

MBBC/20/S10/2.4/AN/EN(O)

## **Annual Work Programme 2021**

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## Message from the Executive Director

The Work Programme for the first full year of the Strategic Plan 2025 (SP2025) reflects the Office's commitment to delivering IP value for businesses and citizens and to supporting the EU's plans for the recovery of the EU economy.

It shows the Office's continued drive to improve quality, predictability and customer experience. In addition, and in view of the COVID-19 crisis, the EUIPO will be working with the European Commission to release a set of additional measures to directly support European SMEs in 2021.

One of the key priorities will be to improve the interaction with the Office's different customer segments. There will also be further modernisation and simplification of the technical infrastructure, taking advantage of technologies such as artificial intelligence or machine learning, big data and blockchain.

In line with Directive (EU) 2019/790, in 2021 the Office will establish a portal for the out-of-commerce works, in cooperation with the Commission and the Member States.

The annual Work Programme 2021 has been drawn up against the background of a continuing health and economic crisis and, conversely, increased workload for the EUIPO, which reflects the ongoing importance of IP rights. It also highlights the need for an even closer partnership within the European Union Intellectual Property Network to deliver action on the ground in vital areas, such as SME support and enforcement.

The 14 strategic projects already launched under SP2025, including a number drawn from the customer-centric and SME programmes will be joined by a further 14 in 2021 with a total budget of EUR 15 million. In addition, there is a proposed EUR 20 million IP action plan, to be implemented in partnership with the Commission, specifically supporting SMEs within the post COVID-19 recovery action plan.

This crisis means that the drive to provide a better IP environment for SMEs and other customers, before, during and after registration, is even more relevant and urgent. The current Work Programme will be an important step towards achieving this aim.

## Strategic Plan Implementation

This annual Work Programme outlines the activities to be undertaken by the Office in 2021 within the framework of the Strategic Plan 2025 (SP2025). The strategic key impact indicators (SKII) provide an overview of the Office's achievements and implementation of projects according to the three Strategic Drivers (SD).

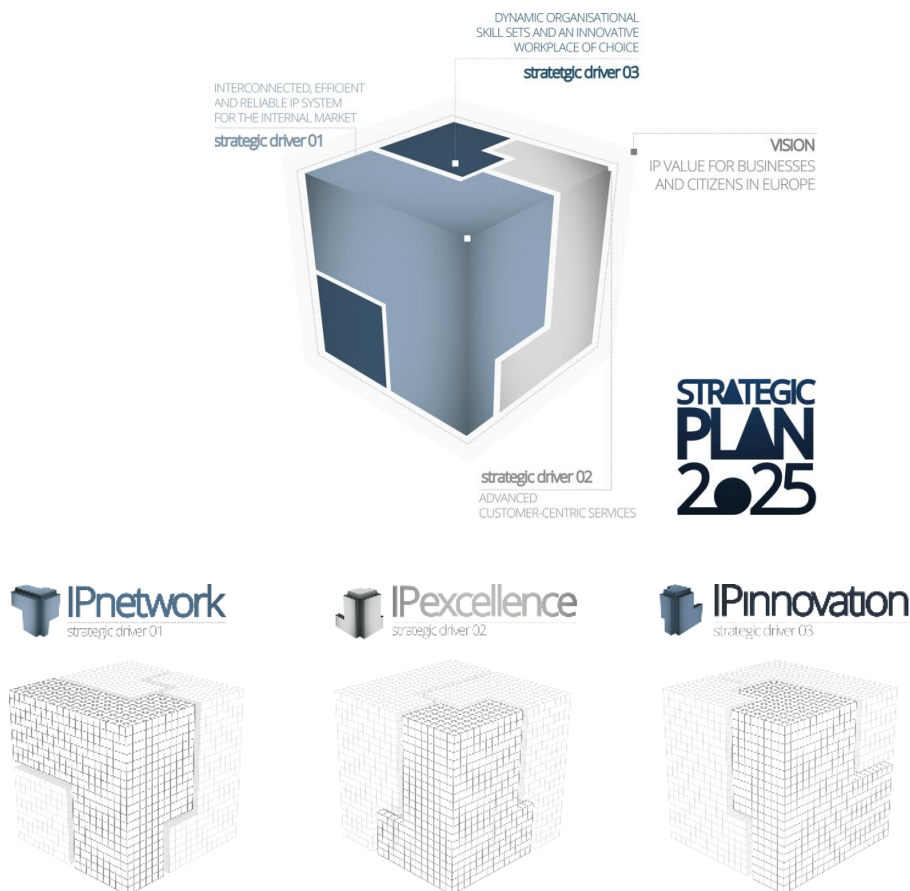
Following the principle of continuous improvement and assuring the alignment of the activities proposed in the SP2025, the targets of the SKII list have been updated. The indicators and their targets defined for 2021 are listed as follows:

STRATEGIC KEY IMPACT INDICATORS					
Strategic Driver	Indicator Name	Unit	Performance 2019	Target 2020	Target 2021
<b>SD 1: Interconnected, efficient and reliable IP system for the Internal Market</b>	Multi-Office user expressing satisfaction with the network convergence	%	65.0 %	57.0 %	<b>67.0 %</b>
	National Offices satisfaction with ECP Tools	%	78.0 %	80.0 %	<b>80.0 %</b>
	Satisfaction of EU institutions and bodies	%	N/A	75.0 %	<b>75.0 %</b>
	Stakeholder satisfied with EU-funded projects	%	87.4 %	80.0 %	<b>80.0 %</b>
	Quotations of Observatory Studies and Reports by EU Institutions	#	177	175	<b>240</b>
<b>SD 2: Advanced customer-centric services</b>	User overall satisfaction	%	89.0 %	85.0 %	<b>88.0 %</b>
	Users awareness of the Office's Guidelines	%	77.0 %	60.0 %	<b>68.0 %</b>
	EU SMEs Trade Marks and Designs filings	filings	N/A	N/A	<b>N/A</b>
	SMEs satisfaction with the services provided by the Office	%	N/A	83.0 %	<b>84.0 %</b>
	KU Satisfaction with the Key User Programme	%	N/A	75.0 %	<b>81.0 %</b>
<b>SD 3: Dynamic organisational skill sets and innovative workplace of choice</b>	Staff engagement	%	82.0 %	80.0 %	<b>80.0 %</b>
	Staff awareness of anti-fraud strategy	%	70.0 %	65.0 %	<b>65.0 %</b>
	Incoming and outgoing electronic communications with users	%	93.6 %	87.0 %	<b>90.0 %</b>
	Greenhouse gas emissions per on-site worker	t CO <sub>2</sub> eq /on-site worker	2.52	2.60	<b>2.00</b>

Targets for 2021 are based on current performance, benchmarking and project benefits. In those cases where the indicator is new and there is no value available, the target and performance section indicates 'N/A' (not available). Apart from the SKIIs, the Office measures its efficiency through the Service Charter (Appendix 2) and the Balanced Scorecard (Appendix 3).

## SP2025 Project execution

The vision of the SP2025 is based on the consolidation of a global network within the world of intellectual property that was developed and implemented during the Strategic Plan 2020. For the SP2025, the vision seeks to provide IP value for businesses and citizens in Europe, based on three Strategic Drivers: the IP Network, IP Excellence and IP Innovation. In order to better visualise the progression of the SP2025, the Office has developed the graphs that illustrate the project execution into a cube built with three interlinked pieces, each one related to one of the Strategic Drivers. The project execution is therefore presented in the Cube Charts.

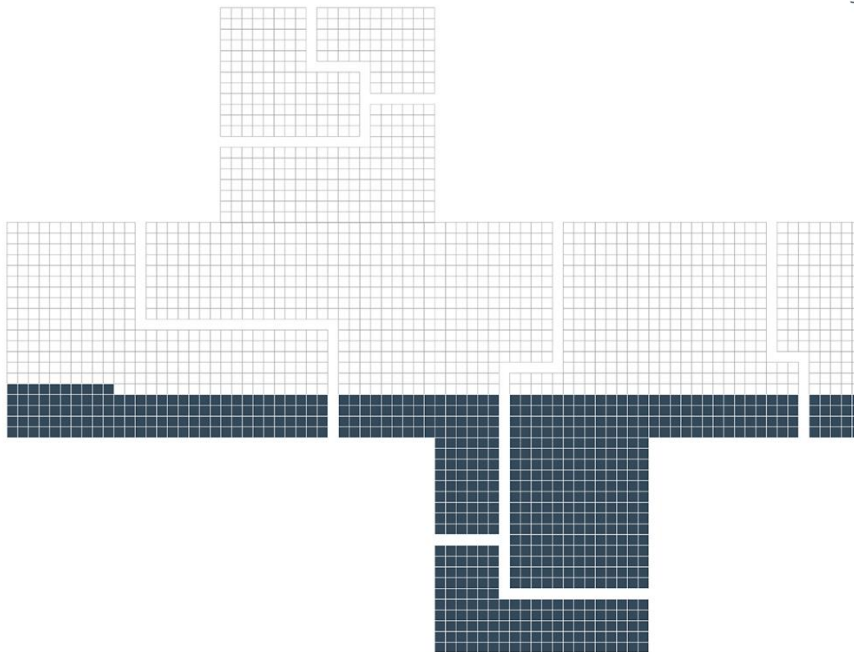


The exercise to calculate the 'project execution forecast' is based on a list of approved projects included in the Strategic Plan 2025. The 3D cubes are converted into the following 2D maps in order to facilitate the reporting process. The first image displays planning for the overall SP2025 progress, illustrating the estimated percentage of progress of projects of all the SDs combined, whereas the second one shows the estimated percentage of progress by each SD. By the end of 2021, the overall execution outlook for the SP2025 is estimated to reach a total of 30 %.



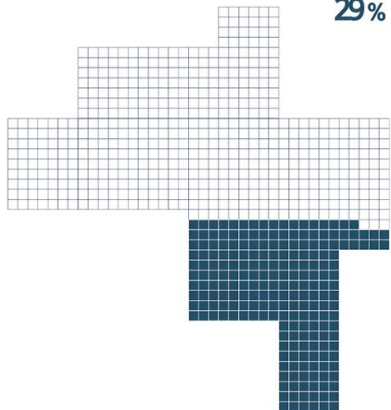
SP2025 Project Execution  
Objective 2021

**30%**



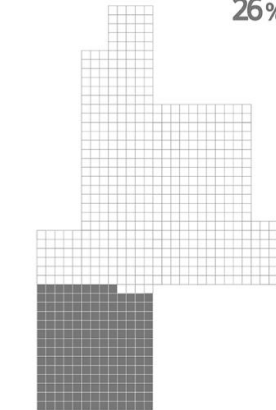
**IPnetwork**  
strategic driver 01

SP2025  
Project Execution  
**29%**



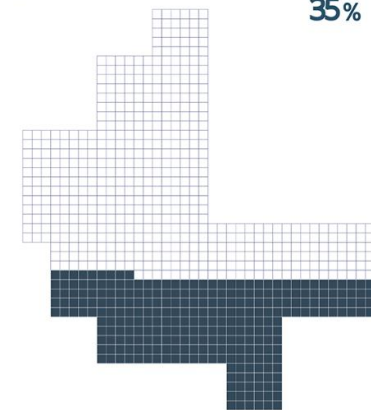
**IPexcellence**  
strategic driver 02

SP2025  
Project Execution  
**26%**



**IPinnovation**  
strategic driver 03

SP2025  
Project Execution  
**35%**



## **SD1 – Interconnected, efficient and reliable IP system for the Internal Market**

### **Stakeholder Relationship Management**

The Office will concentrate on maintaining and enhancing relations with its institutional stakeholders by engaging them in activities in all strategic areas of interest for the benefit of users in the context of global economic recuperation. With this objective in mind, the Office will continue to support and promote the results and the work of the European Union Intellectual Property Network (EUIPN) by holding and contributing to IP-related events in close connection with its major stakeholder groups.

Stakeholder relationship management will also focus on the details and the circumstances of each institutional segment. In doing so, it will adjust the interaction and support pattern accordingly throughout the year by remaining alert to the specific environment and needs. This readiness will ensure the preparedness to adapt to changing circumstances in order to continue supporting the EUIPN.

The Office will also continue to identify possible synergies between different cooperation partners, such as Member State Intellectual Property Offices (MS IPOs), EU Institutions and User Associations (UA), with the aim of raising the profile of IP within EU Institutions, and most notably, with the European Commission. This will be done with a view to reaching a cost-efficient spill-over effect for the members of the EUIPN, and thus, to the benefit of the end-user, with special attention dedicated to small and medium-sized enterprises (SMEs).

Moreover, connecting areas of common interest of EU and international partners and identifying new potential global user representatives with involvement in the Office's and the EUIPN's activities will help foster the EU economy's recuperation in the aftermath of the COVID-19 pandemic.

### **European Cooperation**

In line with the SP2025, cooperation will be intensified involving a more collaborative approach to exploring and promoting solutions with stakeholders and further developing common tools and practices in a more connected network. This includes establishing a simplified cooperation framework between the Office and MS IPOs.

#### **ECP1 Consolidate the implementation of EUIPN tools**

Work will be carried out to foster the implementation of EUIPN tools throughout the IPOs.

The new implementations of the Software Package (SP) Back Office will remain ECP1's key activity during 2021, with Denmark, Hungary, Austria, Portugal, Slovenia and Sweden IPOs expected to move significantly forward. Relevant activities on the implementation of Back Office improvements are planned throughout the whole year.

SP Front Office implementation in Denmark will continue in 2021 with the completion of TM e-filing, expected to go live in coordination with SP Back Office for TMs. Besides this new implementation, ECP1 will continue providing guidance to the current network of 21 IPOs that have implemented the solution, supporting the implementation of new and existing improvements released by ECP2. Promotion of the deployment of existing features such as DSClass integration and Fast Track are expected to be extended to 2021.

The IP User Repository (IPUR) implementations are expected to be completed in Lithuania and Austria in the first half of 2021, while three major events will be held with IPOs in the scope of this project.

#### ECP2 Improvement and upgrade of EUIPN tools

ECP2 will carry on improving the EUIPN tools with five sub-projects during 2021. Three of those initiatives formed part of the Strategic Plan 2020 (Improvements to Back Office, Improvements to Front Office, Improvements to TMview and DesignView), while two more will be launched in the beginning of 2021 (Improvements to Similarity, Maximise Use of Collaborative Tools).

During 2021 the SP Back Office improvements will focus its efforts on ensuring that the tool remains aligned with the multiple solutions mentioned in this annual Work Programme for European Cooperation Service (Decision Desktop, User Area, B2B, Chatbots, IMAS, ECP7, ECP8, etc.) that will require adaptations in SP Back Office in order to be adequately deployed at IPOs.

Furthermore, the sub-project will continue identifying the evolving needs of the IPOs and supporting them in the development of those features, before delivering the improvements to ECP1 for its implementation in interested IPOs.

The software package Front Office has become the standard tool for filing trade mark and design applications in the EU, currently implemented in 21 IPOs. Activities in this sub-project will be managed in three parallel work packages.

TMview and DesignView will continue to improve in 2021. While the efforts to maintain a high-level of data quality and improve the web interface will continue, the users will also have the possibility to use the tools through their mobile devices. Moreover, more EU IPOs are expected to integrate the tools using blockchain technology (Blockchain IP Registry, SD3) adding to the data quality and the tools' robustness.

Maximise the Use of Collaborative Tools sub-project will deliver improvements in the classification of goods and services through the delivery of improvements to tools such as TMC and TMclass. It is expected that the working group meeting held in February 2021 will be in a position to provide proposals that allow for improvements planned for the last quarter of 2021.

#### ECP3 New tools

ECP3 will consist of three sub-projects in 2021 and its main focus will be on providing the IPOs with tools to support their decision-taking process.

Decision Desktop: will continue with the development and piloting efforts in 2021. The tool is expected to be implemented and integrated into the Back Office of at least one IPO by the end of the year.

The Integrated Multiple Assessment Solution (IMAS) sub-project is scheduled to have its first working group meeting in February 2021. IMAS will support the decision-taking process on formalities, absolute and relative grounds.

Support to IT infrastructure through the Cloud Computing sub-project will present a roadmap for migrating IT systems from local infrastructure to the cloud. This will help IPOs take advantage of modern technologies to maintain complex IT systems.



#### ECP4 Convergence of practices

In 2021, ECP4 will continue extending and consolidating convergence of practices within the framework of the Convergence 2.0 and Maintenance of Common Practices sub-projects. In addition, two new convergence projects will be launched.

The aim of the Convergence Analysis 2.0 (CA 2.0) sub-project is to identify areas in trade mark and design practice that are suitable for harmonisation within the EU. As a result of the first Working Group meeting in September 2020, 5 convergence projects have been selected:

- CP13 - Trade mark applications made in bad faith;
- CP14 - Trade marks contrary to public policy and accepted principles of morality;
- CP15 - Comparison of goods/services: Common interpretation of Canon criteria and treatment of terms lacking clarity and precision;
- CP16 - Notion of “subject matter”; and
- CP17 – Designs (topic to be decided)

In 2021, Convergence Analysis 2.0 will analyse and define the scopes of these convergence projects. Upon the approval of the Management Board in June, the first two convergence projects of the SP2025 will be launched: CP13 on trade mark applications made in bad faith, and CP14 on trade marks contrary to public policy and accepted principles of morality. The first Working Group meetings for CP13 and CP14 will take place in October.

The objective of the Maintenance of Common Practices sub-project is to establish and utilise a more developed and systematic maintenance system to ensure the sustainability of EUIPN convergence and ensure the effective management of Common Practices. In 2021, this sub-project will continue to monitor and assess the implementation of the existing Common Practices.

#### ECP5 Sustainability of the network

In 2021 the Office will take advantage of the opportunities offered by new technologies with the Emerging Technologies Incubator sub-project, which will identify cases that will yield relevant benefits for the IPOs, such as how to reduce examination time, how to tackle applications backlog.

Furthermore, the Office will continue to support the development of IPOs’ project and quality management capabilities by certifying staff and by supporting the adoption of management standards at an organisational level.

IPOs’ Multiannual Cooperation Programmes will be further developed and technical support provided to assist IPOs to implement EUIPN initiatives.

The Capture and Store Historical Files sub-project is expected to continue working with new implementations under SP2025 in Latvia, Portugal, Romania and Slovakia.

#### ECP6 Supporting SMEs

This project’s vision is to improve SMEs’ competitiveness by raising their awareness of the importance and value of IP rights and facilitating their registration. This will be done in close

cooperation with the EUIPO SME Programme and SME-related initiatives from the perspective of the European Commission's priorities.

During the working group meetings taking place in Q1 and Q3 2021, further aspects of the communication and potential future support initiatives for SMEs will be discussed, including providing feedback on the Pilot SME website. A proposal could be submitted to the MBBC in June 2021 to enlarge the scope of the ECP6 and then 3 sub-working groups would be created.

Furthermore, all IPOs will be invited to participate in a second mapping exercise.

From 2021 onwards, participating IPOs may opt to implement ECP6's Work Stream 2 'communication package', consisting of a SME focused promotional activities package aiming to raise awareness of the importance and value of IP rights, and to promote and follow up the SME FUND. The promotional activities related to SMEs will therefore be moved from ECP5 (Supporting the Network) to ECP6 (Supporting SMEs). Participation of IPOs in the promotion, follow up and support of the SME FUND will follow SLA included in the Cooperation Agreement.

#### ECP7 Supporting the transposition of the Trade Mark Directive (TMD)

The Office and IPOs will cooperate in sharing information and exchanging technical expertise and assistance to promote interoperability between trade mark procedures within the EUIPN. This will be done through the execution of several sub-projects.

The TMD Implementation Support with Training and Tools sub-project aims at training IPOs and informing users about the impact of the transposition of the TMD. Furthermore, in cooperation with the ECP2 and ECP3 projects, the project will analyse and assess the needs of IPOs and users with a view to developing the common tools that can help to complete efficient transposition of the TMD.

The IP Legislative and Practice Repository sub-project aims to become the central access point for European and national practices, legal provisions, case-law and e-learning. The platform will allow European and national guidelines to be compared and will potentially facilitate the creation of a set of Common European Guidelines as a way to enhance the harmonisation of already converged areas.

#### ECP8 Collaborative services

The Office and IPOs will cooperate in sharing information and exchanging technical expertise and assistance to ensure the interoperability between procedures and systems throughout the Network, and in enhancing consistency, efficiency and effectiveness. Under this project, Network members will foster peer-to-peer cooperation, supported by a platform where the 'community' generates networked services and knowledge.

In 2021, the Assistance on Article 8(4) EUTMR IP rights sub-project will work on developing a compilation of national law provisions and the validation of provisions submitted before the Office. The Office and IPOs will cooperate in sharing information and exchanging technical expertise and assistance through a network of experts (PEER), who will be responsible for consulting, compiling and verifying their own national laws that could be invoked in disputes before the Office.

ECP8 Assistance on classification and AG/RG examination will analyse requirements and

select and train pilot IPOs during 2021.

A sub-project on collaboration in parallel trade mark applications will commence with an analysis of requirements and a consultation on the tools and means for sharing information and exchanging technical expertise to identify parallel trade mark applications across the EUIPN.

The Development of EUIPN prospective capabilities sub-project will aim at ensuring interoperability between procedures and systems throughout the EUIPN and enhancing consistency, efficiency and effectiveness.

The European Network of Authenticities is expected to continue working with new implementations under SP2025 in 2021 and start certifying new Authenticities in Bulgaria, Greece, Spain, Italy, Lithuania, Poland, Portugal and Slovakia.

