

The EUIPO Mediation Centre and its Services

South-East Asia IP Mediation Conference

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- Introducing the EUIPO Mediation Centre
- EUIPO Mediation Centre services
- Legal framework
- Mediation features
- Statistics
- How does it work?
- Our mediators
- Ten reasons why
- User awareness activities
- Stakeholder engagement

The EUIPO Mediation Centre (EMC)

Established on 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.



The EUIPO Mediation Centre (EMC)

Huge potential of ADR in inter-partes proceedings...

300,000 IP rights applications per year

200,000 EUTM ; 100,000 RCD

24,500 disputes every year

20.000 oppositions; 2.000 cancellations; 2.500 appeals

ADR is effective

70% Settlement rate ; 80% User satisfaction



Our services



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 guidance

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

Legal framework

I. The EU Mediation Directive

II. The European Code of Conduct for Mediators

III. EUTMR and CDIR

EU Mediation Directive – Scope

Scope

- **Cross-border disputes** in civil and commercial matters
- Definition of “**cross-border dispute**”: dispute in which **at least one of the parties is domiciled/habitually resident in a Member State other than the other party**
- EU definition of “**Mediation**” and “**Mediator**”

EU Mediation Directive – Substantive rules

The Directive contains **five substantive rules**:

1. MS shall encourage **the training of mediators** and to **ensure high quality of mediation**
2. Gives **judges** the right to **invite the parties to a dispute to try mediation**
3. Provides that **settlement agreements** can be rendered **enforceable** if both parties so request
4. Ensures that mediation takes place in an **atmosphere of confidentiality**
5. Guarantees that parties retain the **possibility to go to court**

EU Code of Conduct for Mediators

- Competent and knowledgeable
- To be appointed, mediator must have the appropriate background
- Promotion of their practice in a professional, truthful and dignified way
- The mediator must ensure that the parties understand the process and the role of the mediator
- Parties have adequate opportunities to be involved in the process, fairness of the process
- Agreement reached by the parties is through knowing and informed consent

Legal framework: EUTMR – CDIR – CRAFT GIs

- Facilitation of amicable settlement of disputes of EUTMR and CDIR based on mutual agreement
Preamble 35 EUTMR, Art. 47(4) & 64(4) EUTMR, Art. 31(5) CDIR
- Provision of voluntary mediation services
Article 151(3) EUTMR – Tasks of the Office
- Establishment of the Mediation Centre
Article 170 EUTMR
- Geographical indications for craft and industrial products
Preamble 22, Article 25 (Oppositions) and Article 33 (Appeals)
- *More to come?*

Legal framework: EUIPO

- **Decision No ADM-23-45 on the Establishment and Operation of the Mediation Centre**
- **Decision No EX-23-9 on the administration of mediation processes (“Rules on Mediation”)**
- **Decision No ADM on the nomination of mediators (“List of Mediators”)**
- **Rules of Procedure of the Boards of Appeal (conciliation)**

Legal framework: EUIPO

Decision No ADM-23-45 on the Establishment and Operation of the Mediation Centre

SCOPE:

- the Centre offers voluntary mediation services to natural and legal persons for trademark and design disputes.
 1. Other IP disputes can be included by mutual agreement.
 2. Executive Director will nominate mediators.

ACTIVITIES:

1. Information and Training Sessions
2. ADR Awareness Promotion
3. Cooperation Management
4. IP Policy development
5. Assistance to Disputing Parties
6. Mediators Coordination

7. Quality Assurance
8. Support for ADR Activities
9. Repository of Reports

STRUCTURE AND GOVERNANCE

Operated by the EUIPO Boards of Appeal

Strategic Management by EMC Steering Committee: Executive Director, President of the BoA, Directors of the Operations, Legal and Customer Departments and the Head of the ADR (+ other staff upon invitation by the Executive Director).

