

Module VII: Appeal Procedure

1. The procedure

Any decision by an EUIPO examiner may be appealed by the adversely affected party. This may be the applicant of a refused or partially refused RCD application or the losing party in invalidity proceedings.

Appeals must be submitted in writing to the EUIPO and are subject to a fee of EUR 800.

Appeals have suspensive effect, that is to say, the decision under appeal does not have any legal consequences as long as the appeal procedure is running.

2. The Boards of Appeal

There are five Boards of Appeal, one of which (the Third Board of Appeal) deals exclusively with design matters.

The Boards are composed of members and each Board decision is made by three members.

The members of the Boards are independent from the Office, that is to say, they are not bound by any instructions from the Office's management.

3. Remedy against the decisions of the Boards of Appeal

Any decision of the Boards of Appeal may be contested before the General Court in Luxembourg by the party adversely affected.

The General Court is attached to the Court of Justice of the European Union.

The General Court may confirm, annul or modify the contested decision of the Boards.

Ultimately, an action against a decision of the General Court may also be filed before the Court of Justice where points of law are concerned.

4. Summary of Module VII

Any decision by an EUIPO examiner may be appealed. The appeals are dealt with by the EUIPO Boards of Appeal, which are independent of the EUIPO. The Boards' decisions may be contested before the Court of Justice of the European Union.