### **International Cooperation**

Following the successful completion of the SP2020 ‘Extension of tools’ project, the Office will work towards broadening the cooperation framework outside the EU through the promotion and implementation of harmonised EUIPN practices and tools, and through bilateral cooperation activities that underpin the existing Memoranda of Understanding (MoUs) with 44 non-EU IPOs.

In this context, the Office will continue to foster synergies in its cooperation efforts with the European Patent Office (EPO) and the World Intellectual Property Organization (WIPO), by implementing activities included in their respective annual work programmes. The Office’s participation in multilateral cooperation forums such as TM5 and ID5 will also play an important role, and it will continue to support the EU’s policy-making bodies in the process of free trade agreements (FTA) negotiations, including the continued support of IP expertise to delegations, where required.

### **EU-funded projects**

The Office implements EU-funded projects contributing to EU IP policies under agreements concluded in accordance with Article 7 of its Financial Regulation<sup>(1)</sup>. Seven EU-funded projects promoting IP value and standardised tools and IP practice in South-East Asia (SEA), Latin America (LATAM), the Caribbean, Georgia, China and Africa are ongoing in 2021. They contribute to greater transparency throughout the implementation of intellectual property rights (IPR) protection and enforcement systems. The EUIPO acts with a special focus on the Commission’s IP priority countries in support of negotiations or the implementation of trade agreements, as well as IP dialogues, with the ongoing projects and possible new projects that the Commission could entrust the EUIPO to implement from 2021 onwards (e.g. extension of existing IPKEY projects in China, LATAM and SEA, or a new cooperation project in Mercosur).

### **EU Agencies Network**

The EUIPO will be closely involved in the activities of the EU Agencies Network (EUAN) by contributing effectively to the two EUAN strategic priorities. The Office will actively participate

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<sup>(1)</sup> Regulation BC-1-2019 of the Budget Committee of the EUIPO of 10 July 2019 laying down the financial provisions applicable to the Office (‘Financial Regulation’).

in the development of activities included in the EUAN and its sub-networks' work programmes, contributing to building a coherent and resonant agencies' voice.

### **Observatory<sup>(2)</sup>**

Regulation (EU) No 386/2012<sup>(3)</sup> entrusts the EUIPO with a wide range of tasks relating to research, communication, dissemination of best practices and support for the enforcement of all types of IPRs. In carrying out these tasks the Office is supported by the Observatory network, made up of representatives of the Member States, organisations representing the private sector, civil society and consumer interests, MEPs, and European and international organisations and agencies that act as observers.

### **Public Awareness**

The Ideas Powered initiative will be developed at a national level, with involvement by the national IPOs and, as appropriate, private sector experts. Youngsters will be empowered to implement awareness activities with the support of the Observatory and stakeholders. Another edition of the Youth Workshop will be organised in 2021. Ideas Powered will also be present at additional youth events in Europe, whenever possible. Such events will also be used to promote the agorateka tool that helps the user find legally available digital content.

Continuing the development of the IP in Education network, the Observatory will begin implementation in schools and teachers' centres across the EU. Stakeholders will be supported in the deployment of specialised resources for pupils and teachers with dedicated training. The long-term ambition is for IP to become part of the curriculum in all levels of education, including tertiary education in relevant fields (for example, engineering or entrepreneurship programmes).

The fourth edition of the IP Enforcement Summit will be held in Stockholm in June 2021. The aim is to reach key European and international policy decision makers, enforcement agencies and authorities, multinational companies and other businesses, as well as consumer representatives. The objective of the Summit continues to be to raise awareness among policy and decision makers about the importance of respecting and protecting IP rights through more effective enforcement.

In keeping with the priorities of the European Commission, the Observatory will consider the impact of counterfeit goods on the environment, including issues related to their production, transport, storage, seizure and destruction, measuring their ecological footprint, and mapping good practices.

### **Enforcement**

In 2021, the Office will continue to finance aspects of the work Europol carries out related to the fight against IP crime. Cooperation with other parties such as Eurojust, the European Anti-Fraud Office (OLAF) or the European Police College (CEPOL) will continue in order to facilitate and support law enforcement actions in the Member States.

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<sup>(2)</sup> Observatory activities to be developed in 2021 are detailed in Appendix 9 of this Work Programme.

<sup>(3)</sup> Regulation (EU) No 386/2012 of the European Parliament and of the Council of 19 April 2012 on entrusting the Office for Harmonization in the Internal Market (Trade Marks and Designs) with tasks related to the enforcement of intellectual property rights, including the assembling of public and private-sector representatives as a European Observatory on Infringements of Intellectual Property Rights, OJ L 129, 16.5.2012, p. 1.

The Observatory will organise further training sessions and exchanges of best practices for enforcers, judges and prosecutors, improving virtual training and including, where pertinent, feedback from rights holders. A conference will be organised with the European Commission's DG Taxation and Customs Union (DG TAXUD) for EU enforcers, including market surveillance authorities (MSA). Specific initiatives will be undertaken in 2021 in cooperation with Eurojust in the context of the European IP Prosecutors Network (EIPPN).

Three comprehensive case studies covering all phases of successful criminal cases (from investigation to final court decision) will be prepared in cooperation with the United Nations Interregional Crime and Justice Research Institute (UNICRI).

The Observatory will continue to develop and enhance the IP Enforcement Portal, the flagship tool connecting rights holders with enforcement authorities. The secure electronic portal to manage Applications for Action (AFA) will be launched in 2021. Further enhancements will include linking e-commerce platforms to the IP Enforcement Portal allowing more fluid exchanges between the platforms and rights holders.

Looking to the future, the ultimate aim is that intermediaries, such as e-commerce platforms, payment processors and others, join the IP Enforcement Portal so that the intermediaries can share information with each other (within legally permitted bounds), with rights holders and enforcers.

The Technical Group on IP Enforcement and Data Exchange will continue to analyse how the exchange of information on seizures between EU databases can be made more efficient.

The Impact of Technology Expert Group will continue to monitor emerging technologies and their impact on IP infringement and enforcement.

### **Economics and Statistics**

The Office will continue to work on initiatives related to the quantification of infringement and counterfeiting. In cooperation with the Organisation for Economic Co-operation and Development (OECD), further in-depth studies and analyses on counterfeit goods will be carried out.

Under the umbrella of the SME Programme, the Observatory will also play a role in the monitoring and measuring of the impact of the proposed IPR pre-diagnostic services for SMEs.

In cooperation with the Community Plant Variety Office (CPVO), a plant variety rights (PVR) specific study will be carried out in 2021. This study will focus on the benefits/importance of PVRs to the EU economy, including at Member State and regional-level. In addition to purely economic aspects, the study will also consider the contribution of PVRs to sustainable agriculture and horticulture in the context of the Commission's Green Deal and the fulfilment of the UN Sustainable Development Goals (SDG).

The role of IP in mitigating climate change and other forms of environmental degradation will also be examined.

## **IP in the Digital World**

Between 2017 and 2019 a number of EU Member States, as well as Switzerland, joined the agorateka. The current system consists of a portal that links to national portals that, in turn, link to websites containing legal offers. The system will continue to be enhanced in 2021 to promote greater use.

In the infringing business models work stream, the original 2016 study will be updated in 2021 to reflect developments in recent years. A study on online marketplaces (the fourth of the series) will be completed and published in 2021. The possibility of extending the work stream to a study of illicit online pharmacies will also be examined in the relevant Working Group or Expert Group.

## **Legal and International**

In relation to case-law collection and analysis, the efforts to gather relevant case-law on IPR infringement from Member States will continue.

The Office will assess, together with the Commission, the timing and other modalities associated with the report on litigation trends envisioned in Directive EU) 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.

In the area of international cooperation, in 2021 the Office will continue to cooperate with DG TRADE to consolidate the EU Delegations' IP Network. The Office will also support the international EU-funded projects for which it is the implementing agency. Furthermore, the scope of the Observatory's international cooperation activities will be further developed taking into consideration input received from the Expert Group on international cooperation and from Observatory stakeholders.

The Office is represented on the OECD's Task Force for Countering Illicit Trade under whose auspices the joint EUIPO-OECD studies are carried out, as well as the work on a code of conduct for free trade zones.

Cooperation with intermediaries is one of the Office's priorities in the SP2025. The Observatory Expert Group on cooperation with intermediaries has been analysing the challenges raised by the misuse of intermediary services to infringe IPR, as well as potential avenues to better address these challenges. After finalising its work on e-commerce platforms, the Expert Group will continue its work on social media and payments in 2021.

## **Statutory meetings**

According to Regulation (EU) No 386/2012, the Observatory will hold a plenary meeting, as well as public and private representatives' meetings. There will be two sessions for working and, potentially, expert groups.

### **SP2025 projects:**

#### **Broadening the Cooperation Framework outside the EU**

This new project will commence in 2021 with two main objectives: first to effectively extend EUIPN and EUIPO tools, standards and practices via cooperation with non-EU partners, including the development of tools in collaboration with non-EU stakeholders, and second to reinforce the relations between the Office and non-EU IP offices and non-EU users. This project will therefore contribute to sustain and expand the current networks of the Office, delivering an interconnected, effective and reliable IP system to EU businesses, citizens and other relevant IP stakeholders in the global environment.

#### **EU IPR Enforcement Portal 2025**

The effort to make the EU IP Enforcement Portal one single portal delivering the services that the rights holders need for enforcement of their IP rights will continue during 2021. The Office will continue developing the e-AFA elements for electronic filing of applications for action, together with the possibility for rights holders to manage the complete AFA lifecycle.

#### **The out-of-commerce work portal**

The aim of the project is to build a new portal to facilitate the uses of out-of-commerce works that are permanently held in the collections of cultural heritage institutions, such as photographs, software, phonograms, audiovisual works and unique works of art, including never-in-commerce works which can include posters, leaflets, trench journals, but also unpublished works. Once established, the portal shall be used for mass digitisation projects implemented by the cultural heritage institutions and will become the central European transparency (publicity) measure for the out-of-commerce works.

#### **Enhancing IP protection on e-commerce marketplaces**

The project aims to enhance IP protection on e-commerce marketplaces by developing integrated secure online information resources and services facilitating the collaboration between IP rights holders and e-commerce marketplaces in removing listings infringing EUTM rights.

#### **Anti-counterfeiting blockathon infrastructure**

This project aims to design and facilitate the implementation of an open authentication platform and protocol using blockchain technology that connects rights holders' track and trace systems to enforcement systems.

## **SD2 — Advanced customer-centric services**

### **Management of IP operations**

The Office has demonstrated great flexibility and has kept delivering high-quality operations despite the demanding situation caused by the COVID-19 outbreak. This commitment towards the Office's users will continue also in 2021, when a growth in trade mark and design filing is expected.

Achieving positive performance results in all trade mark and design operations over an extended period of time has allowed us to become even more demanding on ourselves and has resulted in adding a new key performance indicator (KPI) for 2021 to the Service Charter: timeliness in the response to customers' communications for all *inter partes* proceedings

(trade marks opposition and cancellation as well as design invalidity). A new KPI on the automation rate for certain records was also added to the Balanced Scorecard.

Furthermore, the Office is continuously looking into new areas of improvement by taking advantage of new technologies. The Office plans to further facilitate the direct contact between customers and examiners in order to effectively solve potential obstacles in the pre- and post-registration process. New customer-centric work initiatives that allow cross-departmental pilots will be implemented, thus improving the communication with direct filers and representatives.

On quality, the Office will continue performing internal quality checks (*ex ante*, *ex post*) in all registration areas and will continue with the Stakeholder Quality Assurance Panels (SQAP) audits. The SQAP have proven successful and are appreciated by users as a valuable platform for an exchange of ideas between Office experts and peers from UAs.

The back office systems of core activities have been further extended by integrating all procedures for the examination of International Registrations into IP Tool. In addition, work has commenced on the integration of the Community design examination process into the tool, which will also include the management of IRCDs. A revision of the Front Office tools will be undertaken in order to further align the available e-filing services with our Guidelines and practices, in particular in the area of designs. Finally, to further demonstrate the Office's commitment to international cooperation, the Office will be acting as both a Depositing and Accessing office within the WIPO Digital Access Service (DAS, an electronic system allowing the exchange of priority documents between participating Offices throughout the world), after the successful technical integration achieved during 2020.

The E3U programme tools have now been put in place and their use by examiners will be consolidated. These tools support the decision-taking work of the examiners by providing them with the relevant information and data required upfront in order to make a well-reasoned decision, while at the same time assisting in the drafting of the decision. Collaborative working methods such as ICE-initiatives will continue.

TMmeaning is a tool which provides examiners with the meaning of the verbal elements of trade marks in the 23 languages of the EU. The Office is currently working on improving its content with further dictionaries and revising the results it delivers.

The Office, through the Knowledge Circles, will continue with the regular process of revision of the Guidelines, in the areas both of trade marks and of designs. The scope of revision of the designs Guidelines may be adjusted taking into consideration the status of the designs legislative reform for which the Office is closely collaborating with the Commission.

The Office will also continue assisting the Commission in the examination of applications for the registration of protected geographical indications (GI) and protected designations of origin. Cooperation with the Commission will extend to providing all the necessary support in view of the possible revision of the GI regulations and the establishment of the protection for non-agricultural geographical indications.

Cooperation with the Commission will continue as regards the improvement and development of databases with the aim of providing comprehensive IT tools that fulfil the needs of operators in the fields of trade marks and geographical indications.



### **Management of IP litigations**

The Office places great importance on the defence of its decisions and practice before the courts and for this reason it promotes a structured working relationship with the Boards of Appeals, shares knowledge and flags important case-law.

The Luxembourg Liaison Office will continue the programme of activities aimed at promoting IP knowledge-sharing with institutional, academic and user stakeholders based in that area. The Office will continue supporting the Commission in the analysis of issues raised in preliminary ruling requests submitted by national jurisdictions to the Court of Justice of the European Union (CJEU) in the area of IP rights and their enforcement. The Office will intensify its cooperation with Europol and Eurojust in the fight against fraud and scams and will promote legal action against scammers, with the involvement of other IPOs and UAs. The Office's Litigation Service will also assist the European Commission's legal services to prepare their observations in preliminary ruling cases on IP matters before the CJEU.

### **Management of appeals**

The Boards of Appeal (BoA) are responsible for independently deciding on appeals against first-instance decisions on European Union trade marks and registered Community designs. Within the context of the volatility experienced in EUTM applications that also affects appeal filings, the BoA will continue striving to ensure high quality and efficient appeal proceedings as well as coherent appeal decisions for the benefit of users and for the EU trade mark and design system.

The Coherence and Consistency Assurance operational project, launched in 2018, will continue to ensure predictability and legal certainty in the interpretation and application of the regulations. In that regard, the Grand Board, which receives an increasing number of cases, will play an important role.

The BoA will insist on the promotion of the cooperation and coordination of common appeal proceedings issues within the framework of the recently launched Inter-Agency Appeal Proceedings Network (IAAPN). The aim of this Network is to share knowledge and identify best practices within the BoA among EU agencies with a view to improving dispute resolution for the benefit of stakeholders.

Furthermore, the participation of the BoA in the Convergence Projects in the consolidation of the network of appeal bodies from the Member States' Intellectual Property Offices aims to align practices in the area of appeal proceedings and will thus ease the access of users to the dispute settlement services they render.

The BoA will strengthen cooperation ties with Member State IPOs by developing a subnetwork for exchanging information pertaining to national laws that can be used in disputes before the EUIPO, e.g. opposition or invalidity procedures and interpretation of national law by national courts. This subnetwork will greatly benefit SMEs who need to protect their national IP rights by ensuring a safe, predictable and compatible legal framework for those rights in accordance with national law.

The BoA will continue their efforts in relation to EUIPO initiatives that support SMEs during the difficult times brought about by the COVID-19 pandemic. Measures proposed by the BoAs

such as the online platform for mediation, oral hearings and the various dispute prevention and resolution services will become valuable tools for European SMEs.

In 2021, the first deliverables will be received from new initiatives created in 2020 by the BoA and their Alternative Dispute Resolution Service with the Mediation GEMME Intellectual Property Judges Network. This project aims at creating a network of courts that promotes mediation in intellectual property disputes resulting first in receiving a conclusion paper where the exact framework and methodology of the network activities and the next steps will be reflected upon. Furthermore, through the Chambers of Commerce Network the voice would be heard of those who are really aware of and understand the concerns that businesses have when becoming involved in IP disputes to chart the best possible course in the services the BoAs provide for SMEs.

The current eSearch Case Law provides a search tool for decisions related to the EUIPO and judgments of the General Court, Court of Justice and national courts. In compliance with Article 113(1) EUTMR, the BoA decisions are published daily in this tool. The BoA will continue to perform quality checks to track missing decisions and legacy issues. In parallel with the extension of the IP Tool platform to the BoA, work will also start on reviewing the list of trade marks keywords and the indexation system for appeal decisions with a view to improving the tool search performance and making it practical and easy for all users to use.

Work will continue with the improvement of the quality of BoA dispute resolution services and to simplify complex aspects of the proceedings. With this aim, the BoA is planning to make the more complex tasks for users, such as oral hearings, accessible through the use of online tools. In addition to this, fully operational Interactive Collaborative Appeal Management (ICAM) is intended to optimise the quality and the consistency of the appeal proceedings.

Quality assurance will also be enhanced through exchanges, decisional practice analysis and evaluation in cooperation with specialised judges within EUTM and RCD jurisdictions. The Judges Quality Assurance and Legal Practice Panels (J-QUALPP) is a new initiative for reviewing legal practice, part of which will involve scrutinising BoA decisions. It also implies establishing a network of judges.

### **Customer management**

The Office's customer-centric approach relies on staff providing high-level services giving valuable information and guidance so that users can optimise their use of the tools and processes, integrate their feedback successfully and express their level of satisfaction with the Office's products and services.

The Office will continue providing excellent customer service in accessibility and quality despite ever-growing usage. In this regard, the Office will further develop proactive communication as well as continue the expansion of the modern forms of communication that have already been deployed, such as the online chats which will be extended to all users, and further online tools.

Direct outreach activities will continue to promote an efficient and effective use of IP. In 2021 the successful IPforYOU seminars, jointly organised with National IP Offices, will be extended to relevant trade fairs in order to reach out to businesses as well as to professional customers. The Office will also make use of virtual solutions for organising events which have proven to be efficient during 2020.

Customer satisfaction, feedback-relating customer services and online tools will continue to be measured via the immediate feedback surveys that will be extended to additional tools with a view to ensuring the best possible customer experience. The Office will continue implementing the actions resulting from the user satisfaction survey carried out in 2020. In addition to the well-established SQAPs, the newly launched customer panels will continue to be organised with a view to addressing various topics.

The Office will also further develop its capacity to become a more customer-focused organisation. This will be achieved by further increasing customer engagement, developing an effective customer policy as well as starting the analysis for providing IT solutions to support these activities. This will also expand to the collaboration already in place with the .eu domain name provider where new initiatives will be explored to further increase security and the dissemination of information.

This objective demands effective cross-departmental coordination within the Office for the discussion and steering of key initiatives intended to maximise customer satisfaction addressing all segments of customers from Key Users to SMEs. In turn, this will lead to an evolution of the Key User Programme and will maximise engagement by offering the services the Key Users need in order to provide the best possible service to their clients, the end users, and thus further increase their satisfaction. The Knowledge Circle on Customers (KCC) continues to develop this internal collaborative framework according to an established work plan. Based on the customer journey and segments, the Office will identify potential improvements in the customer experience and the efficiency of internal processes.

Electronic communication has become the most widely used and preferred means of communication. Work will continue to further enhance the customer experience and provide a complete digital journey to customers so that obsolete means of communication such as fax can be completely phased out.

In the endeavour to contribute to the recovery of the EU economy, the Office will be working together with the European Commission to release a set of additional measures to directly support European SMEs in 2021.

Major developments in Search and Publication tools using Artificial Intelligence, aimed at improving the efficiency of users' interactions with the Office, will without a doubt prove beneficial.

In 2021 work will start to design the new digital platform envisaged in the SP2025 based on segments and/or customer profiles.

Under the automated linguistic workflow initiative, the Office aims to transform the linguistic business function using technology as an enabler, to improve efficiency, process automation and quality assurance, and shorten turnaround times in all linguistic services.

Throughout 2021, the Office will review its internal processes in the linguistic area in order to streamline them and create more integration with the Office's content management systems.

The Office will build on its offer to further promote multilingualism and accessibility to IP information. To make the Office's communications clear and effective, in particular with a view

to supporting SMEs, the Office will launch several clear writing initiatives following the Commission's approach.

### **Cooperation with the Translation Centre**

Building on the outcomes of the CdT Transformation Programme, the Office will start benefiting from the use of the new translation services at the beginning of 2021. These services will include optimised translation services powered by post-editing machine translation and an automatic translation service using a combination of translation memory and machine translation. The Office will take full advantage of the new services to improve efficiency and quality in the translation process and support additional use cases.

The Office will strengthen its collaboration with the European Commission's Directorate-General for Translation (DGT) and other EU institutions to continue implementing its roadmap of initiatives to enhance translation processes.

### **Supporting Commission activities for SMEs through COSME**

In 2021, based on a contribution agreement to be framed under the COSME Programme, the EUIPO and the National Offices of the Member States (EUIPN) will support the Commission activities for SMEs. The aim is to provide financial support, through national, regional and EU intellectual property systems, to those SMEs in the EU that wish to protect and manage their intellectual property rights. Two services are provided for this purpose. The first service reimburses 75% of an IP pre-diagnosis to be carried out or coordinated by national or regional IPOs, while the second service provides financial support in the form of a reimbursement of 50% of the basic fee of a national, regional and/or European trademark or design application. EUIPO will manage the fund as implementing agency through a grant system. The fund will have a budget of EUR 20 million, with EUIPO financing EUR 19.8 million from the legacy surplus registered under Title 4 and COSME contributing EUR 0.2 million.