Legal framework: EUIPO

Decision No EX-23-9 on the administration of mediation processes ("Rules on Mediation")

- **Participants:** one/more mediator(s) appointed by the parties
- **Voluntary character**
- Discussions and negotiations during mediation must remain **confidential for all parties** involved.
- **Role of the mediator:** assist parties in reaching a voluntary and mutual satisfactory settlement; if requested by the parties, the mediator may make proposals to resolve the dispute.
- **Equality and impartiality:** mediators will try to ensure that the parties have equal opportunities to participate and shall act with impartiality towards the parties.
- **Conflicts of interests:** mediators will not take part in any mediation concerning a case in which they have a) had any prior involvement; b) any personal interest; c) previously been a representative of one of the parties.
- **The Office may propose mediation to the parties.** Each party will have 2 months from notification to respond. Deadline can be extended once by 1 month.

Legal framework: EUIPO

Rules of Procedure of the Boards of Appeal (conciliation)

- **CHAPTER IV:**
 - **Request for Conciliation:** After submitting the statement of grounds either party can request conciliation; the other party has **one month to respond**.
 - **Conciliation Proposal:** following the Final Procedural Check, the Rapporteur may propose conciliation, allowing parties **two months to agree or decline**.
 - **Conclusion of Conciliation:** conciliation can conclude by agreement, decision of the Rapporteur, a party opting out, or expiration of the suspension period.
 - **No liability:** The office and Rapporteur are not liable for the outcome or enforcement of any settlement agreements reached.

Mediation features

The EUIPO Mediation Centre offers **alternative dispute resolution** (ADR) services to all parties involved in **intellectual property disputes** pending before the EUIPO.



**No additional
cost**



**Mediators are IP
experts**



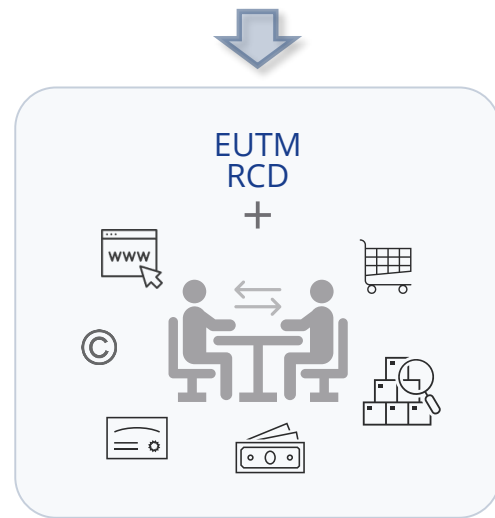
Multilingual



**Online ADR
platform**

Eligible disputes at the EUIPO Mediation Centre

- **Entry point:** ongoing **inter-partes disputes** concerning
 - **EU trade marks** and/or
 - **Registered Community designs**
- Adversarial proceeding **fee paid**
- **Possibility to include** in the ADR process:
 - **Other IP rights** (copyright, domain names, patents...) or **any other related pending disputes**
 - **Disputes anywhere in the world**
- **Request:** any time after opening of adversarial part of proceedings

