

# ***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



**FOCUS AREA 3**

**INCREASE TRANSPARENCY AND  
ENSURE ACCOUNTABILITY AND  
SCRUTINY OF THE WORK OF THE  
BOA**

Under [Focus Area 3](#), the BoA will aim to expand transparency; ensure accountability and scrutiny; improve the quality of their services as perceived by users; empower the stakeholders of the trade mark and design system and involve stakeholders in the process of reviewing the BoA practice. In order to attain these goals, the BoA will launch the following Key Initiatives:

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**Key Initiative 10:** Further the transparency of the quality model of the BoA to individual appeals

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**Key Initiative 11:** Establish systematic and clear communication channels with the public at large

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**Key Initiative 12:** Involve the stakeholders in regular and structured discussions on relevant case-law matters

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## ***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**.