### **SP2025 projects:**

#### **IP Tool Ex Parte Designs**

This project will provide a harmonised, simple and flexible solution to efficiently manage the examination procedures for RCD applications and IRCDs designating the Office within IP Tool. The new module of IP Tool is expected to go into production towards the end of 2021.

#### **E3U2 New Generation Tools**

This project is the continuation of the SP2020 Efficient Examination and Users' empowerment (E3U) project – Relative Grounds (RG) examination and Absolute Grounds (AG) examination. It aims at improving the tools developed under the E3U programme in these areas, complementing them with new technologies, where feasible. During 2021, based on the results of the artificial intelligence project, work will start to increase synergies between the Goods and Services comparer and the Similarity Tool.

#### **Boards of Appeal IP Tool**

The aim of this project will be to extend the common IP Tool platform so as to include all the relevant functionalities related to the Boards of Appeal and will ultimately replace the legacy BoA Single Tool.

### **SME Programme**

The SME Programme, aims to support SMEs during their various life cycles, empowering them to protect and enforce their competitive advantage through IP rights. The Programme will be developed in full alignment with ECP6 which allows for the necessary space, structure and resources to cooperate and enable national and regional offices to participate in the work and have the opportunity, if they wanted, to deploy the results of the programme in their countries or regions.

The Office will seek and explore synergies with the European Commission's activities and, whenever possible, will create links to useful and trustful sources of information such as the single digital gateway.

In addition to collaborating with key stakeholders such as the European Commission, the EPO, UAs and EU IPOs, the Office will expand its engagement with new stakeholders. This activity will serve to further support the programme's endeavour to reach out to SMEs and provide them with high quality guidance and services.

### **SME supportive instruments**

This project covers providing supportive instruments to support SMEs in their business evolution. It will develop proof of concepts (PoCs) covering different systems, services and technologies from which SMEs and start-ups could benefit. Building on the feasibility assessments of 'IP Pre-Diagnosis' and 'IP Valuation', in 2021 the Office will continue to develop the respective PoCs and extend to new feasibility studies such as the 'EU IP Information Centre'. Regarding 'IP Pre-Diagnosis', the Office will rely on the experience of the IP Pre-Diagnosis scheme provided by the European Commission and will continue collaborating by providing expertise and training to this scheme. The Office will further define the follow-up approach for the 'pro bono' and Effective Dispute Resolution (EDR) pilots that were launched in 2020 as the EUIPO's quick response to COVID-19 to support SMEs.

The results of these preliminary analyses and feasibility studies will then be presented to the ECP6 working group(s) so that, in a collaborative manner, the next concrete actions to be taken can be identified, up until the design of services which can be voluntarily deployed by NIPOs after having adapted it, if need be, to national requirements.

### **SME website**

The SME website project will be designed to provide added value to entrepreneurs, start-ups and EU SMEs by giving access to consolidated, simplified, trustworthy and relevant information. In January 2021, a first pilot website will be presented to the ECP6 working group. Throughout 2021, the website functionalities will be extended to complete the offer of content such as tools, guides and training resources in more languages. Enhancements of the website and its content will be driven by the feedback from the working group, users and stakeholders.

### **SME outreach and communication**

This project will implement communication actions for the activities carried out under the SME programme, in accordance with the ECP6 scope of activities defined under work stream 2: national and EU-level communication campaigns. It will reach out to new audiences by using new communication channels. In 2021, the project will focus mainly on the positioning of the SME programme and the implementation of the external communication plan using new

communication messages and channels, as well as monitoring and measurement mechanisms.

#### SME network and collaboration

The SME Network and Collaboration project aims to build a strong collaborative network with existing and new Office counterparts. The purpose will be to reach out to SMEs, helping to stimulate and reinforce behavioural changes towards IP, innovation and growth. Specific focus will be given to actors falling within the categories of: funding and investment, business/trade facilitators, education-knowledge exchange, policy developers, intellectual property facilitators, UAs and others (including, for example, experts or opinion leaders). In 2021, the project will follow-up on the engagement of new stakeholders and in the implementation of joint activities. Furthermore, a feasibility study for holding an annual SME programme stakeholder event will be carried out.

#### SME data-driven science

The SME Data-Driven Science project aims at ensuring the successful collection and management of relevant SME-related data. The project consists of four work streams (data sources, data visualisation, data research and programme logic models) and will focus in 2021 on defining the programme logic models and corporate-level KPIs, etc.

### **Customer-Centric Approach Programme**

The Customer-Centric Approach Programme lays down the foundations for implementing a customer-centric model based on the specific needs and expectations of Office customers. The Office will seek new ways to work together and interact with its different customer segments, focusing on developing customer journeys and implementing dedicated approaches, while maintaining the highest standards of legality and equal treatment of all customers.

#### Customer Focus

This project focuses on developing the Office's capacity to develop and provide advanced customer-centric services. In the quest to deliver this, a first step was taken in 2020 to identify segments of customers according to their behaviour and needs, which is being used to prioritise opportunities for improvements and measure the benefits of the actions taken. Throughout 2021 this will be spearheaded by a number of staff awareness campaigns and customer-focused training.

Examiners and other staff members will also participate in customer-related activities to raise staff awareness of market realities impacting the Office's customers. In addition, pilots will be put in place for different segments to improve communications and provide a customised service depending on their specific needs. Analysis and gradual adjustments to the Office IT tools will be performed to integrate customer segments perspective within the Office operational workflows. Feedback on these pilots will be gathered and analysed, together with the evaluation of the impact achieved through the actions taken.

#### Customer Success Solutions

The objective of the Customer Success Solutions project is to develop a set of actions to provide the Office's customers, including SMEs, large businesses and intermediaries, with state-of-the-art tools, services and guidance that will deliver an optimal customer experience. The project will continue its focus on defining the customer segmentation and the customer

journey and tailoring the provision of services to their needs. It will feed the *Customer Relationship Management* project as well as the *Modernised EUIPO online platform* project under SD 3. The project is expected to increase customer satisfaction by improving straight-through files while identifying opportunities for growth and enhanced quality.

#### *Customer Relationship Management*

The Office needs to implement a comprehensive *Customer Relationship Management* (CRM) tool to better connect, interpret and respond to the overall interactions with customers throughout the Office, while effectively managing customer data. The project will start with exploratory work in 2021 to deliver a feasibility study and market research including benchmarking activities with other public institutions and private companies.

### **SD3 — Dynamic organisational skill sets and an innovative workplace of choice**

#### **Management of Human Resources**

Further to the exceptional circumstances of the COVID-19 pandemic, the Office's staff's safety will continue to be the main priority in 2021. The Office will remain vigilant to the evolution of the pandemic while ensuring the well-being of staff. In this sense, the Office will continue to apply a flexible approach in relation to human resources procedures as necessary, while ensuring the continuity of the service and the implementation of staff policy.

Throughout 2021, the Office will continue to focus on its objectives and tackle the challenges identified in the SP2025. The Office will remain committed to increasing staff engagement, fostering effective talent management and boosting the modernisation of HR processes, as well as ensuring sustainable working conditions for staff.

To meet the challenges ahead, the Office will concentrate on attracting and retaining the best talent and strengthening its position as a workplace of choice. In parallel, the Office will continue to foster ongoing learning and career development, thus ensuring that staff adapt well to changing working methods and technical progress, perform at their best and have long-term satisfying careers.

In line with the staffing policy and notably its career development aspect, the Office will continue to strive for the highest implementation rate of the Annual Staff Policy Plan. In 2021, the Office will complete the work related to the two internal competitions for support (non-IP) activities, whose schedule was affected by the COVID-19 outbreak. The publication of the respective reserve lists will give tangible possibilities for successful temporary agents and contract agents to gain permanent employment at the Office.

Additionally, the recruitment plan will consider other actions included within the HR policies with a view to improving contractual conditions and retaining the best talent. The Office will continue with the transformation of contract agents (CA) to temporary agents (TA), upgrades in the CA function groups, transfers of officials between institutions, awarding of indefinite contracts and increasing the proportion of administrators.

The 2020 Staff Satisfaction Survey showed that staff engagement remains high at 79 %. The Office is committed to continuous improvement and will follow up on the results of the survey through the active involvement of management and staff, as well as through social dialogue. In parallel with department action plans, the Office will define its corporate action plan focusing

on the area of senior management and on reinforcing a supportive culture. With this in mind, the Office will organise regular pulse surveys to seek continuous feedback from staff on specific priority areas, enabling the Office to measure progress and act immediately if necessary.

Permanent acquisition of new knowledge and expertise is key to the success of the Office in the context of a rapidly changing business environment. It is also a pillar of career development for Office staff. As the required competence is not always available in-house, the Office aims to respond to this need by enriching its mobility policy, with a new framework for temporary external mobility. This will enable staff to gain experience, knowledge and skills in host organisations located both within and outside of the EU that, in turn, will benefit the Office. In 2021, the Office will continue its preparation of the administrative framework and will identify initial knowledge needs in anticipation of launching a pilot programme.

Aiming to guarantee the skills required to implement its business strategy and to respond to future challenges, the Office will work on the identification of gaps and talent pools based on staff abilities, potential and personal interest in line with the succession planning model. This information will be gathered through the talent profiles and the appraisal exercise. An initial 5-year succession plan will be created and a team of HRD counsellors will be established and further supported by a network of business experts. The Office will also start developing career guides with examples of recommended career paths.

### **Academy activities**

The Office will continue to invest in staff development by providing learning content in a digital format within the Academy Learning Portal, as well as through a catalogue of classroom, blended and distance learning activities for those training events that cannot be carried out face-to-face. Special emphasis will be given to readying the Office's staff for transformational and digital changes and the promotion of internal knowledge sharing.

To enhance the Office's external stakeholders' IP knowledge, first-class training content will be provided both online and face-to-face. In addition, the Office will offer specialised education programmes for professionals as well as for paralegals, as a response to the need for specialised training for this latter segment of professionals raised by the UAs.

Furthermore, and building on the benefits of the cooperation established over the years with several academic partners, the Office will seek to pursue further partnerships and cooperation with the academic community, particularly on new technologies. The Office will also seek the reinforcement of the Pan-European Seal (PES) traineeship programme, by acting as a reference pool for both traineeship and job offers to former trainees with the PES Talent Bank and to support the creation of PES alumni reinforced membership.

Finally, in addition to the major and streamed IP events, the Office intends to extend cooperation with IP offices and, eventually, with other external stakeholders such as EU institutions, other EU agencies and international organisations such as the EPO.

### **Financial Management**

Effective and transparent financial management will continue to support the achievement of the Office's objectives, promoting a transparent and accountable allocation and use of its



financial resources. This will enable a clear and transparent decision-making process driven by efficiency, taking full advantage of performance-oriented working methods.

Seeking further efficiency of the financial processes, the Office will review and streamline, where possible, budgetary planning, procurement and vendor management activities, fees' collection and accounting activities. This will be complemented by digitalisation and automation initiatives.

Regarding budgetary planning, the agreements with the Commission regarding EU-funded projects are being treated as 'separate budget items' within the meaning of Article 10(4) of the Office's Financial Regulation. In addition, starting with 2021 budget, the Office's financing to the European School of Alicante, under a renewed agreement concluded in accordance with Article 7 of the Office's Financial Regulation, is also proposed to be treated separately. That way, the Office will continue to seek to unlock funds by mobilising the financial surplus accumulated by the Office in support of EU policies<sup>(4)</sup>.

The Office will continue to capitalise on its internal financial knowledge. Specialised training will continue to focus on consolidating the financial knowledge of the financial actors in order to guarantee high quality in the Office's financial operations.

The Office is strongly committed to improving its environmental performance. One method of doing this is to engage with its service providers and vendors, encouraging environmental excellence. As a result, green public procurement will continue to be at the core of the Office's calls for tenders.

Throughout 2021, the Office will continue to monitor the economic impact and possible consequences of the COVID-19 pandemic on the budget result and to take the actions necessary to implement a budget based on prudent estimations and achieve higher execution rates.

### **General IT services**

As in previous years, the Office will continue modernising and simplifying its technical infrastructure to keep up with innovation and phase out obsolete technology. This includes the anticipation of end-of-life software and hardware through plans to renew, replace or withdraw technology as well as implement agile and realistic strategies to maintain mission-critical systems and avoid technical debt. When relevant, the Office will explore opportunities for the offer of API -Application Programming Interfaces- so as to provide services to be used by our customers for, amongst others, filing purposes or electronic commerce platforms.

In terms of digital security, the Office will continue investing in reinforcing related competencies and capacity by working in close cooperation with other partners – IPOs, European agencies and the Computer Emergency Response Team for EU Institutions, bodies and agencies (CERT-EU) – to develop knowledge and skills in the field of cybersecurity.

On cloud computing, the Office will continuously explore market opportunities for the provisioning of commercial cloud computing services where these services could be performed by specialised commercial operators at a reduced cost and higher efficiency. The aim is to adapt to the new opportunities emerging in this very dynamic market as well as to

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<sup>(4)</sup> In line with the 2019 opinion of the European Court of Auditors to use the EUIPO surplus money productively.

the new challenges in security and data privacy. In this context, the right balance is being sought between purchased services and those relying on on-site infrastructure.

In parallel, the Office is updating its on-site data centre facilities and procedures to increase the catalogue of services provided to other partners, in alignment with its cloud modernisation strategy. This is in line with the request from the European Parliament, Council and European Commission to increase efficiency and accountability in the European agencies by fostering synergies and strengthening cooperation in areas of common interest, such as technology and infrastructure related to data and information.

In the field of new technologies, the Office will continue reviewing and assessing the use of new technologies within the Technology Watch Group. This group includes representatives from all Office Departments and has as its mission to identify cases where new technology can further improve operational activities.

### **Infrastructure and Logistics Management**

The Office will continue to keep health and safety at the forefront. Therefore, all necessary health and safety measures will be considered.

Simultaneously, the Office will seek to maintain a high quality and sustainable physical environment by allocating investments to maximise the efficiency of its facilities, minimise the environmental impact of its operations, and provide staff with improved working conditions.

In the context of a 'new normality', the Office will remain vigilant and flexible in the current environment. It will continue to review and adapt its procedures in order to keep the support services such as hospitality, general logistics and security/safety at a level of excellence so as to offer the best possible experience to its users, staff and visitors.

In the drive towards becoming a truly sustainable organisation, the Office will continue implementing operational actions to reduce its environmental impact and further reduce its carbon footprint.

On energy efficiency, the Office will assess the implementation of solutions to reduce energy and water consumption and to increase self-produced renewable energy based on the energy efficiency study conducted in 2020.

Regarding the modernisation of the campus infrastructure and facilities, the Office will explore alternatives for maximising the use of information and communication technologies on its campus. Therefore, the Office will explore connectivity and interaction solutions between facilities, the facilities management team, staff and visitors, by means of augmented reality, mobile connectivity and the Internet of Things, in a similar way to the 'smart city' concept.

The Office will continue to cooperate with local authorities to further develop accessibility to the EUIPO campus.

### **Communication Activities**

The Office's internal communications will focus on informing and engaging its staff towards its vision and strategy. The main focus during the year will be on applying the lessons learned from the COVID-19 pandemic and on further fostering the strongly developed sense of

community that arose from this crisis. Both for internal and external communication activities, an intense use of social media is of paramount importance.

The different projects under SP2025 will receive full communicative support, as will other operational activities both at internal and external level, while ensuring the alignment of the corporate messages and image across its multiple activities.

The Office will support SMEs through the DesignEuropa Awards 2022 (Q4 2021) and the organisation of DesignEuropa SME events across the EU in collaboration with Member States IPOs. The DesignEuropa Awards 2020 ceremony, postponed due to the COVID-19 pandemic, will be celebrated in the second part of the year, marking the call for entries to the 2022 edition.

The Office will continue enhancing media relations at all levels, including for corporate and strategic issues, to further include IP and to position itself as one of the world's most innovative IP Offices for the benefit of its stakeholders. In coordination with the Observatory, new pan-European media relations campaigns on topics such as infringement and IP value will be carried out.

The Office will coordinate the Communication Correspondents Network (CoCoNet) together with the EPO in order to strengthen collaboration in communication to organise joint campaigns or actions in the field of IP-related communication. The Office will also take part in the Heads of Communications Network (HCIN) to support an effective communication plan to implement the EUAN objectives.

In addition, the Office will continue to manage and implement the communication and awareness activities of all EU-funded projects in non-EU countries, creating and maintaining multiple websites and communication channels (newsletters/social media).

Finally, the Office will continue raising awareness about the relevance of protecting IP rights, reaching out to the wider public and citizenship through the promotion of the short movie 'IPdential' and by releasing its second part 'IPdentity'.

### **Corporate Governance**

The Office will continue to provide its governing bodies, the Management Board and the Budget Committee, and other stakeholders with the most up-to-date and complete information about Office activities and implementation of the SP2025.

As the Office strives for continuous organisational efficiency and effectiveness, further improvements to the project management methodology will be pursued to allow for flexible decision-making towards the achievement of the Office's objectives and SP2025 goals. To this end, the Office will continue working to improve the governance of its strategy and implementation framework by aligning the integrated management systems certification cycle, internal control activities, sustainability and corporate reporting. This would not be possible without the capability to analyse forecasting scenarios and probabilities, which will materialise by involving relevant stakeholders and in particular the Member States IPOs.

The Office continues working towards measuring the impact of initiatives included for SMEs, aimed at highlighting the competitive advantage gained through the protection and enforcement of IP rights. The Office will define new indicators to measure both the quantitative and qualitative aspects of EUTM and RCD filings received from European SMEs. New

services offered to SMEs will also be closely monitored. Moreover, there are new indicators that will monitor the inclusion of new technologies and the automation rate of core business activities.

### **Data Protection**

Efforts will be focused on consolidating a framework that will enable the Office to guarantee that data protection requirements are included in new initiatives, tools, methodologies, innovative technologies and projects from the onset. This means fully integrating data protection accountability into the culture of the Office, providing the highest level of protection for the data entrusted to the Office. Efforts will also be made on the continuous monitoring of compliance with legal requirements and best practices in terms of data protection and privacy. With a customer-driven approach in mind, the Office will work towards driving the respect of data protection and protection of privacy to the next level as it is considered an essential asset to build trust amongst stakeholders.

### **Internal Audit**

The mission of Internal Audit is to enhance and protect organisational value by providing risk-based and objective assurance, advice and insight. For this purpose, Internal Audit will carry out the audit engagements specified in the Audit Plan and will follow up on previous audits. The Audit Plan will be based on a 'risk and request' analysis that will take into account the corporate risk register, internal requests and the internal auditor's professional judgment.

Additionally, Internal Audit will continue to oversee the functioning of the Office's anti-fraud strategy and provide internal audit services to the CPVO. Internal Audit will carry out its function within the framework defined by the applicable provisions, following the relevant international standards, and will constantly look for possible measures to increase the efficiency and the effectiveness of its work.

### **Non-IP Legal Advice and Litigation**

Legal advice in the procurement, finance and institutional areas, as well as on statutory matters, anti-fraud and a wide range of horizontal legal issues, is provided to the Office when needed. The Statutory Matters Team defends the Office before the European and national courts and provides legal advice on the interpretation of the Staff Regulations. The multi-departmental task force on Brexit will ensure the smooth implementation and phase out of any transitional measures.

### **SP2025 strategic projects:**

#### **Artificial Intelligence and Job Mapping Evolution**

This project aims to facilitate the upcoming changes as a result of the implementation of artificial intelligence (AI) solutions and to prepare the Office for the coming years by identifying new emerging job profiles and skill sets, as well as to equip its staff with the necessary knowledge and skills to respond to new challenges.

In 2021, among other actions, innovative learning solutions will be explored to support AI and innovation. Considering the expected evolution of job profiles at the EUIPO, the job mapping

and related learning curricula will be revised, and new learning paths will be created and a process to implement annual innovation awards within the Office will be defined.

#### Development of the EUIPO Campus

In 2021 the Office will complete the administrative procedures related to the purchase of the stretch of public road that separates the recently acquired plot of land with the current EUIPO facilities. This will involve the development of the municipal green area, construction of an access control booth, secure fencing and traffic control measures within the campus.

### **Digital Evolution Programme**

The EUIPO participates in global networks where technology plays an important role in intellectual property. Virtually every aspect of the Office's operations now relies on advanced digital tools and services which have recently demonstrated to be very effective in response to the COVID-19 pandemic. The Office, however, continues to embrace opportunities in emerging technologies such as AI, big data, cloud computing or blockchain. The programme also incorporates the new project on IP terminology

#### Blockchain IP Register Project

The future IP Register, based on blockchain technology, will facilitate increased connectivity and access to high quality IP rights information and services on a single distributed platform. Work is ongoing to deliver the IP Register blockchain architecture and the basis for the modernised TM DesignView infrastructure. Blockchain will connect IPOs to TM DesignView with secure, real time and high quality data transfer.

After the integration of the EUIPO and one other IPO in 2020, a further five IPOs will be integrated by the end of 2021. Additionally, in 2021, participating IPOs will enjoy access to rich data sets, real-time updates and running cost calculations.