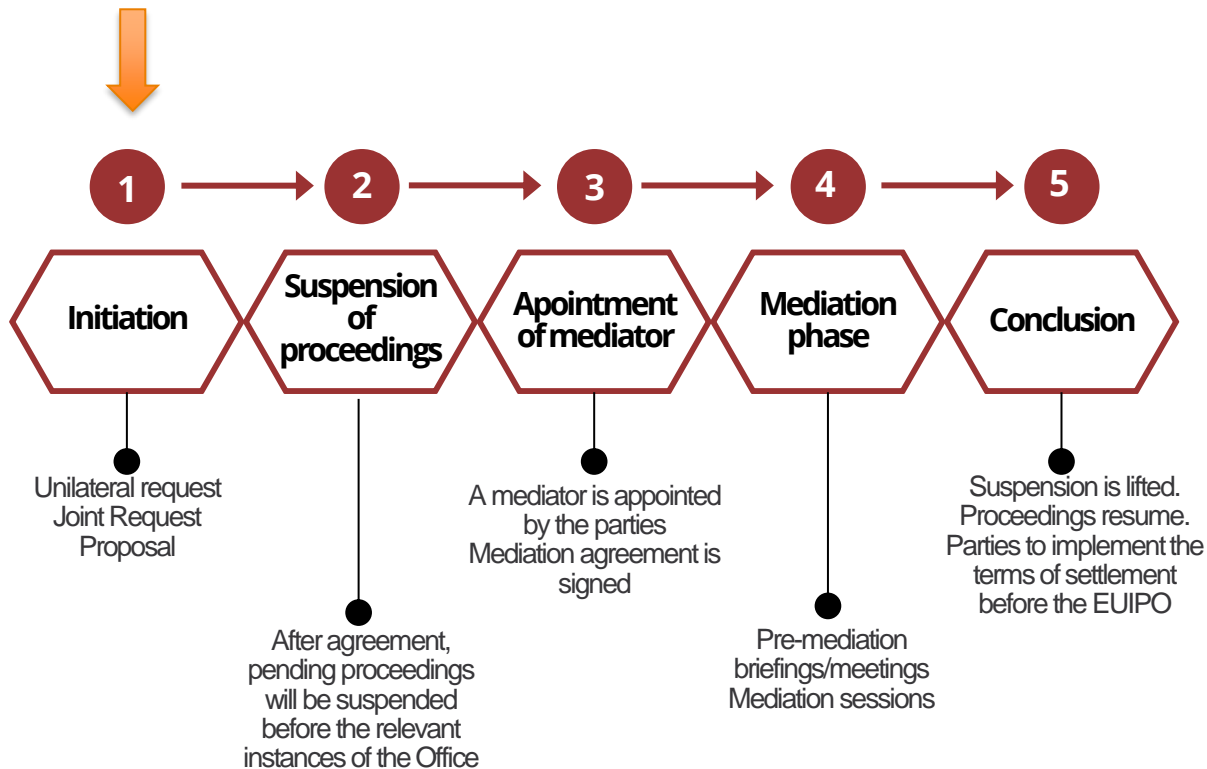


Statistics

- **230 ADR services since 2012 - 2024** (Mediations and conciliations)
- **50 Friendly settlements per quarter** this year (new service since 2023)
- Growth in Mediation since the launch of the Mediation Centre
 **188%**



The mediation process step by step



1

How to request mediation

Initiation

- Overview and Services
- Benefits of ADR
- How does it work?
- Our mediators
- Ten reasons to try mediation
- Partners and Networks
- Resources
- Contact and FAQs
 - [Request ADR](#)

Contact and FAQs



Need help?

Our team will support you with your enquiries about ADR at the Mediation Centre

Contact the Mediation Centre

Please **contact us** for information on our services or **assistance about the ADR options for your case**.

In order to better support you, we recommend that you indicate in the e-mail the EUIPO Case Reference number(s) (e.g. R-XXXX/202X for appeals, B0000000 for oppositions, C00000 for cancellations, etc.)

Send an e-mail to: MediationCentre-Info@euipo.europa.eu

Request ADR Services

If you wish to request a mediation or a conciliation, please complete and sign the relevant form and send it through your User Area account.

[Mediation request](#) →

Request for Mediation

Requesting Party

Name of legal entity or first name and surname:

EUIPO ID Number:

Business e-mail:

Business telephone:

Representative

Name and surname:

EUIPO ID Number:


Business e-mail:

Business telephone:

On behalf of the party indicated hereinabove, I hereby request mediation for the following formal proceeding(s) pending before the EUIPO:¹

Signed on behalf of the requesting party:

Name:

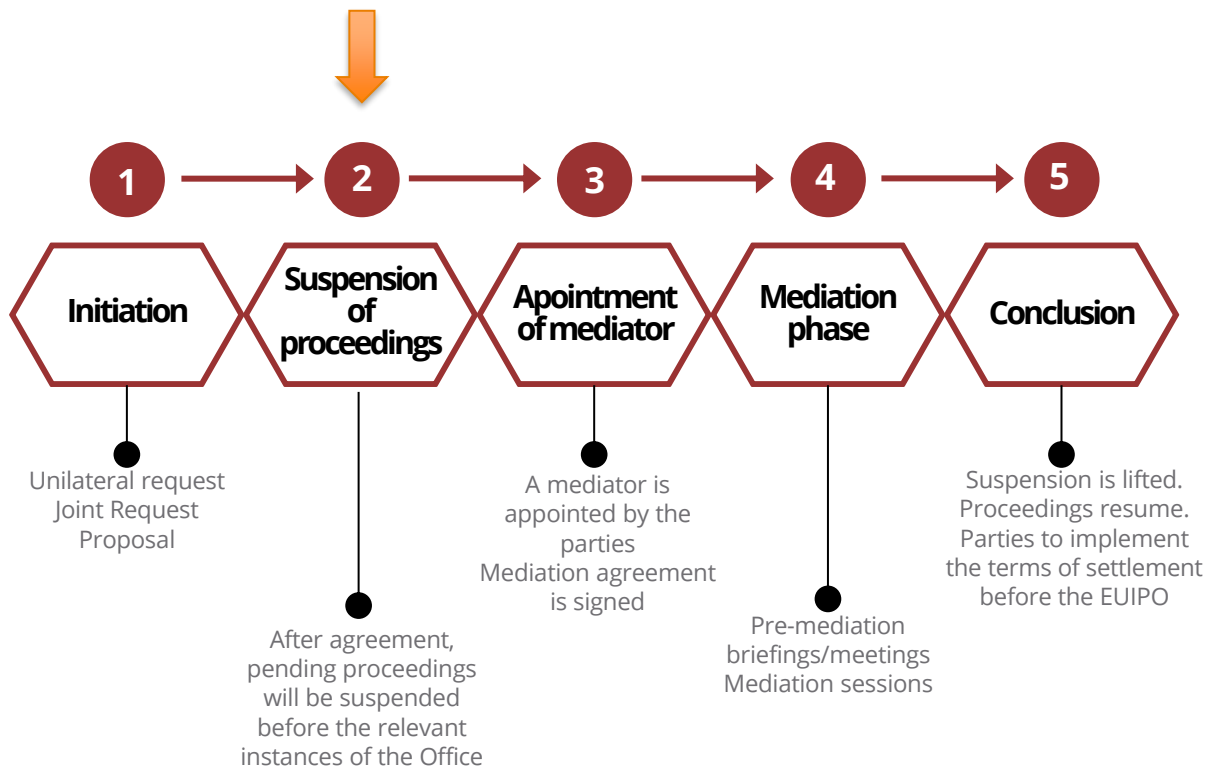
Signature: 

Place:

Date:

¹ Please insert EUIPO case reference number(s), e.g. R-XXXX/2023 for appeals, BXXXXXXX for oppositions, CXXXXXXX for cancellations, etc.

The mediation process step by step



2 Suspension of proceedings

Suspension

For proceedings at the EUIPO:

- **Joint request:** automatic suspension
Article 170(5) EUTMR



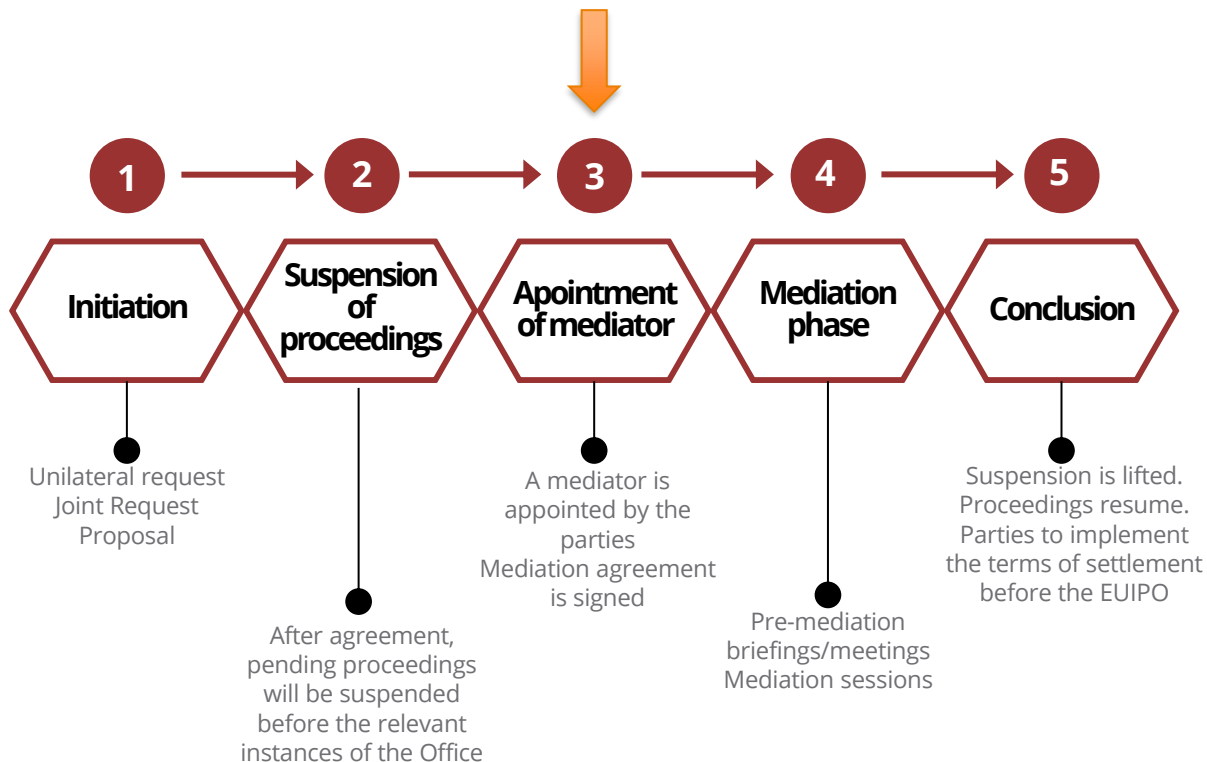
- **Unilateral request or Proposal from the EUIPO**

Proceedings will be suspended when mediation is accepted by other party

For proceedings NOT at the EUIPO:

Parties to request suspension to competent national authority
Art 12(3) Rules on Mediation

The mediation process step by step



3 Appoint a Mediator: EUIPO List of Mediators

Appoint a mediator



Christoph BARTOS
 Nationality: Austrian
 Languages: EN, ES, DE



Michele Maria BENEDETTI ALOISI
 Nationality: Italian
 Languages: IT, EN, ES



Sophia BONNE
 Nationality: Belgian
 Languages: NL, ES, DE, EN, FR



Marita BRA
 Nationality: Greek
 Languages: ES, EN, EL, FR



Cinzia NEGRO
 Nationality: Italian
 Languages: IT, EN, ES, FR



Sophie PÉTREQUIN
 Nationality: French
 Languages: FR, EN, ES



Anton PETROV
 Nationality: Bulgarian
 Languages: BG, EN



André POHLMANN
 Nationality: German
 Languages: DE, ES, EN



Alexandra CRAWCOUR
 Nationality: Spanish
 Languages: IT, EN, ES, DE



Stefano DI NATALE
 Nationality: Italian
 Languages: IT, EN, ES, FR



Julia GARCÍA MURILLO
 Nationality: Spanish
 Languages: EN, ES, FR



Plamena GEORGIEVA
 Nationality: Bulgarian
 Languages: BG, EN



Sergio RIZZO
 Nationality: Italian
 Languages: IT, EN, ES



Rebecca Julia SANTANA DAVIES
 Nationality: British and Spanish
 Languages: EN, ES



