

Boards of Appeal Action Plan 2021-2026

Blueprint



The BoA Action Plan

The Boards of Appeal (BoA) Action Plan is an internal roadmap aiming at establishing the direction the BoA are heading in the next five years by identifying how they will tackle the challenges that lie ahead and above all, how they will contribute to the strategic objectives of the EUIPO, as defined in the SP2025.

Why the Action Plan?

Delivering a high-quality trade mark and design service to businesses seeking protection for the results of their investments in innovation is essential and something that the European Union Intellectual Property Office (EUIPO) aspires to.

In this respect, by providing an independent, effective, and professional means of dispute resolution, the BoA play a key role within the IP system.

Over the last 25 years, the BoA have performed their role very successfully. Nonetheless, in order to ensure that they continue to deliver a high-quality service which effectively meets the users' needs and expectations in the years to come, the BoA must adapt to the rapidly changing business environment, in which we live and operate today.

In this context, the BoA should strive for continuous improvement and excellence, by securing and consolidating the positive results achieved, whilst identifying and responding to the challenges that lay ahead.

With this in mind, the BoA will launch, for the first time ever, an Action Plan to target all these objectives and provide further benefits to users.

Vision for the BoA

Building upon the positive results achieved by the BoA, the Action Plan aims at further developing their operation by presenting a series of initiatives to be launched in the next five years towards the implementation of a renewed Vision for the BoA as a **high quality, effective, coherent, and modern Intellectual Property Dispute Resolution Body** that:

- Understands the needs of worldwide business, offering users the highest standards of appeal resolution;
- Provides a high quality, coherent, consistent and predictable decisional practice;
- Performs, on top of their traditional review and filter roles, a clear guidance role to the EUIPO at first instance;
- Contributes to shaping the European trade mark and design practices; and
- Serves as a reference for Appeal Bodies of Member States, EU Agencies and International Organisations.

Challenges ahead

To implement its renewed vision, whilst securing and consolidating their past achievements, the BoA will need to effectively respond to several challenges ahead in the coming years.

Firstly, in view of the current overall increasing demand for Intellectual Property Rights, as well as the upcoming legislative changes to the IP regulatory framework, it will be necessary to ensure that the BoA are able to cope with a **growing number of ever more complex appeal cases**, and to ensure the delivery of high-quality decisions in a timely manner, for the benefit of its users.

Secondly, bearing in mind that **legal certainty** is paramount for users and for the credibility of the system as a whole, the BoA will need to focus on **improving quality** by developing a more **consistent and coherent** decisional practice further aligned with the case-law of the GC and CJEU, in order to provide users with higher levels of **predictability** and legal certainty as regards the overall work of the EUIPO.

Thirdly, as part of the European public service, the BoA will need to focus on delivering high-quality decisions in a timely manner while being accountable to public scrutiny. In this regard,

an additional challenge refers to the need to **increase transparency and ensure accountability** in all BoA activities.

Fourthly, another area that will require special attention is the further development of Alternative Dispute Resolution. In the years to come, the BoA should actively contribute with their expertise to **enhancing and broadening the use of Alternative Dispute Resolution at the EUIPO**, in order to offer the parties suitable mechanisms and tools for finding expert and rapid solutions to their conflicts at an early stage, as a means of support to businesses, particularly SMEs.

Finally, the rapidly changing international business environment requires from the BoA higher levels of **collaboration with external partners**, such as Appeal Bodies of National IP Offices, European and National Courts, and User Associations, in order to facilitate a continuous exchange of expertise and knowledge, as well as, the further expansion of **Common Practices** in the area of trade marks and designs.

Goals

Over the next years, through the implementation of the Action Plan and its different initiatives, the BoA will address these challenges ahead while pursuing the following Goals:

- **GOAL 1** – Optimise operational efficiency and effectiveness towards organisational excellence
- **GOAL 2** – Enhance the value of Dispute Resolution by expanding quality and transparency, increasing consistency, coherence and predictability, and developing Alternative Dispute Resolution
- **GOAL 3** – Enable cooperation with external stakeholders



**IMPROVE QUALITY BY PROMOTING
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USERS**

Under **Focus Area 2**, the BoA will aim to develop a consistent and coherent decisional practice aligned with the case law of the GC/CJEU; increase the predictability of their work; provide clear guidance to the first instance, improve alignment of first instance decisions with BoA decision-making; increase predictability and legal certainty of the work of the EUIPO for external users and create a collaborative and team culture at the BoA. In order to attain these goals, the BoA will launch the following Key Initiatives:

Key Initiative 6: Develop a collaborative approach to consistency

Key Initiative 7: Optimise the role and functioning of the Grand Board as an agent to promote consistency and coherence of BoA practice

Key Initiative 8: Enhance the level of legal debate across the whole BoA

Key Initiative 9: Establish an Enhanced Quality Reading (EQR) system

Working Together

Successful implementation of the BoA Action Plan and its specific initiatives will require an all-inclusive approach, built upon the core values of respect, transparency, integrity, accountability, sustainable development, and service quality.

It will also require the active contribution and full commitment and dedication of all staff working at the BoA; regular and systematic input from the users of the IP systems; close collaboration with the Executive Director and all the Departments of the EUIPO; and the supervision of the Management Board.

Finally, in view of its long-term nature, the Action Plan and its initiatives are subject to changes and/or adjustments during the five-year period, motivated by eventual upcoming internal or external events and should therefore be understood as something **not written in stone**.