#### Data Governance and Literacy

This project's main objectives are to increase the Office's level of maturity in Data Governance, Data Management and Data Literacy, that is, empowering the organisation to make informed decisions based on consistent and useful data information. By the end of 2021, the 'Common Business Dictionary of Concepts', will be implemented and the Data Access Policy will be created. Furthermore, the data repository for EUTM and RCD data sets will be implemented, and e-learning modules will also be defined.

#### AI implementation

Following the ongoing trends in digital transformation, the Office will make the best use of innovation and technological advancements by ensuring a human-centric approach in line with the organisation needs. By 2025, this project will deliver a total of 21 relevant use cases out of which 5, in relation to classification and coding, are expected to be completed by the end of 2021. In addition, Work Stream 2 on AI Research will run continuously from the project's beginning to its end.

#### IP Terminology

The objective of this project is twofold. Firstly, it aims to improve the efficiency of the linguistic ecosystem by adopting a holistic approach and the latest technological advances. Secondly, it intends to identify how improvements in the linguistic sphere could be moved upstream in the EUTM's lifecycle to benefit areas such as the classification of goods and services, e-filing or other Front Office applications (e.g. Goods and Services Builder).

### Enterprise Resources Planning (Cloud)

Following work carried out in 2020 in relation to the redesign and implementation of several procedures and features, this project will enter its final stage in 2021, when it will focus its efforts on the modernisation and automation of HRD's administrative services.

### **Robust Digital Backbone programme**

The EUIPO's digital transformation will incorporate a series of projects to consolidate its cloud infrastructure, to evolve its security framework in a customer-friendly manner through intelligence, to modernise its online platform so as to render customer-centric services and to revamp its underlying applications, including fee management.

### Modernised EUIPO Online Platform

In full alignment with SD2 projects "Customer Focus" and "Customer Success Solutions", this project will redesign the EUIPO online platform, namely the primary way in which users interact with the Office. In 2021, during 'phase 1', the project will start working on a wide array of relevant deliverables such as creating a decoupled cloud native architecture, a suitable content management system, integrated search engine and a translation manager tool capable of enhancing the current workflow. The design of a simpler, more accessible and functional website will also be initiated with support for new communication channels and online tools. Furthermore, a simplified user registration procedure and a single online owner and representatives database with e-forms will be evaluated during this first phase.

The project's start was brought forward to mid-2020 in order to provide a quick and effective answer to SMEs as a proactive approach to their pressing needs due to the COVID-19 pandemic. The goal is to provide easy and safe e-filing for SMEs by the end of 2020.

### Modernised EUIPO Application Landscape

Within the SP2025 framework, the Office will continue improving its customer satisfaction service level through investment in the modernisation of the digital infrastructure. In order to achieve this objective, this project will continue the software refactoring of its applications and remove obsolete products that limit the evolution of the Office's cloud native roadmap.

In 2021, this project will mainly focus on the definition of the technical solution to replace existing obsolete databases and content management system, and will start the technical software refactoring of some applications to modernise the Office's digital landscape.

### Implementation of Cloud Strategy

This project will prepare and promote a foundational model for building and supporting an agile, dynamic and secure infrastructure platform, both on-site and in the cloud, on which the Office will continue to develop its applications and services providing excellence in the field of IP. This project will also act as an enabler for other SP2025 projects and will work in three core areas: data (consolidating a cloud-readiness model outlining the management of data across the cloud platform), services (increase and improve business continuity by reducing dependency on on-site infrastructure and resources) and infrastructure (new data centre model reducing the dependency of third-party data centres and resources). In 2021, this project will work on the Data Storage Model, the distributed Database Architecture as well as the modernisation of the ITSM (Service Management) tool set.

### Integration and Expansion of IT Security

Data breaches and cyberattacks have become an increasing concern for governments, organisations and the public at large. Growing complexity in a hyper-connected environment, as well as new technologies, have now become some of the greatest challenges in relation to

information security. In order to successfully tackle these, this project will focus on Secure Access, Data Security, Secure IT Landscape and Centralised Cyber Intelligence.

*Fee Management System*

With a view to the effective implementation starting in 2021, the scope of the Fee Management System strategic project is to analyse customer needs regarding new methods of payment. By assessing how they can be introduced into internal workflows and contribute to the improvement of financial processes, back office systems and interactions with other core business applications, it will simplify processes and make them faster and more efficiently.

## **APPENDIX 1 – Key Assumptions on Volumes**

### **Operating Risk Context**

Forecasting the demand for and supply of EUTMs, RCDs and associated EUIPO products and services is based on the identification and assessment of the main risk variables that exist in the complex and volatile global macroeconomic and geopolitical ecosystem in which the Office operates.

At the time of writing (September 2020), the global COVID-19 pandemic is impacting and disrupting human societies, provoking dire health and economic crises in major economies and developing countries.. Several top 10 EUTM and RCD filing countries (e.g. United States, United Kingdom, France, Spain, Italy) are amongst the hardest-hit nations.

The first months of the pandemic (from March to May 2020) provoked sharp decreases in the demand for the Office's main products. However, a robust recovery and growth trend in filings, beginning in June 2020, signals an apparent lack of long-term, sustained correlation between major macroeconomic events and the long-term demand for IP rights at the EU level. This phenomenon (initial, short-term negative impact on filings demand, followed by solid recovery and sustained growth) was also observed during the 2008-2009 global financial crisis and the subsequent sovereign debt crisis that affected several EU member states during the first years of the last decade.

The EUIPO has therefore considered, taking into account a certain degree of uncertainty, that the observed recovery and growth trend during the Summer of 2020 will continue in a moderately sustained fashion into 2021.

### **2021 EUTM-related Numerical Assumptions**

In 2021, the Office expects to receive a total of **173 653** EUTM Filings (**143 127** Direct Filings and **30 526** International Registration (IR) Filings through the WIPO Madrid System), representing an overall EUTM Filings growth rate of **3.5 %** compared with the 2020 estimated yearly total.

**168 627** Direct and IR Filings will be examined, with some subsequently being rejected, withdrawn or subjected to Opposition proceedings. Ultimately, the Office expects **152 109** EUTM Filings to be registered.

A total of **19 415** Opposition Filings are forecast, representing a positive variation of **3.5 %** when compared with the 2020 estimated yearly total. The majority of these (approximately **2/3**) will eventually be closed through agreements reached between the parties. The remaining cases will be decided upon by the Office in due course, with **6 950** Opposition Decisions being planned for 2021.

Cancellation Filings will grow by **3.5 %**, maintaining alignment with the rising number of EUTMs in force in the Register. Around **55 %** of the expected **2 278** Filings will eventually be decided on by the Office based on the substance of the cases, leading to a 2021 target of **1 256** Cancellation Decisions.

Registered EUTMs are valid for 10 years and can be renewed, indefinitely, for subsequent 10-year periods. In 2021, in force EUTMs registered in 2011 will be eligible for their first Renewal, while in force Registrations from 2001 will need to be renewed for a second time to



maintain their active status. Overall, the Office expects a total of **63 562** EUTM Renewals during 2020, based on a **52 %** first Renewal rate and a **68 %** second Renewal rate.

## **2021 RCD-related Numerical Assumptions**

In 2021, the Office expects to receive a total of **111 637** RCD Filings (**96 172** Direct Filings and **15 465** International Registration (IRCD) Filings through the WIPO Hague System), representing an overall RCD Filings growth rate of **3.1 %** compared with the 2020 estimated yearly total.

Around **3 %** of Direct Filings will be withdrawn or refused during the examination stage, with the remaining **93 586** proceeding to registration. Approximately **14 %** of Direct Filings will have their publication deferred while the remainder will be published immediately.

A total of **513** RCD Invalidation Filings are forecast, reflecting long-term trends. Of these, about **2/3** will be closed by an Office decision, resulting in **346** Invalidation Decisions planned for 2021.

A Registered Community Design is initially valid for 5 years from the date of filing and can be renewed four times, in blocks of five years, up to a maximum of 25 years. In 2021, in force Registrations from 2006 will be up for a third Renewal, while in force RCDs from 2011 and 2016 will be subject to second and first Renewals, respectively, in order to maintain their validity.

The Office expects a total of **81 845** Renewals of directly filed RCDs, with a first Renewal rate of **54 %**, a second Renewal rate of **57 %** and a third Renewal rate of **64 %**, in accordance with relatively stable historical averages.

## **Conclusion**

At the time of writing, COVID-19 is causing deep and widespread economic, health and social disruptions at the global level. The true scale, intensity and longevity of these disruptions, as well as their eventual consequences, are yet to be determined. However, there seems to exist an apparent resilience in the market's appetite for the continued use of IP rights as added-value assets, even during times of crisis. The EUIPO has therefore built this forecast following a prudent but cautiously optimistic outlook.

Nevertheless, the evolution of the operating risk context and demand trends will be closely monitored in order to guarantee proper resource planning and management aimed at meeting the needs of users while maintaining the current steady-state system.

<b>EUTMs</b>	<b>2019</b>	<b>2020 Estimated</b>	<b>2021 Forecast</b>
<b>Filings (Direct + IR)</b>			
All Filings	160 377	167 817	173 653
Total Classes Filed	411 026	430 267	445 253
<b>Direct Filings</b>			
Direct Filings	131 815	138 317	143 127
% via e-Filing	99.83 %	99.90 %	99.90 %
% Filed as Fast Track	40.69 %	43.06 %	45.43 %
% Published as Fast Track	30.86 %	32.33 %	33.80 %
# of EUTMs filed with 1 Class	50 215	52 692	54 524
# of EUTMs filed with 2 Classes	31 403	32 952	34 098
# of EUTMs filed with 3 or more Classes	50 197	52 673	54 505
Average # of Classes per EUTM filing	2.58	2.59	2.58
Total of # Classes filed	339 893	357 549	369 625
<b>IR Filings</b>			
IR Filings	28 562	29 500	30 526
# of IRs filed with 1 Class	12 602	13 016	13 468
# of IRs filed with 2 Classes	5 675	5 861	6 065
# of IRs filed with 3 or more Classes	10 285	10 623	10 992
Average # of Classes per IR filing	2.49	2.47	2.48
Total of # Classes filed	71 133	72 718	75 628
<b>Processed (Direct + IR)</b>			
Examined	159 607	162 612	168 267
Published	153 526	156 766	162 218
Registered	140 762	146 998	152 109
<b>Renewals (Direct + IR)</b>			
All Renewals	51 928	61 314	63 562
1st Renewals	40 113	46 513	49 393
% of 1st Renewals	50.98 %	52.00 %	52.00 %
2nd Renewals	11 815	14 800	14 169
% of 2nd Renewals	65.44 %	68.00 %	68.00 %
% via e-Renewal	99.85 %	99.80 %	99.80 %
<b>Oppositions (Direct + IR)</b>			
All Filings	18 684	18 762	19 415
% Oppositions via e-Filing	98.00 %	98.00 %	98.50 %
# of Decisions	6 966	6 100	6 950
<b>Cancellations (Direct + IR)</b>			
All Filings	2 095	2 202	2 278
# of Decisions	1 459	1 214	1 256
<b>Recordals (Direct + IR)</b>			
All Recordals	74 995	78 474	81 203
<b>International Applications</b>			

All Filings	9 791	10 315	10 774
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Text & figures in blue font denote EUIPO outputs.

<b>RCDs</b>	<b>2019</b>	<b>2020 Estimated</b>	<b>2021 Forecast</b>
<b>Filings (Direct + IRCD)</b>			
All Filings	111 574	108 280	111 637
<b>Direct Filings</b>			
Direct Filings	96 827	93 280	96 172
% via e-Filing	97.92 %	97.86%	97.89%
% Filed as Fast Track	27.38 %	26.06%	26.72%
% Registered as Fast Track	23.78 %	21.79%	22.79%
Deferred	13 499	13 246	13 656
<b>IRCD Filings</b>			
IRCD Filings	14 747	15 000	15 465
<b>Average RCDs / Application</b>			
Average RCDs / Application (Direct + IRCD)	3.49	3.30	3.20
<b>Processed (Direct)</b>			
Examined	95 373	93 280	96 172
Published	94 595	89 942	92 730
Registered	93 161	90 771	93 586
<b>Renewals (Direct)</b>			
All Renewals	74 735	76 822	81 845
1st Renewals	45 386	44 535	46 762
% of 1st Renewals	54.69 %	54.00 %	54.00 %
2nd Renewals	19 991	20 595	21 799
% of 2nd Renewals	59.10 %	57.00 %	57.00 %
3rd Renewals	9 358	11 691	13 283
% of 3rd Renewals	62.44 %	64.00 %	64.00 %
<b>Recordals (Direct)</b>			
All Recordals	11 626	11 197	11 544
<b>Invalidities (Direct)</b>			
All Filings	550	493	513
# of Decisions	375	331	346
<b>Appeals</b>			
<b>2019</b>			
All Filings	2 987	2 870	2 960
# of Decisions	2 506	2 670	2 770
Cases lodged before GC	269	295	295
Cases lodged before CJ	56	52	52
<b>Inspections</b>			
<b>2019</b>			
<b>2020 Estimated</b>			
<b>2021 Forecast</b>			

All Filings

4 599	4 100	3 600
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Text & figures in blue font denote EUIPO outputs.

## APPENDIX 2 – Service Charter

The following tables show the service standards the Office aims for in 2021. The results will be published on a quarterly basis on the Office's website.

The Service Charter 2021 has been defined in order to ensure a smooth transition from the last year and to guarantee a balance between the targets and the users' expectations.

In line with the Office's commitment to continuously improve and update its strategic planning and reporting metrics in order to focus on the most relevant indicators, a new measurement regarding 'Timeliness in the response to proceedings customers' communications' has been added to the Service Charter and the objective is to measure the timeliness of *inter partes* proceedings. Additionally, six indicators have increased the scope as, in addition to the EUTM AG decisions, the quality of the Absolute Grounds Decision indicator will include the International Registration of Absolute Grounds decisions in the calculation. By the same token, the Recordal indicator will include a new type of Recordal to be measured. This will allow the Office to have a better picture of the impact of Brexit, and to complete all the BoA indicators, increasing their scope by adding cases for which incidents are not relevant for the period measured.

New initiatives will have positive impacts that will promote the EU SME programme by helping to protect their innovations and thus their competitive advantage through IP Rights. This will include pro bono assistance from professionals, in close collaboration with UAs, and the setting up of new mediation services. Advanced online tools will give the users better access to information and better guidance. For that reason, the Office will begin measuring SME indicators at an operational level with the objective of promoting them to the corporate layer.

As in previous years, the Office's commitments are organised into three main sections: quality, timeliness and accessibility. For each indicator, three commitment levels have been defined: 'Excellence' (the level for which we strive), 'Compliance' (the level considered acceptable) and 'Actions needed' (indicating that the Office needs to take action to raise the performance standard to 'Compliance'). Furthermore, when an indicator is in 'Actions needed', the Office analyses the situation and publishes, on its website, an explanation and the actions taken in order to reach the 'Compliance' level once again.

## Quality

		Commitment levels 2021		
		Excellence	Compliance	Actions needed
% Cases compliant with quality criteria (without critical errors)	AG decisions	>99 %	99 to 94 %	<94 %
	Opposition decisions	>99 %	99 to 94 %	<94 %
	Cancellation decisions	>99 %	99 to 94 %	<94 %
	RCD registration	>99 %	99 to 94 %	<94 %
	RCD invalidity decisions	>99 %	99 to 94 %	<94 %

## Timeliness

		Commitment levels 2021			
		Univ.	Excellence	Compliance	Actions needed
EUTMs	Publication	100 %	<15 w/days	15 to 20 w/days	>20 w/days
	Registration	100 %	<4 months	4 to 5 months	>5 months
RCDs	Registration	100 %	<2 w/days	2 to 3 w/days	>3 w/days

		Commitment levels 2021			
		Univ.	Excellence	Compliance	Actions needed
Straightforward	Publication	99 %	<1 month	1 to 2 months	>2 months
	Registration	99 %	<5 month	5 to 6 months	>6 months
Non-straightforward	First action	99 %	<1 month	1 to 2 months	>2 months

		Commitment levels 2021			
		Univ.	Excellence	Compliance	Action needed
<b>International Registration</b>					
Straightforward	Registration	99 %	<6 months	6 to 7 months	>7 months
Non-straightforward	First action	99 %	<1 month	1 to 2 months	>2 months

		Commitment levels 2021			
		Univ.	Excellence	Compliance	Actions needed
<b>RCDs</b>					
RCDs	Registration	99 %	<10 w/days	10 to 15 w/days	>15 w/days
	First action	99 %	<10 w/days	10 to 15 w/days	>15 w/days

		Commitment levels 2021			
		Univ.	Excellence	Compliance	Actions needed
<b>Inter partes</b>					
Timeliness to answer to proceedings customer's communications		99 %	<8 w/days	8 to 11 w/days	>11 w/days
EUTMs	Opposition decision	99 %	<2 months	2 to 4 months	>4 months
	Cancellation decision	99 %	<3 months	3 to 5 months	>5 months
RCDs	Invalidity decision	99 %	<2 months	2 to 4 months	>4 months

		Commitment levels 2021			
		Univ.	Excellence	Compliance	Actions needed
<b>Recordals</b>					
Recordals		99 %	<11 w/days	11 to 22 w/days	>22 w/days

Appeals	Commitment levels 2021			
	Univ.	Excellence	Compliance	Actions needed
Decision <i>ex-parte</i>	85 %	<6 months	6 to 12 months	>12 months
Decision <i>inter partes</i>	85 %	<6 months	6 to 12 months	>12 months
From deadline for filing observation to remittal to the Boards - <i>inter partes</i>	98 %	<35 days	35 to 70 days	>70 days
From deadline for filing rejoinder to remittal to the Boards - RCD	98 %	<35 days	35 to 70 days	>70 days

## Accessibility

	Commitment levels 2021			
	Univ.	Excellence	Compliance	Actions needed
Telephone calls to First Line/e-business hotline	99 %	<16 secs	16 to 20 secs	>20 secs
Emails answered by Information Centre	99 %	<3 w/days	3 to 4 w/days	>4 w/days
Answers to complaints	100 %	<6 w/days	6 to 9 w/days	>9 w/days
Direct and callback accessibility	99 %	>99 %	99 to 95 %	<95 %
Website availability	N/A	>99 %	99 to 98 %	<98 %



## APPENDIX 3 – Balanced Scorecard

### KEY PERFORMANCE INDICATORS

#### Goal 1.1: Matching tools and practices with users' needs

##### Initiative 1.1.1: Sustainable collaborative networks for the benefit of users

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Trade marks available in TMview	Trade marks	55 966 558	62 000 000	<b>68 000 000</b>
Designs available in DSView	Designs	14 916 463	1 500 000	<b>17 500 000</b>
Number of tools and common practices implemented for the benefit of the users	#	N/A	800	<b>830</b>

##### Initiative 1.1.2: Closer cooperation with EU institutions and bodies

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Number of interactions with EU Institutions and Bodies	Interactions	N/A	N/A	<b>60</b>

##### Initiative 1.1.3: Enhanced engagement with global partners for the extension of common tools and practices

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Non-EU offices implementing tools and practices	Implementations	133	140	<b>230</b>

#### Goal 1.2: Stepping up of IP enforcement in defence of rights holders and society

##### Initiative 1.2.1: Effective tools and capabilities for IP enforcement

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
IP Enforcement Portal usage by enforcement authorities	Connections	3 884	4 000	<b>4 000</b>

##### Initiative 1.2.2: Harmonising and coordinating enforcement efforts<sup>1</sup>

Name of indicator	Unit	Performance 2019	Target 2020	Target WP2021 (final)
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*All the projects and activities related to this key initiative are in the process of being defined, so currently there are no indicators proposed or decided on to monitor this initiative. As soon as the projects and activities are ready, new indicators will be defined taking into account the appropriateness of the measuring system and potential methodology that needs to be put in place.*

<sup>1</sup> This initiative's objective is to "bring together and support the coordination of enforcement efforts by Member States or EU bodies".