Susy SCARDOCCHIA
 Nationality: Italian
 Languages: IT, EN, ES, DE



Emilie SCHEFFER
 Nationality: French
 Languages: FR, EN



Gordon HUMPHREYS
 Nationality: British
 Languages: EN, ES, FR



Philipp von KAPFF
 Nationality: German
 Languages: DE, EN, ES, FR



Virginia MELGAR
 Nationality: French
 Languages: FR, EN, ES



Klaudia MISZTAL
 Nationality: Polish
 Languages: PL, EN, ES



Kamar SIDAT HUMPHREYS
 Nationality: British
 Languages: EN, ES, FR



Antje SÖDER
 Nationality: German
 Languages: DE, EN, ES




Sven STÜRMANN
 Nationality: German
 Languages: DE, EN, ES



Katarzyna ZAJFERT
 Nationality: Polish
 Languages: PL, EN, ES, FR

3 Appoint a Mediator: Invitation to join ADR platform


Invitation
to join ADR
platform



Welcome to the EUIPO ADR Platform

Have you been invited to a case for the first time?
Please check your email invitation and use the link to setup your access credentials.

Are you an existing user?
Please log in using your credentials.



EN

Login to your account

Using your EUIPO corporate account

Microsoft Azure


Using your EUIPO website account

Using a platform specific account

By signing in you confirm that you've read and accepted our [Terms and Conditions](#) and [Privacy Policy](#).

ONLINE ADR TOOL

- A safe, secure and confidential environment.
- To manage the mediation process, exchange, upload and sign documents.
- With video-conferencing features.




Login to your account





Using your EUIPO corporate account

Using your EUIPO website account

Using a platform specific account

By signing in you confirm that you've read and Accepted our Terms and Conditions and Privacy Policy.



Create a Case    EUIPO Admin Office Admin 

Case Registration

1 Case Information — 2 Resolution Choice — 3 Evidence — 4 Invite Parties — 5 Review

Select the category and sub-category relevant to your case.

Case Category:

Sub Category (optional):

Please give a summary of your dispute.
Note this section visible to the other Party.

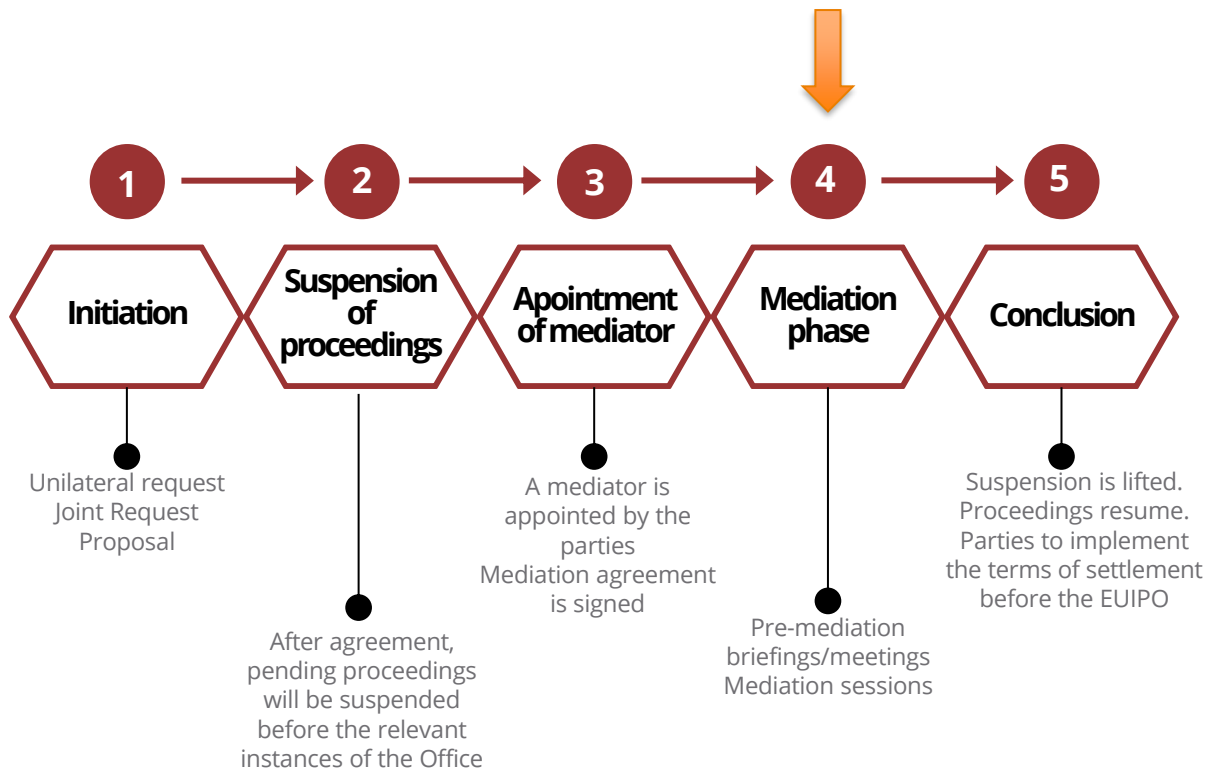
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How have you been impacted by the dispute? (optional)
Please add each Impact in order of their importance.

