

# ORGANISATION AND COMPETENCE OF THE INTELLECTUAL PROPERTY OFFICE OF THE EUROPEAN UNION (EUIPO)

## INTRODUCTION

The EUIPO is the autonomous self-financing organization of the European Union founded in 1996 in Alicante, Spain with the aim of establishing the unified protection by the European Union Trademark (EU Trademark, EUTM) on the entire territory of the European Union. Apart from the Trademark protection, in 2003 a unified Design protection was established through the EUIPO. The EU Trademark and Design protection is granted on the basis of one EUIPO application for the entire EU territory and the granted EU Trademark or Design are valid on the entire territory of 28 EU states. European Union is a member of the Madrid System of the International Registration of Trademark since 2004, and the Hague System of the International Registration of Design since 2008. EU Trademark and Design do not replace the national rights but the national rights and the EU Trademark and Design are valid in parallel.

The EUIPO is founded with the goal of establishing the efficient, high quality and competitive EU Trademark and Design registration system and its management. At the EUIPO, the EU Trademarks are examined, registered, in opposition and annulment procedures exercised while the design is examined, registered and in annulment procedure exercised. Procedural appeals are to be filed at the EUIPO Boards of Appeal while the annulment and cancellation requests are divided between the EUIPO Boards of Appeal and EU member states courts.

The aim of the EUIPO is to fasten and accelerate work improvements and harmonization through the cooperation with the member states offices, European Patent Office and other regional offices, the World Intellectual Property Organization (WIPO), big non-European offices as well as the users associations some of which have the observer status at the EUIPO Council bodies.

Organizational excellence and international cooperation were marked as the main idea of the **Strategic Plan till 2015** which was supported by six main programs: 1) human resources reform and cultural reconstruction, 2) information system improvement and facilitation, 3) working background broadening and optimization, 4) establishment of the Intellectual Property Academy and Knowledge Repository and 5) European Trademark and Design network development.

The main idea of the **Strategic Plan 2016 - 2020** is the user-driven European Intellectual Property Network. This idea is supported by the three main strategic goals: 1) operative efficiency improvement, 2) broadening accessibility of the IP system and IP knowledge and 3) establishment of the European Network of convergence with the global impact.

European Commission supervises the EUIPO work. The EU Ministers Council nominates the EUIPO Executive Director as well as the Vice President and the Boards of Appeals Heads. The EUIPO Executive Director is responsible for its work. The EUIPO management bodies are Administrative Council and the Budget Committee that consist of the member states representatives and the European Commission representative.

## ADMINISTRATIVE COUNCIL OF THE INTELLECTUAL PROPERTY OFFICE OF THE EUROPEAN UNION

**The EUIPO Administrative Council** consists of one representative of each member state and one European Commission representative, or their deputies.

Since 1995, the European Patent Organization, World Intellectual Property Organization and the Trademark Office of the Benelux are invited to attend the Administrative Council meetings as observers. Since 2009, there are also five user's organizations: INTA, BUSINESSEUROPE, MARQUES, ECTA and AIM in the observer status. The number of observers changes and increases in time.

The Administrative Council competence is defined in the EU Trademark Rules, Section 3, Articles 126 - 129.

The Administrative Council's Secretariat supports its work.

**The EUIPO Budget Committee** consists of one representative of each member state and one European Commission representative, or their deputies.

Since 1995, the European Patent Organization, the World Intellectual Property Organization and the Trademark Office of Benelux are invited to attend the Budget Committee meetings as observers. Since 2009, there are also user's organizations in the observer status as at the Administrative Council meetings.

The Budget Committee Competence is defined in the EU Trademark Rules, Section 5, Articles 138 - 144.

The Budget Committee Secretariat supports its work.

## **THE BOARDS OF APPEALS OF THE INTELLECTUAL PROPERTY OFFICE OF THE EUROPEAN UNION**

**The EUIPO Boards of Appeals** have the competence to decide on the appeals against the first degree EU Trademark and Design decisions.

### **Boards of Appeals Members**

**The EUIPO Boards of Appeals President** is nominated by the EU Council of Ministers from the list composed by the EUIPO Administrative Council. The President has the competence to direct and manage the Boards of Appeals work and to chair the **Presidium** and the **Grand Board**. In the same way, the EU Council of Ministers nominates the other **Boards Chairs** that have the competence to chair, direct and manage the specific boards work as well as to choose an expert who would prepare each individual appeal report.

The other Boards of Appeals members are nominated by the EUIPO Administrative Council but they are independent in their work and restricted only by the law and the Boards of Appeals and the EU Court of Justice reasoning.

### **Boards of Appeals Structure**

Four Boards of Appeals decide on the EU Trademark appeals and only one Board of Appeals on the Design appeals while the Grand Board decides in the both fields. Boards consist of three members, two lawyers and the chairman. In specific cases, appeals are entrusted to the Grand Board or to the Single Board.

### **Grand Board**

Grand Board was established by the Rules of Procedure in 2004 and it consists of nine members, the Board of Appeals President as the Chairman, the other Boards Chairmen and the members selected from the list.

In accordance with the Boards of Appeals Rules of Procedure, a case could be transferred to the Grand Board if it is needed due to its complexity or its importance.

### **Single Board**

According to the Rules of Procedure from 2004, the Board can consist of one member, a lawyer. A case can be transferred to the Single Board in the following cases: when the agreement between the parties has been reached, when an amount of expenses correction is requested or an amount of Register expenses questioned or when an appeal's acceptability is being reconsidered.

### **THE INTELLECTUAL PROPERTY OFFICE OF THE REPUBLIC OF SERBIA ACTIVITIES AT THE EUIPO**

Being in the process of the European Union accession, the Republic of Serbia develops the expert cooperation with the EUIPO. Since 2012, the Intellectual Property Office representatives participate at the Liaison Meetings on practice and experiences exchange between the EUIPO and the EU national offices in the EU Trademark and Design fields and since 2013 at the Liaison Technical Cooperation Meeting. The IPO representatives, other state officials and judges from our country participate at the EUIPO Academy seminars.

Since 2015, the Serbian Trademark and Design national bases are integrated in the EUIPO systems: TM View, DesignView, TMclass.