## Goal 1.3 Developing an IP knowledge hub

### Initiative 1.3.1: New and improved information resources

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Usage of national court judgments database	Searches	6 226	4 000	<b>5 000</b>

### Initiative 1.3.2: Evidence-based contributions to IP policy making

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Attendees' satisfaction with events	%	95.2 %	85 %	<b>85 %</b>

### Initiative 1.3.3: Wider and deeper understanding of IP

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
External participants in training activities	#	18 215	12 500	<b>18 000</b>
External stakeholders training satisfaction	%	89.4 %	83 %	<b>84 %</b>
Social media followers	Followers	74 722	90 000	<b>175 000</b>
Global advertisement value equivalency	K€	11 022	7 500	<b>11 000</b>
Results of Observatory awareness activities	Millions of reaches	N/A	800	<b>700</b>

## Goal 2.1: Improved user experience, quality and efficiency

### Initiative 2.1.1: Quality of products and services

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Usage of TMview, DSView and TMclass	Monthly searches	3 100 955	2 000 000	<b>2 300 000</b>
Level of achievement of the Quality Service Charter objectives	%	96.6 %	85 %	<b>90 %</b>
Customer Satisfaction with IP for You Outreach events	%	N/A	75 %	<b>85 %</b>
User satisfaction with customer services provided (immediate feedback)	%	N/A	75 %	<b>79 %</b>
User satisfaction with online tools (immediate feedback)	%	N/A	80 %	<b>85 %</b>

### Initiative 2.1.2: Effective and simplified working practices

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Office tools availability	%	99.44 %	98 %	<b>98.5 %</b>

Automatic fee handling	%	96.1 %	93 %	<b>93 %</b>
EUTMAs automatically classified	%	48.6 %	45 %	<b>48 %</b>
EUTMAs expression automatically classified	%	88 %	85 %	<b>87 %</b>
EUTM automatic translations	%	90.7 %	91 %	<b>91 %</b>
Usage of Similarity	Visits	15 096	12 000	<b>12 000</b>

## Goal 2.2: New services to increase added value to businesses

### Initiative 2.2.1: Before filing and during examination

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Formalities deficiency rate	%	2.2 %	2 %	<b>2 %</b>
Classification deficiency rate	%	14.0 %	14 %	<b>14 %</b>
AG objection rate	%	6.7 %	8 %	<b>7 %</b>
RCD deficiency rate	%	20.6 %	23 %	<b>23 %</b>
Appeals confirmation rate <i>ex parte</i> decisions	%	79.0 %	80 %	<b>80 %</b>
Appeals confirmation rate <i>inter partes</i> decisions	%	75.0 %	66 %	<b>66 %</b>
General Court confirmation rate	%	79.4 %	75 %	<b>77 %</b>
TMs and RCDs straight-through cases	%	73.1 %	70 %	<b>73 %</b>
EUTM Fast Track rate	%	N/A	39 %	<b>42 %</b>

### Initiative 2.2.2: Post-registration IPR management

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Recordal automation	%	N/A	N/A	<b>42 %</b>

## Goal 2.3: IP Services for SMEs

### Initiative 2.3.1: Increasing the successful use of IP by SMEs

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Percentage of EU SMEs Direct filings TMs and RCDs straight-through cases	%	N/A	83 %	<b>83 %</b>

### Initiative 2.3.2: Increasing SMEs' knowledge on the use and value of IP rights

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Organisations participating in the SME Programme	#	N/A	30	<b>30</b>

## Goal 3.1: Continuous learning and sustainable staff engagement

### Initiative 3.1.1: Dynamic skill sets

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Internal staff learning effectiveness	%	92.1 %	90 %	<b>92 %</b>
Training days per employee	Training days/employee	5.14	4.50	<b>5.00</b>
Internal training satisfaction	%	84.6 %	82 %	<b>84 %</b>
Number of hits on the e-learning portal	#	170 698	175 000	<b>175 000</b>

### Initiative 3.1.2: Innovation-driven culture and networking

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Cross-departmental collaboration	%	N/A	N/A	<b>6 %</b>

### Initiative 3.1.3: Staff development and engagement

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Staff mobility rate	%	4.7 %	3.0 %	<b>3.5 %</b>
Absence due to sickness (short-term)	%	2.7 %	4.0 %	<b>3.9 %</b>
Absence due to sickness (long-term)	%	0.2 %	1.0 %	<b>0.8 %</b>

## Goal 3.2: Evolving with the digital era

### Initiative 3.2.1: Modernising and consolidating digital infrastructures and services

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Reviewed personal data processing operations found compliant	%	85 %	85 %	<b>85 %</b>
IT Security Index	%	NA	NA	<b>70 %</b>

### Initiative 3.2.2: Embracing opportunities in emerging technologies

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Implementation rate of new technologies in the processes	%	N/A	N/A	<b>10 %</b>

### Initiative 3.2.3: Expanding Office tools

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
IT investments in new projects and initiatives versus total IT cost	%	39.8 %	40 %	<b>40 %</b>
IT cost per IT user	€	14 599.3	19 000	<b>17 000</b>
Procedures initiated and executed digitally	%	93.2 %	83 %	<b>90 %</b>
Budget forecast accuracy (expenditure)	%	100.1 %	From 95 % to 100 %	<b>From 95 % to 100 %</b>
Budget forecast accuracy (revenue)	%	101.1 %	97 %	<b>From 95 % to 105 %</b>

Budget forecast accuracy (carry-over)	%	83.5 %	85 %	<b>85 %</b>
Compliance with Internal Audit recommendations	%	85.4 %	75 %	<b>85 %</b>

### Goal 3.3: Towards the future sustainable workplace

#### Initiative 3.3.1: A truly sustainable organisation

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Paper consumption per on-site worker	kg/on-site worker	10.62	12.00	<b>10.75</b>
Water consumption per on-site worker	m <sup>3</sup> / on-site worker	7.08	7.65	<b>7.65</b>
Energy consumed (gas + electricity) per on-site worker	MWh/on-site worker	5.03	6	<b>6</b>
Quantity of renewable energy produced on-site	%	30.05 %	30 %	<b>30 %</b>

#### Initiative 3.3.2: Improving the workplace environment

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
Occasional teleworking rate	%	N/A	N/A	<b>12 %</b>

#### Initiative 3.3.3: Campus infrastructures and facilities

Name of indicator	Unit	Performance 2019	Target 2020	Target 2021
<p><i>All the projects and activities related to this key initiative are in the process of being defined, so currently there are no indicators proposed or decided on to monitor this initiative. As soon as the projects and activities are ready, new indicators will be defined taking into account the appropriateness of the measuring system and potential methodology that needs to be put in place.</i></p>				

## **APPENDIX 4 – Annual Staff Policy Plan**

This Annual Staff Policy Plan (ASPP) is proposed in the context of the EUIPO Annual Work Programme 2021. It details the planned staff policies that will ensure the completion of the Office's Work Programme.

The ASPP is established on the basis of the following elements: 1) the HR policies and workforce planning described in the Multi-Annual Staff Policy Plan (MASPP) 2020-2025, including the Establishment Plan situation; 2) the most updated status of the baseline year (2020) taking into consideration the exceptional circumstances of the COVID-19 pandemic that is causing important delays in the recruitments, including replacements; whilst selection procedures have taken place, due to the current uncertainty it is difficult for candidates to accept offers of employment in another country at this time; 3) the application of the Office's workforce planning model as approved by the Management Board and Budget Committee (MBBC) in 2017; 3) the activities to be carried out as described in the Office's Annual Work Programme, including all the operational activities (mostly based on updated volume estimations), and strategic projects as recently prioritised and defined in the relevant Project Briefs.

As 2021 will be the first complete year of the Strategic Plan's 5-year period, it will require the greatest increase of efforts towards the launching of the strategic projects, as envisaged in the MASPP. During 2020, 14 strategic projects were initiated, and at least 11 more are planned to start in 2021.

At the same time, as the EUIPO's services are business-driven and self-financed, so an appropriate balance of revenue and costs should be achieved. Considering the current uncertain context, the principles of sound financial management, prudence and continuous monitoring with a view to flexibility are maintained for 2021. It is important to ensure the Office's commitment to deliver its services within appropriate levels of timeliness, accessibility and quality of decisions, as set in the Office's Service Charter, and at the same time implement the strategic changes planned.

Building on the substantial HR reform and cultural renewal that took place under SP2015 and SP2020, the Office continues with the established principles of its staff policy. These principles aim at constantly increasing staff engagement, efficiency, accountability and performance, while focusing on effective talent management and seeking new opportunities for further development. Considering the fluctuations in the workload, such as those seen during the COVID-19 pandemic, and any potential new responsibilities, the Office will maintain a certain ratio between permanent and temporary staff to ensure the necessary flexibility. The standard route for permanent positions will remain open competitions for officials, complemented by ad hoc internal competitions and possible transfers of officials from other EU institutions. A transparent and fair contractual policy will continue to apply to temporary and contract agents with standard 5-year contracts, renewable in accordance with the Staff Regulations and within a clearly defined framework.

For the period 2020 to 2025, the EUIPO has embarked on an ambitious Strategic Plan that will bring the Office's contribution to the IP world but also create unprecedented challenges for its workforce. Indeed, the impact of the digitalisation efforts of the last few years, together with the transformational force of new projects on, for instance, AI and machine learning, will increase the need for more creative, autonomous profiles in the administrator (AD) function group. Therefore, the Office will favour the recruitment of AD staff and will provide opportunities to agents in assistant (AST) profiles to grow professionally through the expansion of their skills. With regard to CAs, the Office will continue to enhance the measures

in place to improve their career perspectives and contractual conditions, which in turn, will contribute to reducing the overall staff population. The possibilities for CAs to develop will also be expanded with a view to flexibly addressing the needs of the service. Overall, alignment of the Office's workforce with its needs will be ensured through the current framework, within existing budgetary possibilities and while optimising both recruitment and reskilling options. An outline of the Office's principles for the staff policy moving forward is set out below.

In summary, the main principles to be followed for the implementation of the 2021 ASPP remain the same as those in the MASPP 2020-2025:

- The estimation of resources needed for the 2021 ASPP is calculated according to the workforce planning model approved by the MBBC at their November 2017 meeting.
- The model takes as a baseline for N+1 the most accurate workforce estimation for the last day of the current year (N), broken down by activity in line with the Office's Activity Based Budget (ABB). The estimation is calculated at 1 152 headcounts as a starting point for 2021.
- The instability of growth in volume of the past years, including the unexpected events of the COVID-19 pandemic, makes forecasts rather uncertain, so the Office has taken a prudent approach for this annual plan. These estimates will be closely monitored during the year to ensure the best possible execution while maintaining sufficient flexibility in case of unforeseen events.
- Efficiency gains in staff growth coming from changes in IT systems, previous strategic and operational projects, and additional actions proposed to the Office's top management, have been estimated and applied to the workforce planning model at 2.5 % of the 2021 baseline.
- In principle, retirements of officials and temporary agents, and end-of-contract or invalidity departures will be replaced, subject to a case-by-case analysis that will prioritise AD-like profiles with particular regard to core business activities.
- A turnover correction factor has been included due to the time needed to cover vacant posts arising from unexpected departures. This turnover correction factor has been applied at 18 FTE, corresponding to half of the estimated number of departures.
- The reference ratio for permanent and temporary staff remains at 70 %/30 % as a long-term objective, as in the previous strategic plan. This ratio gives enough flexibility in the workforce composition to allow adaptation to fluctuations in volumes or activities, while at the same time ensuring core business performance. Nevertheless, some unpredictable factors, such as the actual number of retirements and invalidities, will have an impact on this ratio that currently stands at around 60 %/40 %. These factors should be anticipated, integrated into the forecast and ultimately addressed with recruitment policies (e.g. transfers), renewals and possible competitions to be organised in the SP2025 period.
- The envisioned ratio between administrators (AD) and assistants (AST) remains at 60 %/40 %, in line with the expected evolution of workforce needs that will require less human intervention in clerical and support activities, while conceptual and analytical tasks of higher added value will increase. Considering the current ratio of 39 %/61 %, greater efforts are required to recruit a higher number of AD than AST staff. For this reason, after each departure due to retirement or end of contract of AST staff, an individual review of the profile will be carried out to evaluate if a change to an AD profile is needed and feasible.
- In tandem with the growing responsibilities and enlarged geographical and thematic scope of the EUIPO, and also resulting from the consolidation of the SP2020 projects, the internalisation of some tasks that were previously carried out by external resources has been an HR policy since 2016. This has been instrumental in retaining essential

knowledge and expertise while ensuring continuity of a proper execution of tasks. Financially, the Office has made this a cost-neutral operation due to the application of an equivalent reduction in the consultancy budget after each internalisation (collectively representing 6 % of the workforce). For 2021, five internalisations have been identified.

- As a follow-up to the 2020 Staff Satisfaction Survey, the Office has decided to reinforce certain departments (HRD, OD) to address issues identified in terms of organisation, workload and cooperation, and to reinforce the teams dealing with the enterprise resource planning (ERP) project which aims at modernising and automating HR processes within the HRD and across the Office.
- The Office believes that the population of CAs, that increased due to austerity measures in the Establishment Plan <sup>(1)</sup>, should continue to be reduced in relation to the Office's overall workforce in favour of TA contracts that offer better employment conditions, as stated in the MASPP. In 2021, the Office will continue to: (i) transform CAs into valid temporary agent reserve lists, and (ii) after a case-by-case analysis, replace CA departures with TA posts, as occurred in 2020.
- A key driver of the workforce composition that supports the move towards a matrix organisation is to maximise the use of internal talent. The definition and implementation of projects will provide many opportunities for the identification and development of staff talent which, when relevant, should prevail over recourse to consultancy. Appropriate means must be provided for substitution or compensation when using such talent, mainly through the use of interim staff.
- The reference number of temporary agents to be granted a second contract renewal, previously set at 20 %, has been increased to 40 % in order to retain the best talent and contribute to the abovementioned 70 % permanent/30 % temporary ratio.
- The resources recruited during the period of the Strategic Plan 2020 exclusively for the execution of its projects will be used for the new Strategic Plan 2025 projects.
- A forecast of promotions has been carried out based on the rates as established in Annex 1(B) to the Staff Regulations.
- The Office foresees an annual transfer exercise of three officials for profiles in both IP and non-IP activities. This concerns individuals already working at the Office who are either already officials of another EU institution or successful candidates on reserve lists of officials.
- In application of Article 42c of the Staff Regulations one post will be freed through an early retirement and subsequently filled with a replacement.
- In 2021, a certification exercise will be carried out for three more AST officials.

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<sup>(1)</sup> The 'Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, cooperation in budgetary matters and on sound financial management', endorsed by the Office's governing bodies, established a 5 % reduction of the Office's establishment plan that was implemented between 2014 and 2017.



## Human Resources forecast for 2021

The workforce planning model takes as a starting point the most accurate estimation of workforce at the end of 2020, forecasted at 1 152 in headcount with active status. This is then transformed to Full Time Equivalents (FTE) in order to calculate their budgetary impact.

For 2021, the baseline of 1 152 headcounts corresponds to 1 113.55 FTE, after deducting the historical percentage of reductions due to statutory entitlements such as part-time work; parental and family leaves; unpaid leaves, and other partial absences that typically occur during a year. Based on those assumptions, this will be the starting available workforce needed to deal with all the activities described in the Annual Work Programme.

Regarding the operational workload, the last available forecast of output products of examinations growth for 2021 is estimated to be 3.43 % higher than the last estimation for 2020 (3.5 % in completed EUTM examinations, 3.1 % in RCD, 3.5 % in EUTM oppositions closed, etc.). Once this growth is weighted by FTE allocated to activities, it results in an average increase of 3.43 % in the efforts required for 2021. This increase leads to a workforce growth of 10 additional headcounts (3.92 FTE) after compensation of the benefits arising from previous Strategic Plan projects and other internal productivity improvements, estimated at 2.5 % efficiency gains for 2021.

In addition, the Office's workforce planning model includes the identification of some ad hoc resources for projects and other ad hoc activities not driven by volumes. This has been estimated as a further 8.59 FTE (5.17 for projects and 3.42 for ad-hoc activities).

Together with five internalisations of tasks (2.50 FTE), that are not considered as actual growth in the overall EUIPO budget, there is an equivalent cost reduction in consultancy budget items, resulting in a total increase of 15.01 FTE.

A final reduction is applied to increase budget execution accuracy related to the turnover arising from the average time needed to cover unexpected departures that will occur during the year 2021, together with delayed entries into service of staff in the baseline that generate a gap, particularly this year due to the exceptional COVID situation. Indeed, even if the selection procedures have been performed in line with the planning, it is difficult for candidates to accept offers of employment in other countries. However, those resources remain clearly an Office need and for that reason they are kept in the annual staff policy plan. A total estimation of 23.30 FTE is deducted.

In summary, the final forecasted workforce for the whole of 2021 is 1 105.26 FTE. This comes from: the baseline of 1,152 headcounts, minus the reductions of historical unpaid leaves transforming them to Full Time Equivalents (FTE), minus all deductions of efficiency gains and budgetary reductions due to replacements off-set and recruitment gap, and the addition of the needed additional effort of 12.51 FTE, plus 2.50 FTE for internalisation of tasks.

The table below summarises the 2021 EUIPO Workforce (in FTE) distributed by Strategic Driver:

Strategic Drivers	Initial baseline 2021 (Headcount)	Reduction unpaid leaves (FTE)	Reduction replacement off-set & recruitment gap (FTE)	Final baseline (FTE)	Growth (oper., ad hoc, projects) (FTE)	Internalisations (FTE)	WFP 2021 (FTE)
SD1 – Interconnected, efficient and reliable IP system for the Internal Market	190.71	-5.17	-3.99	181.55	0.67	0.17	182.39
SD2 – Advanced customer-centric services	626.36	-22.17	-12.55	591.64	7.92	0.33	599.89
SD3 – Dynamic organisational skill sets and an innovative workplace of choice	334.93	-11.12	-6.76	317.05	3.92	2	322.97
<b>TOTAL</b>	<b>1152</b>	<b>-38.46</b>	<b>-23.30</b>	<b>1090.24</b>	<b>12.51</b>	<b>2.5</b>	<b>1105.25</b>

Most of the Office's additional workforce needs for 2021 is forecasted for Strategic Projects (SMEs programme, AI, IP tools improvements, etc.), followed by a prudent operational growth for operations and appeals, and by the projects related ad-hoc activities entailing the gradual transformation that Office staff will face during the coming years related to the digital transformation (AI and job mapping, career development, etc.).

For each of the three Strategic Drivers, a breakdown of the workforce per activity and project is provided in the next section of the document.

The additional increase in FTE in the Strategic Driver 1, which includes the projects related to cooperation and effectiveness of the IP system, is due to the recruitment of 0.67 FTE for two SP2025 projects (IPR Enforcement Portal, and IP protection on e-commerce), together with an internalisation of tasks currently carried out through consultancy under the Public Awareness for IP Education activity that are estimated in 0.17 FTE. The total increase in effort for the SD1 is estimated at 0.84 FTE.

Workforce evolution Strategic Driver 1 – Interconnected, efficient and reliable IP system for the Internal Market								
Activity/Project		Initial baseline 2021 (Headcount)	Reduction unpaid leaves (FTE)	Reduction replacement off-set & recruitment gap (FTE)	Final baseline (FTE)	Growth (op., ad hoc, projects) (FTE)	Internalisations (FTE)	WFP 2021 (FTE)
Operations	EU Agencies' Network	3.83	-0.14	-0.10	3.59			3.59
	International Cooperation and Relations	15.82	-0.73	-0.35	14.74			14.74
	Network Operations	6.20	-0.17	-0.21	5.82			5.82
	Stakeholders Relationship Management	21.58	-0.73	-0.49	20.36			20.36
	Public Awareness	8.18	-0.23	-0.22	7.73		0.17	7.90
	Economic and Statistics	6.28	-0.22	-0.13	5.93			5.93
	Enforcement	14.72	-0.51	-0.39	13.82			13.82
	IP in the Digital World	6.55	-0.23	-0.15	6.17			6.17
	Legal and International	1.85	-0.09	-0.04	1.72			1.72
Statutory Meetings	2.92	-0.13	-0.06	2.73			2.73	
<b>Operations subtotal</b>		<b>87.93</b>	<b>-3.18</b>	<b>-2.14</b>	<b>82.61</b>	<b>0.00</b>	<b>0.17</b>	<b>82.78</b>
<b>EU Cooperation Projects</b>		<b>40.63</b>	<b>-0.93</b>	<b>-1.08</b>	<b>38.62</b>			<b>38.62</b>
<b>EU-Funded Projects</b>		<b>36.00</b>	<b>-1.06</b>	<b>-0.01</b>	<b>34.93</b>			<b>34.93</b>
<b>SP2025 Projects SD1</b>		<b>26.15</b>	<b>0.00</b>	<b>-0.76</b>	<b>25.39</b>	<b>0.67</b>		<b>26.06</b>
		<b>190.71</b>	<b>-5.17</b>	<b>-3.99</b>	<b>181.55</b>	<b>0.67</b>	<b>0.17</b>	<b>182.39</b>

The workforce in Strategic Driver 2, where the main IP core business activities are concentrated, has 3.42 additional FTE added because of the estimated operational growth in operations and the Boards of appeals, the actions related to SME actions that will require 4.50 FTE (both Strategic Plan projects and ad-hoc operations), and an internalisation of tasks with 0.33 FTE needed to ensure the continuity of the coherence and consistency actions started 2 years ago.

Workforce evolution Strategic Driver 2 – Advanced customer-centric services								
Activity/Project		Initial baseline 2021 (Headcount)	Reduction unpaid leaves (FTE)	Reduction replacement off-set & recruitment gap (FTE)	Final baseline (FTE)	Growth (op., ad hoc, projects) (FTE)	Internalisations (FTE)	WFP 2021 (FTE)
Operations	Management of IP appeals	108.60	-3.49	-0.68	104.43	1.34		105.77
	Customer management	83.13	-3.16	-1.71	78.26	0.50		78.76
	Management of IP litigations	12.19	-0.37	-1.89	9.93			9.93
	Management of IP operations	389.79	-15.15	-7.41	367.23	2.08	0.33	369.64
<b>Operations subtotal</b>		<b>593.71</b>	<b>-22.17</b>	<b>-11.69</b>	<b>559.85</b>	<b>3.92</b>	<b>0.33</b>	<b>564.10</b>
<b>SP2025 Projects SD2</b>		<b>32.65</b>	<b>0.00</b>	<b>-0.86</b>	<b>31.79</b>	<b>4.00</b>		<b>35.79</b>
<b>TOTAL SD2</b>		<b>626.36</b>	<b>-22.17</b>	<b>-12.55</b>	<b>591.64</b>	<b>7.92</b>	<b>0.33</b>	<b>599.89</b>

Strategic Driver 3 that comprises support activities, including all digital transformation actions, has an estimated growth of 5.92 FTE.

This is mainly due to the resources and expertise required to tackle the transformation that the Office workforce will face in the coming years, most notably, the digital transformation with AI and machine learning, together with actions specific to the needs identified in the staff satisfaction survey that includes the reinforcement of certain teams in human resources.