What outcome(s) are you seeking? (optional)
Please add each outcome in order of their importance.

What is the amount you are claiming? (optional)

The mediation process and its steps



Mediation phase

Parties

- Decide the outcome
- Authority to decide on behalf of company
- Agree on follow-up actions
- Implement agreed actions

Lawyers

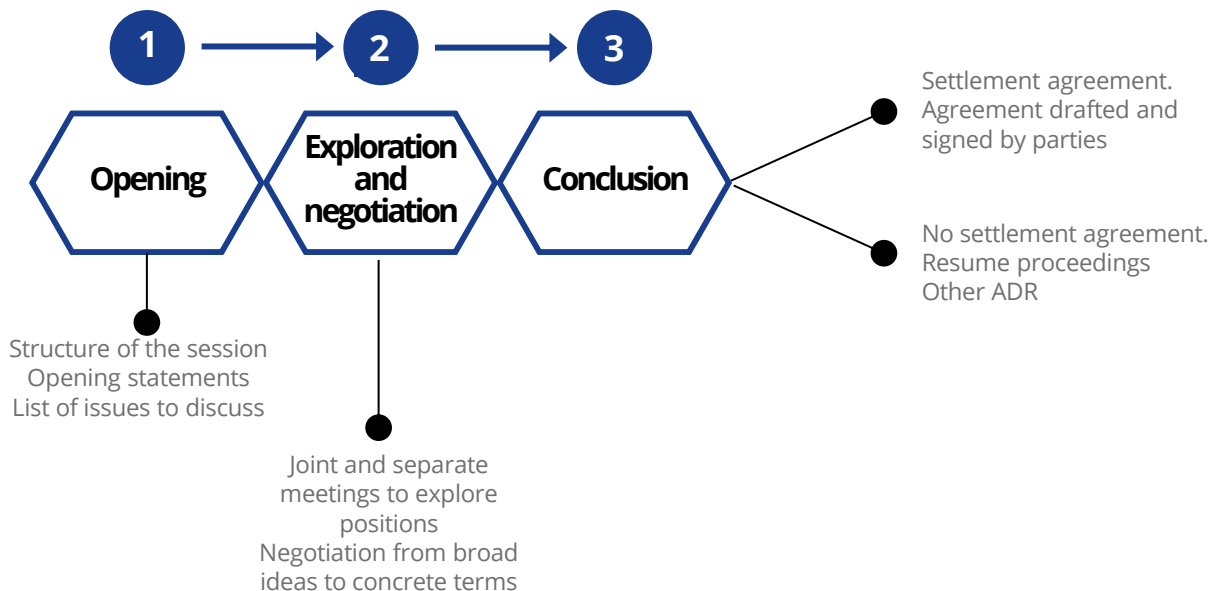
- Provide legal advice
- Draft settlement agreement
- Verify legal aspects

