (e.g. INTA) to make observations
- 51 total cases decided; 5 currently pending
- Closed and pending cases available on the EUIPO website  
<https://euipo.europa.eu/ohimportal/en/web/guest/appeal>

## THE BOARDS OF APPEAL OPERATIONS AREA (BAOA)

- A **Director** is responsible for the BAOA





## EUIPO MEDIATION CENTRE

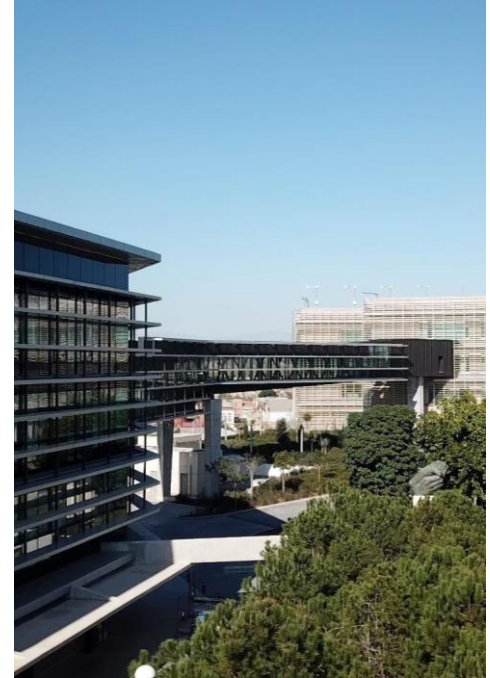
### Establishment of the Mediation Centre: 22 November 2023

#### Objective

To provide **complementary, voluntary, confidential** and **accessible** dispute resolution **options** to **users** so that they can **choose the most appropriate path** in the event of an IP dispute

#### Legal basis

- Article 170 EUTMR
- Decision ADM-23-45 on the Establishment and Operation of the Mediation Centre.
- Decision EX-23-9 “Rules on Mediation”



## EUIPO MEDIATION CENTRE



### **Mediation**

Reach an amicable settlement with the assistance of a mediator.



### **Conciliation**

The conciliator suggests possible solutions. Conciliator is always the Rapporteur.



### **Expert determination**

In the context of a mediation, parties may appoint an expert to provide an opinion on a specific matter.



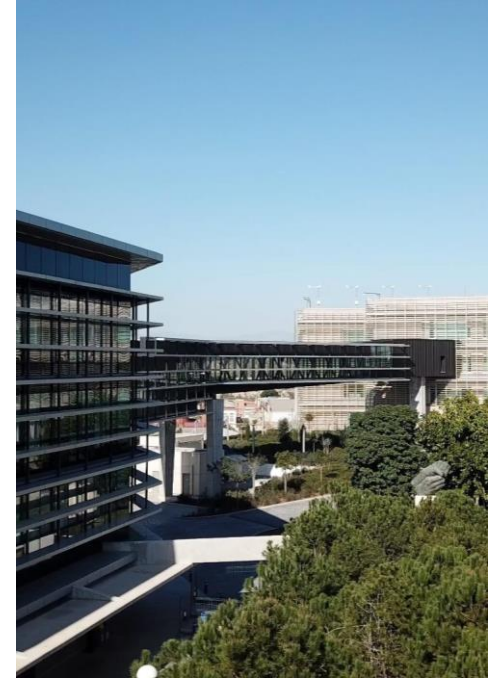
### **Friendly settlement**

Invitation to the parties to consider negotiating, without the intervention of a neutral.



### **ADR Case Management and Good offices**

Case management team manages procedural aspects of the ADR processes, guides on suitable ADR mechanisms and facilitates contacts between parties.





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Thank you