Furthermore, 2.00 additional FTE come from the internalisation of tasks in the Academy and the Communication Service that will be offset with an equivalent budgetary reduction in consultancy budget items.

Workforce evolution Strategic Driver 3 – Dynamic organisational skill sets and an innovative workplace of choice								
Activity/Project		Initial baseline 2021 (Headcount)	Reduction unpaid leaves (FTE)	Reduction replacement off-set & recruitment gap (FTE)	Final baseline (FTE)	Growth (op., ad hoc, projects) (FTE)	Internalisations (FTE)	WFP 2021 (FTE)
Operations	Academy activities	36.62	-1.32	-0.88	34.42		0.75	35.17
	Corporate Governance	24.06	-0.82	-0.53	22.71			22.71
	Communication activities	22.28	-0.74	-0.53	21.01		1.25	22.26
	Data Protection	5.30	-0.26	-0.11	4.93			4.93
	General IT services	53.70	-2.04	-0.96	50.70	0.25		50.95
	Financial management	63.49	-2.36	-1.13	60.00			60.00
	Human resources management	45.89	-1.45	-0.90	43.54	2.17		45.71
	Internal Audit	4.55	-0.28	-0.08	4.19			4.19
	Infrastructure and logistics management	34.91	-1.26	-0.74	32.91			32.91
	Non-IP legal advice & litigation	9.21	-0.59	-0.20	8.42			8.42
<b>Operations subtotal</b>		<b>300.01</b>	<b>-11.12</b>	<b>-6.06</b>	<b>282.83</b>	<b>2.42</b>	<b>2.00</b>	<b>287.25</b>
<b>SP2025 Projects SD3</b>		<b>34.92</b>	<b>0.00</b>	<b>-0.70</b>	<b>34.22</b>	<b>1.50</b>		<b>35.72</b>
<b>TOTAL SD3</b>		<b>334.93</b>	<b>-11.12</b>	<b>-6.76</b>	<b>317.05</b>	<b>3.92</b>	<b>2.00</b>	<b>322.97</b>

The table below shows that the growth forecasted for 2021 represents a total of 15.01 additional FTE, most of which will be recruited as officials and temporary agents (75 %), in a lesser proportion as CAs (21 %) and, lastly, as seconded national experts (SNE) (4 %).

Concept	Additional staff by end 2021									
	in FTE					in headcount				
	FT	TA	CA	SNE	Subtotal	FT	TA	CA	SNE	Subtotal
Operational growth	2.67	1.25			3.92	7	3			10
New ad hoc needs		3.42			3.42		6			6
EU cooperation					0.00					0
Projects SP2025		3	1.67	0.50	5.17		4	3	1	8
EU-funded projects					0.00					0
Internalisations		1.08	1.42		2.50		2	3		5
<b>TOTAL</b>	<b>2.67</b>	<b>8.75</b>	<b>3.09</b>	<b>0.50</b>	<b>15.01</b>	<b>7</b>	<b>15</b>	<b>6</b>	<b>1</b>	<b>29</b>

This estimated growth of 15.01 additional FTE to the baseline is grouped in four different categories described below:

- A first block of 3.92 additional FTE coming from the operational growth calculation that it is translated in 5 headcounts in the Operations department, 3 in the Boards of Appeals (1 new member, 1 legal assistant and 1 administrative assistant), 1 in the Digital Transformation Department and 1 in the Human Resources Department. This operational growth results from the application of the volumes growth to the baseline, and the deduction of the efficiency gains coming from previous projects and productivity improvements.
- A second block of ad hoc needs estimated at 3.42 FTE related to: new tasks of operational support for the SMEs projects, and in human resources management coming from the staff satisfaction survey action plan.
- A third block of efforts needed for the Strategic Projects, initially estimated in the MASPP as 14.04 FTE (21 in headcount), that has been reduced to 5.17 FTE (8 in headcount) after the current projects' revision and prioritisation exercise. The additional resources are to be allocated to the following projects: AI and job mapping, EU IPR Enforcement Portal, SME outreach and communication, SME supportive instruments, SME website, and Enhancing IP protection in e-commerce.
- Lastly, the remaining additional 2.50 FTE correspond to five internalisations that have been identified for mitigating risks and ensuring the proper performance of tasks by statutory staff. This constitutes a growth in staff figures but is neutral from a budgetary point of view as it entails a reduction in the consultancy budget items.

## Establishment Plan 2021

As part of the MASPP 2020-2025, the Office's Establishment Plan (EP) for 2021 continues with the same overall number of posts as in 2020, that is, 925 posts.

This number increased in 2020, at the beginning of the 5-year period, by 35 additional posts that are to be progressively filled during the Strategic Plan 2025's first 3 years of implementation and cover three main aspects:

- 1) the additional posts needed to implement new projects envisaged in the new Strategic Plan;
- 2) the implementation of HR policy initiatives aimed at improving staff conditions, such as the transformation of CA on the Office's active reserve lists into temporary agent contracts, and
- 3) the recruitment of posts for the new EU and non-EU (Pan-Africa, Georgia, Caribbean) cooperation projects recently entrusted to the EUIPO.

It is important to note that the internal competition which foresaw access to permanent employment (25 posts) for a number of temporary and contract agent staff, although initially planned to be closed in 2020, was delayed due to the interruption of EPSO's services during the COVID-19 pandemic. Nevertheless, it is expected to be finalised in the last months of 2020 or the beginning of 2021. Therefore, those posts are expected to be filled during 2021.

Promotions in grade have been planned on the basis of the reference rates in Annex 1(B) to the Staff Regulations, resulting in the need to upgrade posts.

Additionally, a technical adjustment has been applied to align the Office's population by type of staff and grade, always allowing for the planned promotions and bearing in mind the 60 %/40 % ratio principle for AD/AST which supports the Office's staff policy and seeks to reinforce the necessary skill set envisaged by the SP2025.

Following all the mentioned points of this chapter, the Establishment Plan for the Work Programme 2021 is as follows:

Category and grade	Establishment plan expected in 2021	
	Permanent	Temporary
AD 16	0	1
AD 15	1	2
AD 14	20	8
AD 13	25	10
AD 12	21	22
AD 11	11	8
AD 10	17	12
AD 9	19	15
AD 8	26	13
AD 7	40	30
AD 6	48	59
AD 5	0	0
<b>Total AD</b>	<b>228</b>	<b>180</b>
AST 11	9	0
AST 10	19	2
AST 9	67	8
AST 8	51	9
AST 7	68	18
AST 6	43	20
AST 5	37	28
AST 4	43	24

AST 3	40	31
AST 2	0	0
AST 1	0	0
<b>Total AST</b>	377	140
<b>TOTAL</b>	605	320
		<b>925</b>

## APPENDIX 5 – Financial resources

This appendix provides an overview on the financial outlook and budget for the implementation of the 2021 Work Programme, in coherence with the priorities defined in the multiannual strategic programme (SP2025). It contains a description of the activities to be financed and an indication of the amount of financial resources allocated to each activity.

This document translates the priorities into financial terms taking into account:

- a moderation in the growth of applications (see Appendix 1);
- the maintenance of the normal operations of the Office;
- continuous support for the projects associated with:
  - SP2025;
  - European Cooperation<sup>(1)</sup> (although there is an increase in respect to the 2020 forecasted execution, the set limit of maximum 15 % of expected revenue provided for under Article 152 EUTMR is respected) and
- contribution to EU policies:
  - international cooperation projects: co-financing of EU funded projects<sup>(2)</sup>;
  - co-financing of the European School of Alicante;
  - co-financing of Union SME initiatives.

As a consequence, the financial impact of the 2021 Work Programme considers:

- a higher than envisaged growth of the EUIPO's revenues compared to the 2021 Preliminary Draft Budget, reaching EUR 282.6 million (EUR 2.8 million more than the estimated amount);
- an increase in staff expenditure in line with the levels envisaged in the 2021 Annual Staff Policy Plan (see Appendix 4);
- an increase of the total expenditure (in the area of 4.0 %) compared to the expected execution in 2020, which brings the 2021 budget expenditure levels 1.1 % (EUR 2.7 million) above the estimates included in the 2021 Preliminary Draft Budget (EUR 245.2 million).
- a contribution of EUR 32.6 million to EU policies, outside the operational budget, mobilising the Office's accumulated surplus for the co-financing and implementation of EU funded international cooperation projects (EUR 4.3 million), the co-financing of the European School of Alicante (EUR 8.5 million) and the co-financing and implementation of an SME IP action under the COSME programme in the context of the post COVID-19 recovery plan of the Commission (EUR 19.8 million).

The tables below reflect the expenditure estimates in Titles 1, 2 and 3, allocated by activities at the Strategic Driver (SD) and a summary by cost heading.

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<sup>(1)</sup> Article 152 of Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (hereinafter "EUTMR") foresees the cooperation to promote convergence of practices and tools in the fields of trade marks and designs with the central industrial property offices of the Member States and the Benelux Office for Intellectual Property.

<sup>(2)</sup> The Office takes part in technical cooperation projects with third countries in the area of industrial property on behalf of the European Commission. These projects are funded by the European Commission and EUIPO contributes with own resources, alleviating pressure on the EU Budget. The presented amount of this contribution is financed through the Office's budget surplus.

The distribution of the financial resources for each SD is as follows:

<b>STRATEGIC DRIVERS</b>	<b>BUDGET 2021 (million EUR)</b>
SD1 - Interconnected, efficient and reliable IP system for the Internal Market	57.0
SD2 - Advanced customer-centric services	93.6
SD3 - Dynamic organisational skill sets and an innovative workplace of choice	97.2
<b>TOTAL</b>	<b>247.9</b>

Contribution to EU policies	32.6
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For each of the SDs, a break-down of the financial resources per activity is provided in the tables below.

The SD1 is dedicated to expanding and developing the collaborative networks which represent around one fourth of the overall expenditure of the Office and which is mainly dedicated to European Cooperation projects (ECPs) and Observatory activities:

<b>STRATEGIC DRIVERS</b>	<b>BUDGET 2021 (million EUR)</b>
<b>SD1 - Interconnected, efficient and reliable IP system for the Internal Market</b>	<b>57.0</b>
EU Agencies Network	0.4
International Cooperation and Relations	2.2
Network operations	0.7
Stakeholders relationship management	3.4
Observatory Activities - Economic & Statistics	1.4
Observatory Activities - Enforcement	4.6
Observatory Activities - IP in the Digital World	1.3
Observatory Activities - Legal and International	0.3
Observatory Activities - Public Awareness	2.5
Observatory Activities - Statutory Meetings	0.6
ECP1 - Consolidate the implementation of EUIPN tools	5.2
ECP2 - Improvements and upgrade of EUIPN tools	3.1
ECP3 - New Tools	1.2
ECP4 - Convergence of practices	1.5
ECP5 - Supporting the Network	13.0
ECP6 - Supporting SMEs	1.3
ECP7 - Supporting the transposition of the Trade Mark directive	1.2
ECP8 - Collaborative services	8.1
SP2025 Projects	2.5
SP2025 Projects - Existing Staff	2.5

The main part of the human resources and, hence, of the respective financial resources are concentrated under SD2 which covers most of the EUIPO's products and services. Around 37% of the whole budget is allocated to SD2 which mainly covers IP operations (EUTM and RCD products) and customer management.



STRATEGIC DRIVERS	BUDGET 2021 (million EUR)
<b>SD2 - Advanced customer-centric services</b>	<b>93.6</b>
Management of IP operations	44.2
Management of IP litigations	3.0
Management of IP appeals	14.1
Customer management	24.0
Customer support management	0.5
SP2025 Projects	4.3
SP2025 Projects - Existing Staff	3.6

The SD3 focuses on how the new technology will affect the future of work. It includes the necessary resources to manage IT services and to maintain an innovative workplace and a modern and consistent staff policy.

STRATEGIC DRIVERS	BUDGET 2021 (million EUR)
<b>SD3 - Dynamic organisational skill sets and an innovative workplace of choice</b>	<b>97.2</b>
Management of Human Resources	7.8
Infrastructure and logistics management	20.7
Academy activities	6.6
Communication activities	3.6
Financial Management	8.7
Corporate Governance	3.0
Data Protection	0.5
Internal Audit	0.5
Non-IP legal advice & litigations	2.1
General IT services	30.3
SP2025 Projects	9.1
SP2025 Projects - Existing Staff	4.1

A summary of the resources allocated to the relevant cost headings is presented below:

COST HEADING - FINANCIAL RESOURCES	BUDGET 2021 (million EUR)
Operational Activities	186.7
Observatory Activities	10.8
EU Cooperation (Article 152 EU TMR)	34.5
Strategic Plan 2025 projects	15.9
<b>TOTAL</b>	<b>247.9</b>
Contribution to EU policies	32.6

The Office considers these estimates as the most appropriate to execute the activities and projects described in the 2021 Work Programme. Deviations can however happen, which in some circumstances can lead to an amended Work Programme.

In order to decide whether an amended Work Programme is needed, the Office will apply by analogy the margin provided by the Financial Regulation to the Executive Director to make transfers between Titles of the Budget. Therefore, should modifications lead to a change (downwards) in revenue higher than 10 % ( $\pm$  EUR 26.5 million) or to a change (upwards) in the necessary resources higher than 10 % of the appropriations in Chapter 10.1 ( $\pm$  EUR 16 million), an amended Work Programme will be presented.

## APPENDIX 6 – Corporate Risk Register

RISK ID (risk raised)	RISK DESCRIPTION	RISK TYPE	EXISTING CONTROLS OR ACTIONS ALREADY TAKEN	RESIDUAL RISK LEVEL Impact (I) Likelihood (L)	RISK RESPONSE Avoid / Transfer / Reduce / Accept(watch)	ACTION PLAN SUMMARY Additional (ongoing) actions to mitigate risk
EUIPO_57 (Q1/2020)	<p><b>COVID-19 disease caused by the novel coronavirus (SARS-CoV-2).</b></p> <p>The initial outbreak of the COVID-19 causing acute respiratory syndrome evolved rapidly in Europe, initially representing an overall risk for EUIPO staff and disrupting events organised by EUIPO or events where EUIPO participates.</p> <p>Bearing in mind the uncertainty due to possible successive waves of infection, restrictions in terms of mobility and circulation of population may be implemented, and consequently, may impact the economy and affect the proceedings and workflows of the Office and its stakeholders.</p> <p>Additionally, an impact on the economy could be translated in fluctuations of filings and revenue for the Office. This instability will demand flexibility from the Office to adapt its operations and activities to changing priorities which may in turn impact its results.</p> <p><u>Background:</u></p> <p>The Spanish Government activated the State of Alarm on 14/03/2020 which remained in place until 21/06/2020. The Office automatically adopted the measures recommended by the Spanish authorities and the Executive Director (ED) instructed staff, SNEs and trainees to telework, with the exception of certain key people concerned by the Business Continuity Plan (BCP) who were necessary to keep the Office running in the remote working scenario.</p>	Corporate	<p>Monitoring Committee composed of members of the top management in order to monitor and make decisions related to the evolution of the outbreak.</p> <p>Implementation of measures to ensure safety and wellbeing of the staff by providing flexibility when necessary.</p> <p>Close monitoring of potential cases by HR department and the Medical Service.</p> <p>Close collaboration with relevant bodies and authorities.</p> <p>Implementation of three scenarios and corresponding action plan depending on the evolution of the outbreak.</p> <p>Daily monitoring of Office activities (regular monitoring of EUTM and RCD filings, incomes, etc.).</p> <p>Regular communication updates to staff and stakeholders.</p>	<p><b>20</b></p> <p>I (4)</p> <p>L (5)</p>	Reduce	<ul style="list-style-type: none"> <li>- Regular meetings of the Monitoring Committee, in order to closely follow the situation, in consultation with the relevant bodies and authorities.</li> <li>- Regular meetings of the Health, Safety and Environment Committee (HSEC) to monitor the evolution of the outbreak, provide technical advice to EUIPO management and report to the Monitoring Committee.</li> <li>- Rigorous health and safety measures maintained by the Office to guarantee staff health &amp; well-being.</li> <li>- Flexibility measures in the framework of the staff policy (teleworking, holiday requests, allowances, etc.)</li> <li>- Events involving high numbers of external stakeholders were postponed. Participation in external meetings or events considered essential are virtualized as much as possible.</li> <li>- Management Board and Budget Committee meeting held in a remote mode with a very positive feedback received from the stakeholders. They praised not only the smooth organisation of the meeting but also the measures implemented by the Office to ensure continuity and especially the good performance of the EUIPO staff.</li> <li>- EUIPO experienced recovery as of mid-May in the number of filings. Originally the increased workload was a result of the 2-month period for time limit extensions granted to users of EUTM and RCD procedures until 18 May 2020. As of June 2020, the filings are above last year's level and above the initial yearly forecast for 2020.</li> <li>- As of 7 September 2020, staff, trainees and seconded national experts work by default in the Office premises in accordance with the EUIPO Return Plan, combined with an extended teleworking quota and more flexible conditions.</li> </ul>

<p>EUIPO_50 (Q2/2018)</p>	<p><b>Cyber-attacks to access restricted information or to disrupt Office services.</b> The growth of the EUIPO's business, with the corresponding increase in its digital footprint, coupled with a worldwide increase in 'cyber-attacks', raises the possibility of suffering 'cyber-attacks' aimed at gaining access to this information or at disrupting the EUIPO services.</p>	<p>Safeguarding of assets, information and staff</p>	<p>Staff awareness activities on information security organised regularly.</p> <p>Mechanisms in place to prevent attacks.</p> <p>Improved perimeter security systems for automated attacks.</p> <p>Improved network infrastructure and data leak protection.</p> <p>Implementation of information security hardware and infrastructure.</p> <p>The Network Admission Control (NAC) initiative ensures that only safe devices from external companies are allowed to connect.</p>	<p><b>20</b> I (4) L (5)</p>	<p>Reduce</p>	<p>- Continuous review of IT security procedures, conducting simulations and social engineering tests.</p> <p>- Implementation of quarterly vulnerability scans and penetration tests of EUIPO security perimeter, monthly vulnerability scans of servers.</p> <p>- Initiatives to harden all servers to industry approved standards and implement a more frequent patch cycle are ongoing.</p> <p>- Strategic project on integration and expansion of IT security is launched to deploy cyber intelligence tools, automate detection, analyse data traffic and implement an intent-based network.</p>
<p>EUIPO_37 (Q4/2016)</p>	<p><b>Uncertainty associated with the Brexit process.</b> The main area of uncertainty remains the future cooperation between the EUIPO and the UK, as this area will primarily depend on the framework to be set by the legal and political terms of the EU-UK future relations.</p> <p>The previous considerable lack of certainty on (modalities of) Brexit has been cleared by the entry into force of the 'EU-UK withdrawal agreement (WA)' on 1 February 2020, as regards the EUIPO's regulatory activities (trade mark and design practice).</p> <p><u>Background:</u> Brexit implied from the beginning significant challenges, among others as regards:</p> <ul style="list-style-type: none"> <li>• geographical scope of protection of EUTMs and RCDs;</li> <li>• possible changes in user behaviour;</li> <li>• potential financial impact on users (fees);</li> <li>• management of IP rights during the transitional period;</li> <li>• status of UK-based representatives;</li> <li>• EUIPO staff with UK nationality;</li> <li>• changes in the Office's governing bodies;</li> <li>• cooperation projects in which the UK participates;</li> <li>• data protection aspects, e.g. use of external service providers based in UK<sup>(1)</sup>.</li> </ul>	<p>Strategic / Compliance with laws and regulations / Safeguarding of assets, information and staff</p>	<p>Due to the entry into force of the 'EU-UK withdrawal agreement (WA)', the situation for the EUIPO's regulatory activities is settled for the timeframe until the end of the transition period. The interpretation and application of the rules set by the WA have been clarified, which will most probably apply also beyond the transition period (it is unlikely that the EUIPO's regulatory activities would be affected by the 'EU-UK "future relation" agreement').</p> <p><a href="#">Brexit Information Hub</a><sup>(2)</sup> maintained on EUIPO website with regular updates.</p> <p>Multi-departmental task force is in place to outline a coordinated action plan to tackle the different challenges. Scenarios have been developed to encompass all potential concerns and issues.</p> <p>The situation as regards the EUIPO staff of UK nationality has been settled and managed.</p> <p>The Office prepared the Standard Contractual Clauses Controller to Data Processors in third countries (to be used for UK-based external service providers).</p>	<p><b>16</b> I (4) L (4)</p>	<p>Reduce</p>	<p>- Continue adaptation of ongoing actions of EUIPO Brexit Action Plan in line with the transition period, including the necessary IT development required by the continued representation by UK representatives in ongoing procedures.</p> <p>- Develop the standard Transfer Contractual Clauses dealing with international data transfers.</p>

<sup>(1)</sup> Following the information note on International Data Transfers after Brexit, issued by the EDPS, the European Commission has published on 21/09/2017 its [Position paper on Intellectual Property Rights \(including geographical indications\)](https://ec.europa.eu/commission/sites/beta-political/files/intellectual_property_rights.pdf): [https://ec.europa.eu/commission/sites/beta-political/files/intellectual\\_property\\_rights.pdf](https://ec.europa.eu/commission/sites/beta-political/files/intellectual_property_rights.pdf)