Mediator

- Guides process to reach agreement
- **No legal advice**
- Checks that key-points and relevant clauses are included
- Not liable for outcome, legality / enforceability of settlement agreement

How does it work?

What to expect at the mediation session?



10 reasons why IP disputes may be suitable for mediation

- 1 The dispute is still at an **early stage** of the conflict
- 2 The dispute is **complex** or involves **several jurisdictions**
- 3 A court decision in the dispute would be **difficult to enforce**
- 4 The parties have, or may have, **co-existing IP rights** in the dispute
- 5 A **tailored** approach is essential for the dispute
- 6 The parties are, or wish to be, engaged in a **business venture**
- 7 **Confidentiality** is important for the dispute
- 8 The parties want to preserve their business **reputation**
- 9 A **language barrier** exists between the parties
- 10 The parties want to resolve the dispute **quickly**

Our Mediators

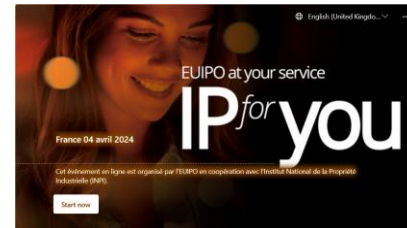
The EMC counts on a team of internal qualified mediators from the Office who have undergone specialised mediation training with internationally recognised ADR training institutions.

EUIPO mediators are experienced in IP matters. They are all multilingual, allowing users a wide linguistic choice.

- **Appointed mediators: 24**
- **Increasing capacity with new mediators:** ongoing training and accreditation activities to reach a number of 30 mediators by the end of 2024
- The **Mediator Engagement Plan** includes training and communication activities, mock mediations, briefing sessions and coaching.

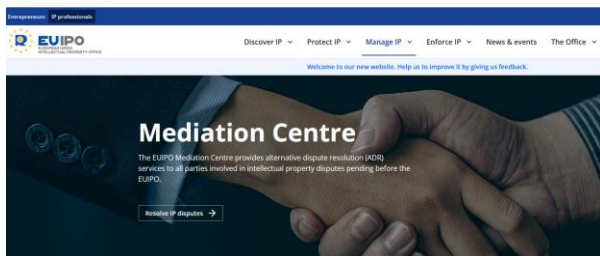
User Awareness, Stakeholder Engagement And Cooperation

- **Over 20 events and educational webinars** for IP practitioners with the support of stakeholders (national and regional IPOs, user associations, etc.)
- **Joint Awareness campaigns** on ADR for SMEs with national and regional IPOs (ECP6)
- **Mediation Centre Stakeholders Network** – brings together representatives from IP user associations, bar associations at EU and international level, business associations, ADR centres and other relevant stakeholders.
- **EUIPN: ECP6 subWorking Group on ADR** –cooperation initiatives with EU Member States IPOs aimed at raising awareness and training .
- **Network of IP judges of the EUTM and RCD courts on mediation** - strengthening the use of mediation in IP proceedings pending before national Courts.
- **Bilateral cooperation activities** with other stakeholders



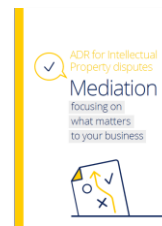
Resources and contact

EUIPO Mediation Centre webpage



[Mediation Centre \(link\)](#)

Brochures



[Mediation: focusing on what matters to your business](#)



[EUIPO Mediation Centre](#)

Mailbox MediationCentre-Info@euipo.europa.eu



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THANK YOU