<sup>(2)</sup> <https://euiipo.europa.eu/ohimportal/en/brexit-q-and-a>

<p>EUIPO_03 (Q2/2014)</p>	<p><b>Unsolicited misleading invoices received by EUIPO users.</b> When users file applications in relation to trademarks or designs they systematically receive fraudulent/misleading invoices. If these schemes continue, they could damage the EUIPO's reputation.</p>	<p>Safeguarding of assets, information and staff</p>	<p>The EUIPO is taking action on a number of fronts: - information to users - IT investigations - EUIPO anti-fraud strategy - legal action against fraudsters - cooperation with National IP Offices, Europol and the European Commission - Knowledge Circle enforcement - anti-scam working group - collaboration with Europol: weekly reports sent to Europol; Service Level Agreement for 2020-2025 was signed in Q3 2019, including the production of a strategic report on the impact of misleading invoices with expected delivery by Q4 2020 - Anti-Scam Network regular meetings comprised of National IP Offices, User Associations, WIPO, EPO, Europol and Eurojust.</p>	<p>16 I (4) L (4)</p>	<p>Reduce</p>	<ul style="list-style-type: none"> <li>- Continue ongoing activities, intensify information to users, User Associations and National IP Offices.</li> <li>- New electronic communication tool (eComm) to phase out the remainder of the postal and fax-based communication with clients. Rollout of all eReplies and introduction of a new eAction to replace Fax as a backup.</li> <li>- Ongoing enforcement of the EUIPO IP rights against infringers who do not qualify as fraudsters for law enforcement (using similar names or logos etc.).</li> </ul>
<p>EUIPO_47 (Q2/2018)</p>	<p><b>Unauthorised access to information in the cloud.</b> As part of the Strategic Plan, the EUIPO is running the Cloud Strategy project, with the aim of driving a more agile digital workplace. In the cloud, information (i.e. data in general including e.g. temporary files) referring to emails, personal data, Office 365 solutions and video conferencing tools is managed. The possibility of making this information available to unauthorised persons could have a relevant strategic, operational and reputational impact for both the EUIPO and the Cloud Solutions Providers (CSPs). Video conferencing tools and in particular MS Teams and Zoom have been identified as potential risks in terms of telemetry data shared with third parties acting as sub processors.</p>	<p>Strategic / Operational / Reputational / Safeguarding of assets, information and staff</p>	<p>A Cloud Policy and a Cloud Usage tracker have been put in place for each department of the EUIPO.  Security assessment of tools, data and cloud management is carried out on a regular basis.  The EUIPO has signed up to a framework contract that enforces all the EC regulations in terms of security and data protection.  The CSPs have been certified to the Cloud Certification Schemes List (CCSL) published by ENISA.</p>	<p>15 I (5) L (3)</p>	<p>Reduce</p>	<ul style="list-style-type: none"> <li>- Continue ongoing actions, increase awareness of policies in place through information sessions, with focus on Office 365 terms of use.</li> <li>- Continue the monitoring of the IT security issues related to cloud services, supported by CERT-EU investigation and adverts, and continue the regular update of security policies and recommendations based on the findings.</li> <li>- Continue working on assessing the development, acquisition and implementation of the tools that will store data outside of the EUIPO premises, in order to ensure the secure management of the Office data.</li> <li>- Investigate possibility of third party risk assessments which would trigger the continuous validation of the vendors based on breaches, performance and business continuity.</li> </ul>
<p>EUIPO_55 (Q4/2019)</p>	<p><b>Privacy and data protection concerns related to the outcome of the EDPS investigation of Microsoft Cloud services<sup>(3)</sup>.</b> The outcome of the EDPS investigation has identified that the use of Microsoft Online services constitutes a high risk to the individuals, and outlines 37 recommendations of mandatory implementation in order to ensure compliance with the EUDPR (EU Data Protection</p>	<p>Strategic / Compliance with laws and regulations / Safeguarding of assets, information and staff</p>	<p>Continuous review of Office 365 tools configuration to minimise discrepancies with EDPS policies, deployment of newer versions of Windows and Office 365 with limited telemetry data collection.  Deployment of Office 365 administrative tools to minimise the</p>	<p>15 I (5) L (3)</p>	<p>Reduce</p>	<ul style="list-style-type: none"> <li>- Prepare a Data Protection Impact Assessment (DPIA) to adapt the Commission's DPIA to EUIPO needs and identify any additional actions.</li> <li>- Enhance the current procedure for monitoring and assessment of new product updates and functionalities – with possible involvement of</li> </ul>

<sup>(3)</sup> More information can be found in the [Outcome of the EDPS investigation](https://edps.europa.eu/sites/edp/files/publication/20-07-02_edps_euis_microsoft_contract_investigation_en.html) (https://edps.europa.eu/sites/edp/files/publication/20-07-02\_edps\_euis\_microsoft\_contract\_investigation\_en.html) and in the [EDPS press release](https://edps.europa.eu/press-publications/press-news/press-releases/2019/edps-investigates-contractual-agreements_en) (https://edps.europa.eu/press-publications/press-news/press-releases/2019/edps-investigates-contractual-agreements\_en).

	<p>Regulation).</p> <p>Most of recommendations made by the EDPS are for the Commission, while 15 of these recommendations are reliant on the EUIPO and will require significant time and effort to implement.</p>		<p>collection of telemetry and diagnostics data.</p> <p>Monitoring of Office 365 tools logs.</p> <p>Awareness campaign launched to inform users on the use of Office 365 including information on Data Protection.</p>			<p><i>Microsoft and the EUIPO's Data Protection Office (DPO).</i></p> <ul style="list-style-type: none"> <li>- Access to new functionalities or tools only to be granted by default following the assessment and - if needed - the review and update of the relevant process cards/work instructions/guidelines.</li> </ul>
EUIPO_58 (Q1 2020)	<p><b>Risk of breach of confidentiality, integrity and availability of sensitive information inherent to the use of ZOOM software as remote conferencing services.</b></p> <p>ZOOM is an online event solution that provides multilingual videoconferencing. This solution has been chosen by the EUIPO during the business continuity scenario launched as a consequence of the COVID-19 pandemic situation caused by the novel coronavirus. Prior to the extended use of this tool in the Office, a Privacy and Security Assessment was carried out by the EUIPO's Data Protection Office (DPO) which was approved on 20/03/2020.</p> <p>ZOOM is classified as CONFIDENTIAL in terms of information to be managed and as CRITICAL in terms of its integrity and availability.</p> <p>The Risk has been assessed by EUIPO's DPO as MEDIUM, on the basis of the analysis of the privacy and security measures and the safeguards for the data subjects' rights and freedoms provided by ZOOM.</p> <p>The information managed is very sensitive from a business point of view and inappropriate management could have a direct impact on the individuals and the reputation of the EUIPO.</p>	<p>Reputational / Strategic / Safeguarding assets, information and staff</p>	<p>EUIPO's Data Protection Office (DPO) already prepared the specific Privacy Statement for participants in video conference meetings organised by EUIPO through ZOOM Video Communications. Data Protection Record and Data Protection Impact Assessment also in place.</p> <p>User Manual for ZOOM has been elaborated.</p> <p>Conditions of use of ZOOM prepared and consulted with EUIPO Legal Services.</p> <p>EUIPO's DPO collected ZOOM's 'Security and Privacy measures for external storage' for the Privacy and Security Assessment in March 2020 and is constantly monitoring the developments as regards ZOOM's data protection measures<sup>(4)</sup>.</p> <p>Data Protection Addendum (DPA) has been signed by ZOOM, including DP clauses of EUIPO general terms and conditions.</p> <p>Tool configured to the extent technically possible to ensure data protection.</p> <p>The retention period of the data has been established, it will be kept for 1 month in the ZOOM database.</p>	<p>15 I (5) L (3)</p>	<p>Reduce</p>	<ul style="list-style-type: none"> <li>- Closely monitor the evolution of ZOOM, continuously request proof of its compliance with EUDPR (EU Data Protection Regulation).</li> <li>- Validate flows of data and analysis of traffic, as well as verify request for disclosure of information.</li> <li>- Re-assess the situation regularly and consider issuing an updated assessment paper.</li> <li>- Use ZOOM in specific events with external stakeholders and when necessity can be justified.</li> <li>- Use other available solutions where possible.</li> </ul>

<sup>(4)</sup> Monitoring is ongoing based on the information available in [ZOOM Privacy Policy](https://zoom.us/privacy) (https://zoom.us/privacy) and [ZOOM Video Communications Data Processing Addendum](https://zoom.us/docs/doc/Zoom_GLOBAL_DPA_December_19.pdf) (https://zoom.us/docs/doc/Zoom\_GLOBAL\_DPA\_December\_19.pdf).

## APPENDIX 7 – Procurement plan

Procedure name	Volume (EUR)	Plan date	Procedure type
2021			
Joint EUIPO-EPO Academic Research Programme	240 000	January 2021	Grants
Project management, management systems and IT trainings courses and individual certifications for IP European national Offices	1 500 000	January 2021	Open
Recovery of litigation costs	48 000	January 2021	Low value
Supply of IT and telephone accessories	400 000	January 2021	Open
Database on music, film, and TV programmes	200 000	February 2021	Negotiated procedure
Maintenance and cleaning of the Brussels Office	60 000	February 2021	Middle value
Market studies related to customers	1 000 000	March 2021	Open
Customer Interaction Management	6 500 000	March 2021	Open
IBM licences	2 300 000	March 2021	Negotiated procedure
Assistance for offsetting the Office carbon footprint	227 000	March 2021	Open
Support for awareness-raising activities on the value of IP and the damage caused by counterfeiting and piracy	1 000 000	March 2021	Grants
Renewal of licensed subscription to DARTS IP Database	875 700	March 2021	Negotiated Procedure
Insurance Policies	500 000	April 2021	Open
Anti-counterfeiting Blockathon Infrastructure	100 000	April 2021	Design Contest
Provision of language courses for staff	1 200 000	May 2021	Open
Licence and development on Babelscape TradeInterpret Software	2 000 000	June 2021	Negotiated procedure
Design, supply and installation of modular furniture	750 000	June 2021	Open
Media and public relations	6 000 000	June 2021	Open
Data gathering on advertising revenue on IPR infringing	130 000	June 2021	Negotiated procedure
Provision of medical services in the Office	1 400 000	July 2021	Open

Provision of cleaning, waste treatment and gardening services	7 550 000	July 2021	Open
Signage and vinyl materials	150 000	August 2021	Open
Anti-counterfeiting Architecture Infrastructure Plan	100 000	October 2021	Negotiated procedure
Provision of removal services, inventory and storage facilities in warehouses	990 000	October 2021	Open
Provision of transport services	750 000	October 2021	Open
Purchase of municipal land	80 000	NA	Negotiated procedure

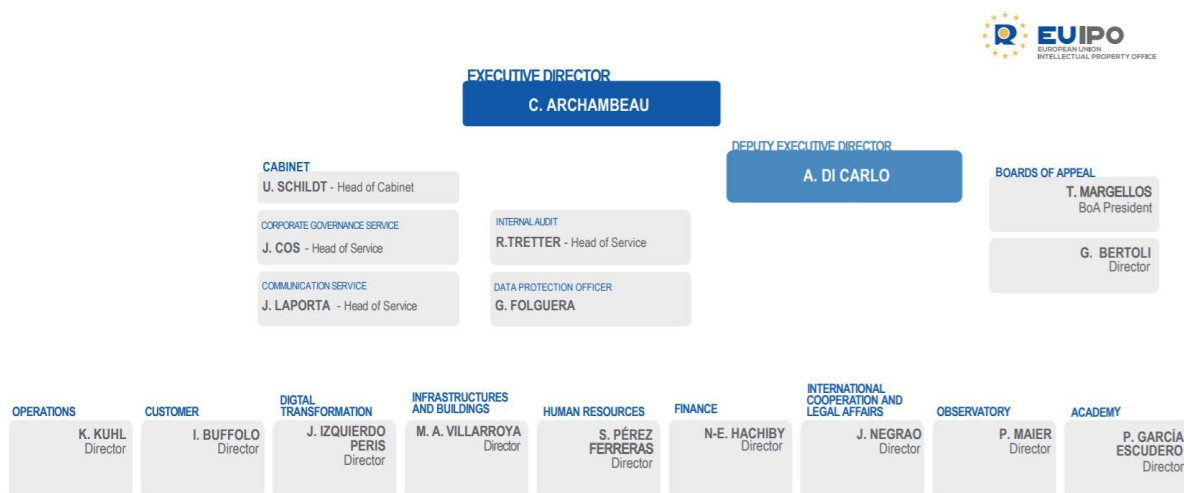


## APPENDIX 8 – Mission statement and organisational chart

The mission of the European Union Intellectual Property Office (EUIPO), ‘the Office’, is to administrate and promote the EU trade mark system and the EU design system. In order to do so, the Office carries out examination, registration, opposition and cancellation procedures for EU trade marks (EUTM) and examination, registration and invalidity procedures for registered Community designs (RCD). All decisions adversely affecting a party to a proceeding can be appealed to the Boards of Appeal of the Office.

The Office is also responsible for promoting convergence of practices and tools in the fields of trade marks and designs, in cooperation with the central industrial property offices in the Member States, including the Benelux Office for Intellectual Property, or other institutions, authorities, industrial property offices and international organisations.

The mission of the Observatory is to advance public understanding of intellectual property rights (IPR) and their infringements through economic studies, awareness and educational projects, the management of the EU database on orphan works and establishing and managing a public single online portal for the out-of-commerce works.



## **APPENDIX 9**

### **European Observatory on Infringements of Intellectual Property Rights Work Programme 2021**

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## Introduction

Regulation (EU) No 386/2012 entrusts the EUIPO with a wide range of tasks relating to research, communication, dissemination of best practice, and support for enforcement of all types of intellectual property rights (IPR). The Office is supported in carrying out these tasks by the Observatory network. In addition to the representatives of the Member States, the network includes organisations representing the private sector, civil society and consumer interests, MEPs, and European and international organisations and agencies that act as observers.

The three main goals of the Observatory are to provide facts and evidence for use by policymakers in the formulation of effective IP policies, to create tools and resources to step up the fight against IP infringement and to raise awareness of the importance of IP and of the negative effects of counterfeiting and piracy, from an economic perspective as well as from a health and safety and consumer protection issue.

The present Work Programme outlines the activities to be undertaken by the Observatory during 2021. The programme was developed based on a series of consultations with the European Commission, the Member States, Observatory stakeholders, and other cooperation partners. Naturally, not all proposed activities can be taken up given resource limitations and the consequent need to set priorities. Furthermore, the Observatory takes note of EU and national legislative processes and subsequent implementation, currently ongoing in areas such as data protection, copyright or intermediary liability. While stakeholders have made interesting proposals of activities in those areas, it would not be appropriate, given its mandate, for the Observatory to engage in such activities at this time. However, while the Observatory is active in the areas mentioned (all of them feature in Observatory initiatives), it will not engage in initiatives directly linked to ongoing EU and national legislative processes; nor will it interpret EU or national law. The Observatory will follow the legislative process, and invite the European Commission to present updates in Observatory stakeholder meetings, where stakeholders will have the possibility to provide input.

The new Strategic Plan for the EUIPO for the years 2020-2025 entered into force in July 2020. The activities of the Observatory are an integral part of this plan, and it is incumbent on the Observatory to take advantage of synergies with strategic programmes carried out by the Office under the Strategic Plan. One of those components is the SME programme which groups together projects to enhance the accessibility of the IP system to SMEs and to encourage them to increase their competitiveness through better use of IPRs. Many of the suggestions made by Observatory stakeholders regarding SMEs are or will be addressed through the projects under the SME programme and are therefore not included in the Observatory work programme.

The European Commission has established action on climate change as a priority, promising to deliver a European Green Deal with the aim to make Europe the first climate-neutral continent by 2050. The Observatory already has engaged in certain actions related to this issue, for example the inclusion of a chapter dedicated to Climate Change Mitigation Technologies in the IP Contribution study published in 2019. In the context of the 2021 work programme, many stakeholders have emphasized the importance of linking IPR infringement to environmental damage on one hand, and to consider the role IP can play in mitigating not only climate change but also other types of degradation of the environment. While not every proposal can be taken up, as a general rule, environmental aspects will be taken into account to the greatest extent possible in studies and other activities of the Observatory. The same is true of health and safety implications of IPR infringement, not least in the current context of the COVID-19 pandemic which can impact both the manner and the extent of IPR

infringement. While by 2021 data to carry out a full analysis of the impact of Covid-19 on IPR infringement and enforcement will not yet be available, the Observatory will do as much as practicable given the information that is available in the short term.

The Observatory representatives collaborate in Working Groups (WG). The members of the WG provide valuable input, feedback and support for the Observatory's projects, so that advice and information from all sectors involved can be taken on board. In particular, new studies are based on Terms of Reference which are presented and discussed in the relevant WG. In addition, Expert Groups (EG) have been created corresponding to a number of different subjects. The EGs, which are separate from the WG, consist of independent experts, with profiles corresponding to specific Observatory requirements.

There are currently 4 WGs: Public Awareness, IP in the Digital World, Enforcement, and Economics & Statistics. The 5 EGs are: Observatory Outreach, Legal, Impact of Technology, Cooperation with Intermediaries, and International Cooperation. The current structure is recent, having been set up in 2019, and for the time being no further changes are planned, except that the Expert Group on SMEs has been transferred to EUIPO's Customer Department and therefore its activities are not included in the Observatory Work Programme; the EG will continue to function but as part of the SME programme. However, should the need for expertise change in the future, the EGs will be adapted accordingly.

Transparency in all its activities is an important principle for the Observatory. In keeping with this principle, information about the work of the WGs and EGs is accessible to all Observatory stakeholders through a variety of channels, including the restricted access area of the Observatory website. Nevertheless, perhaps reflecting the broad range of activities carried out by the Observatory, a number of stakeholders have raised the issue of access to information. Going forward, an effort will be undertaken to make this information even more accessible by including a section with updates in the Observatory newsletter.

Cooperation is another transversal theme of the Observatory. This means cooperation between the Observatory and the European Commission (various DGs including OLAF), other agencies such as Europol, Eurojust, Frontex, CEPOL and the CPVO, organisations such as OECD or EPO when carrying out studies, international bodies such as Interpol or WIPO, or between the Observatory and Member States authorities when organising knowledge sharing activities for enforcers and others. It also means bringing together different actors in the IPR ecosystem, including a variety of enforcers — customs, police, other law enforcement authorities, Market Surveillance Authorities — as well as intermediaries and rights owners.

Notwithstanding the new activities, cooperation partners and areas of research, the Observatory will continue to carry out the core tasks of quantifying IPR infringement, examining the importance of IPR to the economy, studying citizens' perception of IP and raising their awareness of its importance, helping enforcers do their job by providing tools and knowledge sharing, and in general deliver on the mandate set out in Regulation 386/2012.

Finally, the Observatory and its stakeholders are working to raise the priority accorded to IP crime by including it among the EU Policy Cycle for organised and serious international crime (EMPACT) priority areas in 2021. Given the involvement of transnational crime groups in IP infringement and the links with other serious crime areas, the seriousness of IP crime must not be underestimated, and the Observatory will continue to work in this direction with a view to include IP crime in the next multiannual cycle.

## **Observatory activities in 2021**

The projects and activities for 2021 are set out below according to the WG or EG with which they are associated.

### **Public Awareness**

The Ideas Powered initiative will be developed at national level, with involvement by the national IP offices and, as appropriate, private sector experts, following the ideas developed during past IP Youth Workshops. Youngsters will be empowered to implement awareness activities with support from the Observatory and stakeholders. Another edition of the Youth Workshop will be organised in 2021. Ideas Powered will also be present at additional youth events in Europe wherever possible. Such events will also be used to promote the *agorateka* tool that helps the user find legally available digital content.

The AUTHENTICITY network, run as part of the European Cooperation projects of the EUIPO, will be enlarged by recruiting additional cities to the programme, to implement awareness activities in local environments.

In 2021 a public awareness call for proposals will be launched focusing on cross-border outreach activities in order to leverage European wide implementation.

Continuing the development of the IP in Education network, the Observatory will begin to liaise with network members and multipliers (such as schoolbook publishers or teacher training institutions) for implementation in schools and teachers' centres across the EU. Stakeholders will be supported in deployment of specialised resources for pupils and teachers with dedicated training. The collaboration between the network of Ministries of Education, IP offices and other specialised stakeholders (for example, teachers' unions and publishers of educational materials) will be expanded and strengthened. A project focusing on Frequently Asked Questions and guidelines on copyright for teachers will start in 2021.

The long-term ambition is for IP and the relevant rights, including trade marks, patents, registered designs, copyright etc., to become part of the curriculum in all levels of education, including tertiary education in relevant fields (for example, engineering or entrepreneurship programmes).

As in previous years, special occasions such as the Christmas shopping season or the World Anti-Counterfeiting Day will be used to launch awareness campaigns. In addition, the possibility of raising general awareness about purchases of counterfeit goods by public administrations will be examined, a subject that is particularly acute in the context of the COVID-19 pandemic.

The fourth edition of the IP Enforcement Summit will be held in Stockholm on 22-23 June 2021. The aim is to reach key European and international policy decision makers, enforcement agencies and authorities, multinational companies and other businesses, and consumer representatives. The objective of the Summit continues to be to raise awareness among policy and decision makers about the importance of respecting and protecting IP rights through more effective enforcement. It will provide a combination of practical and high level debates on a range of international IP enforcement issues to help improve collaboration and engagement between national and international partners, from government, enforcement and industry, in the fight against counterfeiting and piracy.

In keeping with the priorities of the European Commission, the Observatory will consider the impact of counterfeit goods on the environment, including issues related to the production, transport, storage, seizure and destruction of counterfeit goods, measuring their ecological footprint, and mapping good practices.

## **IP in the Digital World**

During 2017-2019 most EU Member States, as well as Switzerland, have joined *agorateka*. The current system is that of a portal that links through to national portals that themselves link through to websites containing legal offers. The system will continue to be enhanced during 2021 to promote greater use.

In the infringing business models workstream, the original study from 2016 will be updated in 2021 to reflect developments in recent years. A study on vendor accounts on third-party online marketplaces (4<sup>th</sup> of the series) will be completed and published in 2021. Also, the issue of illicit online pharmacies will be examined in the relevant WG or EG.

In recent years, Artificial Intelligence (AI) has emerged as an important disruptive technology in regards to copyright protection, management, infringement and enforcement. The Observatory has the intention of being at the cutting edge of the understanding of the impact of AI on the copyright system in regards to infringement and enforcement, with due regard to the work already done by other institutions, international organisations and agencies. Following proposals by several stakeholders, a study into the potential impact of AI on infringement and enforcement of copyright will be launched in 2021. It is the intention of the Observatory to entrust the research to an outside organisation with the relevant expertise, taking note of the ongoing Commission study on AI and the creative industries.

In 2021, the Office will continue maintenance-related activities of the Orphan works database, which include providing support to the database users, as required.

As foreseen in the directive on copyright and related rights in the Digital Single Market, the EUIPO is responsible for establishing and managing a public single online portal for out-of-commerce works. The portal will be available to different users such as cultural heritage institutions, collective management organisations, rights holders, public authorities, contact points and public users. The portal will be launched by 7 June 2021, as required by the Directive.

The Frequently Asked Questions on copyright, designed to inform consumers about the rules for using copyright-protected content in each Member State, will continue to be updated in 2021. The dedicated web page will also be redesigned during the year.

## **Enforcement**

Cooperation with Europol will continue in order to facilitate and support law enforcement action in the Member States. In 2021, the Office will continue financing the aspects of the work of Europol related to the fight against IP crime and will work actively with the Member States to try to ensure the reinsertion of IP Crime into the EMPACT priorities.

The High Level Meeting on IP Enforcement takes place at the beginning of each year in order to co-ordinate the efforts at EU level. The inter-agency Coordination Group on Infringements of IP Rights, composed of representatives from EU agencies, the European Commission and

international organisations such as INTERPOL, OECD, WCO, WIPO and WTO, will meet again in 2021 to discuss ongoing activities, projects and issues in order to avoid duplicating efforts and to identify new opportunities for collaboration.

The Observatory will organise further training sessions and exchanges of best practices for enforcers, including also contributions from rights holders, to complement special actions by national authorities. Furthermore, EUIPO will continue to support regional initiatives by national authorities (subject to budgetary means) and organise seminars specifically aimed at specialised IP crime enforcement units in Member States.

The Observatory will update the CCWP on the Observatory's customs-related activities in order to offer support and to highlight the importance of IPR enforcement actions by customs in the Member States.

Building on the conclusions from the workshops held in the previous years, specific initiatives will be undertaken in 2021 in cooperation with Eurojust, also in the context of the European IP Prosecutors Network (EIPPN). Regional seminars specifically adapted to the needs and requirements of prosecutors will be continued.

To the extent possible, webinars and other types of online methods will be used to deliver the seminars and other types of knowledge sharing.

Three further comprehensive case studies covering all phases of successful criminal cases (from investigation to final court decision) will be prepared in cooperation with the United Nations Interregional Crime and Justice Research Institute (UNICRI).

The Office will continue collaborating with CEPOL on the organisation of a week-long IPR training and on the development and promotion of the Virtual Training Centre on IPR for enforcement authorities. New modules on IP training for customs and police officers will be developed in co-operation with the European Commission (DG TAXUD/OLAF) and Europol, with contributions from national enforcement authorities and the private sector, subject to the applicable rules. The possibility will also be explored to introduce IP in the curricula of basic training for police and customs in the Member States.

Cooperation with OLAF will also be enhanced in two ways. Training for customs officers in the context of investigative activities conducted by OLAF will be organised, and the Observatory will continue asking its stakeholders as part of this pre-operation training collaboration to provide information to OLAF on counterfeit, substandard and unsafe products to initiate and support investigations. OLAF could also be invited to use the IP Enforcement Portal to communicate with police and Market Surveillance Authorities (MSA), which they cannot reach through their own secure communication tool.

Consideration will be given to Plant Variety Rights, with an enforcement seminar covering issues such as Farm Saved Seeds and the ornamental and fruit sectors. Furthermore, possibilities to cooperate with DG SANTE in support of the EU Seed Fraud Network will be explored.

The Observatory will continue to develop and enhance the IP Enforcement Portal, the flagship tool connecting rights owners with enforcement authorities. The access to the IP Enforcement Portal through the EU Customs Trader Portal (DG TAXUD) for the electronic filing of Application for Actions (eAFA), together with the possibility for rights holders to manage the complete AFA lifecycle, will be launched in 2021, also taking into account the required integration with the national filing systems and procedures at the Member State level. Another



planned enhancement is to link e-commerce platforms to the IP Enforcement Portal to facilitate exchanges between the platforms and the rights owners.

Looking into the future, the ultimate aim is that intermediaries, such as e-commerce platforms, payment processors and others, join the Enforcement Portal, that the intermediaries could share information with each other (to the extent consistent with their business models and within legally permitted bounds while respecting trade secrets), with rights holders and in particular with enforcers. There are also plans for linking the Glview system being developed by the Office to the Portal so as to facilitate information exchange between Geographical Indications rights holders and enforcement authorities.

The Technical Group on IP Enforcement and Data Exchange will continue to analyse how to make the collection, retrieval and analysis of seizure data, both at the EU's external borders and within the internal market, more efficient for enforcers.

As a continuation of the report published in 2019 on IPR infringements trends in detentions 2013-2017 at the border and in the internal market, the Observatory will continue to work with DG TAXUD on the preparation of annual reports on detentions in the internal market and at the EU's external border. A conference on collaboration will be organised in late 2021 in cooperation with DG TAXUD, with participants from customs, police and the Market Surveillance Authorities (MSAs).

In 2021, the Observatory will seek to expand the network of enforcers by working with MSAs in the Member States. One step in this direction will be to further open the IPEP to MSAs, so as to provide access to the platform to all enforcers. Cooperation with the European Commission (DG JUST) in the context of the RAPEX network will also be undertaken.

## **Economics and Statistics**

The IP Contribution studies carried out in 2013, 2016 and 2019 relied on merged datasets which combined data from the EUIPO and EPO with the ORBIS database. The data from the matching exercises performed for those studies can be used to investigate the changes in IPR intensity by industry and to explore whether there are correlations between changes in the IPR intensity of an industry and its share in the overall economy (GDP and employment), productivity and trade performance. This study will investigate whether increased IPR intensity of an industry is related to its growing importance in the EU economy by exploring further the dynamic characteristics of the data that the Observatory already has. Patterns of EUTM filings by sector and by country will also be analysed in more detail.

To supplement the studies of infringement that look mainly on the supply of counterfeit goods, the possibility to examine the demand for such goods in the EU, including the factors driving the demand for counterfeits as well as the extent to which consumption of counterfeit goods reduces consumption of the corresponding genuine products will be examined in cooperation with the stakeholders.

In 2019, the Observatory published a study that estimated the extent of infringement of digital content in the EU, including music, film, and TV programmes, and to examine the factors that influence consumers' propensity to download or stream illicit content. In 2021, this study will be updated based on new data for 2019 and 2020.

Following the publication of the joint study with the OECD on international trade in counterfeit goods in April 2016, several follow-up studies were issued in 2017-2020. The last study under

the 2019-2020 research programme, an update of the quantification of trade in counterfeits (last updated in 2019) will be published in 2021. The further research programme for 2021-2022 is currently under discussion and will be defined in late 2020/early 2021.

The role of IP in mitigating climate change and other forms of environmental degradation will also be examined. Such analysis could also consider the performance of companies engaged with IP related to green technologies, analogous with the High Growth Firms study carried out in cooperation with the EPO in 2019.

As economic data becomes available, the Observatory will begin to analyse the impact of the COVID-19 on the EU economy. The purpose of this analysis would be to ascertain whether IPR-intensive sectors have weathered the recession resulting from the pandemic better than other sectors, similarly to what appears to have been the case for the recession of 2008-2012. Additionally, the Observatory will evaluate the feasibility of investigating possible links between the pandemic and IPR infringement.

The initiative on the Creation of a measurement framework (Satellite Accounts<sup>1</sup>) for EU creative industries aims to evaluate if an EU Satellite Account for the creative industries can be built. Following the conclusion of the feasibility study in 2019, a pilot project to create such satellite accounts will be carried out for Italy, in cooperation with the Italian statistical office ISTAT and the Italian Ministry of Culture, and in coordination with the European Commission and Eurostat. In particular, it will be closely coordinated with similar EU initiatives, such as the EU Pilot project on Measuring Cultural and Creative Sectors.

Under the umbrella of the SME Programme, the Observatory will also play a role in the monitoring and measuring of the impact of the proposed IPR pre-diagnostic services for SMEs. The methodology defined in 2019 and 2020 together with the European Commission will be implemented with the Observatory playing a role in the analysis of the results obtained and the reporting. In 2021, the Office will carry out a survey of companies that have received support and a control group of similar companies that did not so as to gauge the impact of the programme. This methodology can subsequently be extended to the measurement of the impact of other types of supportive activities carried out by the EUIPO.

In cooperation with the Community Plant Variety Office (CPVO), a PVR-specific study will be carried out in 2021. This study will focus on the benefits and importance of PVRs to the EU economy, including at the level of Member States and further on the level of regions. In addition to purely economic aspects, the study would also consider the contribution of PVRs to sustainable agriculture and horticulture in the context of the Commission's Green Deal and the fulfilment of the UN Sustainable Development Goals.

EUIPO had agreed to cooperate with the Spanish National Research Council (CSIC) in organising the European Policy for IP conference in Madrid in September 2020. Due to the COVID-19 pandemic, the event was postponed to 2021. The Office still intends to cooperate with CSIC in setting up a trade mark related session at the conference.

## **Observatory Outreach**

The effort begun in 2019, to systematically track the use of the work of the Observatory in the policy formulation process, will continue, focusing on the main EU institutions: the European

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<sup>1</sup> 'Satellite Accounts' is the standard technical terminology used to indicate the type of measurement frameworks this initiative intends to develop. See, for example: <https://stats.oecd.org/glossary/detail.asp?ID=2385>.

Commission, the Council of the EU and the European Parliament. Adding national sources will be explored in 2021.

The Office will work with the EU institutions, expert groups and other stakeholders to set up a plan to involve them more closely in the dissemination of the results of the Observatory studies, reports and other activities carried out, as well as to track the impact made at national level.

Links with new partners, such as think tanks, will be developed, and events at EU level will be leveraged to disseminate the Observatory messages.

More emphasis will be placed on developing and deploying appropriate infographics in the most important social media, with a tailored approach when addressing youngsters, both in terms of message and the social medium chosen.

To inform EU citizens of their rights and obligations as far as IP is concerned, the Outreach expert group will examine the possibility of producing resources for consumers, to be disseminated in cooperation with consumer associations and competent national authorities, such as short guides for different sectors.

## **Legal**

In relation to case-law collection and analysis, the efforts to gather relevant case-law on IPR infringement from Member States will continue. It is expected that the key enforcement judgments from non-participating Member States will be gathered with the help of an external service provider.

The Office will continue organising meetings among judges dealing with IPR infringements and support the expansion of their knowledge in that respect. A Judges Symposium as well as several seminars will be organised in 2021.

Directive (EU) 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure foresees a role for the EUIPO. The Office will assess, together with the European Commission, the timing and other modalities associated with the report on litigation trends envisioned in the Directive.

## **Impact of Technology**

The Impact of Technology Expert Group will continue to monitor emerging technologies and their impact on IP infringement, enforcement and development of business models.

Following the EU Blockathon held in 2018, and the launch in 2019 of the Anti-Counterfeiting Blockathon Forum, the Observatory will continue to support the community in advancing further the development of an anti-counterfeiting infrastructure (based on blockchain technology) that could find acceptance in the marketplace. As the next step, in 2021 the Observatory will start implementing the strategic project of the Office focused on providing the high-level design infrastructure of the future tool and its subsequent development.

In general, the Observatory will continue to keep abreast of developments in blockchain technology that could be relevant for the management and enforcement of IPR.

## **Cooperation with Intermediaries**

Cooperation with intermediaries is one of the priorities of the Strategic Plan 2025 of the Office.

In line with priorities identified together with stakeholders, the Office will develop initiatives intended to reduce counterfeiting and piracy. Specifically, the Office will develop a secured and trusted system to provide rights owners with information on the IP protection programmes of various e-commerce platforms, facilitate access to such programmes as well as the exchange of information to support the removal of IP-infringing listings.

As from 2017, the Observatory has been helping the European Commission to measure the KPIs related to the 'Follow the Money' initiative, starting with the MoU on the sale of counterfeit goods over the internet signed in 2011 and updated in June 2016, and the MoU on internet advertising which was signed in 2018. This will continue in 2021, with a study of advertising revenue on IPR-infringing websites to be funded by the EUIPO.

The Observatory Expert Group on Cooperation with Intermediaries has been analysing the challenges raised by the misuse of intermediary services to infringe IPR, as well as good practices to address these challenges. After finalising its work on e-commerce platforms (which now is part of a project under EUIPO's Strategic Plan), the Expert Group will continue its work on social media and payments in 2021. It will also initiate work on other types of intermediaries, to be determined with the support of the Expert Group and Observatory stakeholders.

The Observatory Expert Group on Cooperation with Intermediaries will look into how to enhance exchange of information with and from intermediaries on IP infringing activities, including on practical details on real-time exchange of information.

## **International Cooperation**

The aim of this workstream is to cooperate with the European Commission's DG TRADE, DG TAXUD, Observatory stakeholders and experts on improving the protection and enforcement of IP rights in third countries.

In 2021, the Office will continue to cooperate with DG TRADE to consolidate the EU Delegations IP network, mainly by providing technical support to improve IP knowledge and exchange of information among its members. The Observatory plans to increasingly integrate activities of the Network with the EU-funded and bilateral programmes with third countries. The Observatory will continue to provide technical support to DG TRADE by undertaking tasks related to the Third Country Report.

In particular, the Observatory will support the international EU-funded projects for which the EUIPO is the implementing agency, including programmes in China, Latin America and Southeast Asia as well as the new programme in Africa, with input related to IPR enforcement. This support could take a variety of forms, including assistance with studies, exchanges with MSA and enforcement authorities, seminars and other knowledge-sharing activities at national or international level through the IP Key Programme.

The scope of the international cooperation activities of the Observatory will be further developed taking into consideration input received from the Expert Group on International

Cooperation and from Observatory stakeholders. Such activities could include participating in international events relating to IP enforcement, support for studies relating to IPR (e.g. IP Contribution studies) in third countries, exchanges with authorities and countries involved with China's One Belt One Road programme, and other efforts designed to contribute to the strengthening of IP systems in third countries. Such work will always be aligned with the EU's external policy and common commercial policy.

The EUIPO is represented on OECD's Task Force on Countering Illicit Trade under whose auspices the joint EUIPO-OECD studies are carried out, as well as the work on a code of conduct for Free Trade Zones following the adoption of a recommendation by the OECD council in 2019.

Finally, the Observatory will continue cooperating with the World Intellectual Property Organization, notably by inviting a WIPO representative to its meetings and by attending WIPO's Advisory Committee on Enforcement to promote good practices in enforcement.

### Observatory Stakeholder Meetings in 2021

According to Regulation (EU) No 386/2012, the Observatory Plenary and its public and private representatives meet once a year. The dates for the Observatory stakeholder meetings in 2021 are as follows:

Meeting	Location	Date
Public sector stakeholders and conference on IP	Portugal	23-25 February 2021
Private sector stakeholders	Brussels	2 March 2021
Plenary meeting	Alicante	29-30 September 2021
Civil society stakeholders	VICO	3 video conferences during the year

There will be two sessions for Working Groups and potentially Expert Groups. Whereas the Working Groups will meet during both sessions, the Expert Groups will meet as necessary only. The dates for the WG/EG sessions in 2021 are shown below.

Working Group	First meeting (Alicante)	Second meeting (location TBC)
Public Awareness Enforcement Economics and Statistics IP in the Digital World	23-25 March 2021	Q4 (dates TBC)
Expert Group		
Observatory Outreach Legal Impact of Technology Cooperation with Intermediaries International Cooperation	The Expert Groups will meet as required, possibly in conjunction with the Working Group meetings.	

For presential meetings such as the plenary, the stakeholder meetings and the working groups, EUIPO will offer the option of electronic participation to those participants who prefer

not to travel. Depending on the evolution of the COVID-19 pandemic, meetings may be held entirely online, as dictated by the situation.

## **Annex 1: Legal Basis for the Activities of the Observatory**

Regulation (EU) No 386/2012 entrusts the EUIPO with a wide range of tasks relating to research, communication, spread of best practice, and support for enforcement of all types of intellectual property rights. The activities set out in this Work Programme are all designed to comply with the mandate under which the Observatory operates. Accordingly, the table below lists the specific article of the Regulation that forms the legal basis for each group of activities or projects listed in section 2.

Activity	Article in Regulation (EU) No 386/2012 or other legal basis
<b>Public Awareness</b>	
Targeting youth (Ideas Powered)	2(1)(a),(b),(d)
Support for awareness campaigns in Member States (Authenticity, awareness grants)	2(1)(a),(b),(d)
IP Enforcement Summit	2(2)(f)
IP Education Network	2(1)(a),(b),(d)
<b>IP in the Digital World</b>	
Help consumers differentiate legitimate from infringing websites (agorateka)	2(1)(a),(d)
Research on business models most commonly used to infringe IP online	2(2)(a),(b)
Study of impact of AI on copyright infringement and enforcement	2(2)(j)
Orphan works database	Article 3(6) of Directive 2012/28/EU
Out-of-commerce works portal	Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market
FAQ on copyright	2(2)(f),(g)
<b>Enforcement</b>	
Cooperation with Europol	2(2)(l)
Coordination of activities with other bodies active in IP enforcement	2(2)(o)
Building Knowledge and Competences in IP Enforcement	2(1)(e),(h); 2(2)(l)
Judges Network	2(1)(g),(h); 2(2)(l),(m)
European Intellectual Property Prosecutors Network	2(2)(e),(h),(l),(m)
Virtual Training Centre on IPR	2(1)(e); 2(2)(h)
Collaboration with Market Surveillance Authorities	2(2)(l)
Counterfeits and risks to health and safety / RAPEX network cooperation	2(2)(a)
Collaboration with CCWP	2(2)(l)
Collaboration with the EU Commission – DG TAXUD/OLAF	2(2)(h),(l)
IP Enforcement Portal	2(2)(j),(l)
Technical Group on IP Enforcement and Data Exchange	2(1)(g), 2(2)(k)
<b>Economics and Statistics</b>	



Activity	Article in Regulation (EU) No 386/2012 or other legal basis
Quantification of infringement (including joint studies with OECD)	2(2)(a),(b),(d)
Quantification of digital infringement	2(2)(a),(b),(d)
Further analysis of IP Contribution Study data	2(2)(c)
Satellite accounts for creative industries	2(2)(c),(d)
Analysis of role of IP in mitigating climate change	2(2)(c)
Analysis of the impact of Covid-19 on IPR-intensive sectors	2(2)(c)
Monitoring of the impact of the Commission's pre-diagnostic services for SMEs	2(2)(o)
Study of plant variety rights	2(2)(c)
European Policy for IP Conference	2(2)(f)
<b>Observatory Outreach</b>	
Tracking the use of Observatory work in policy formulation	2(2)(a),(b),(d)
Dissemination of Observatory studies	2(2)(c)
Developing links with new partners such as think tanks	2(1)(d)
Social media activities	2(2)(f)
<b>Legal</b>	
Case-law collection and analysis	2(2)(k); 5(1)(c)
Judges' seminars and training	2(2)(l)
Report on Trade Secrets Litigation Trends	Directive (EU) 2016/943
<b>Impact of Technology</b>	
IP enforcement and new technologies (including blockchain)	2(1)(e),(f),(h), 2(2)(e),(h),(i),(j),(k),(l),(m)
Expert group on anti-counterfeiting technology	2(2)(j)
<b>Cooperation with intermediaries</b>	
Initiatives to reduce counterfeiting and piracy	2(2)(o)
Monitoring the impact of MoUs on internet sales and advertising	2(1)(b), 2(2)(b)
Work on social media and payment providers	2(2)(o)

Activity	Article in Regulation (EU) No 386/2012 or other legal basis
<b><i>International Cooperation</i></b>	
EU Delegations IP network	2(1)(h); 2(2)(m) and Article 123(b)(2) EUTMR
Technical support to DG Trade	2(1)(h)
Support for EU-funded projects	2(1)(h)
Further direct international cooperation	2(2)(m)
Participation in OECD's Task Force on Countering Illicit Trade	2(2)(o)

The events and meetings listed in section 3 are provided for in Article 2(2)(i) and Article 4 of Regulation (EU) No 386/2012.

## Appendix 10 – Plan for grants, contribution and service-level agreements

	GENERAL INFORMATION					FINANCIAL IMPACT					
	ACTUAL OR EXPECTED SIGNATURE DATE	TOTAL AMOUNT	DURATION	COUNTERPART	SHORT DESCRIPTION		N	N+1	N+2	N+3	...
<b>GRANT AGREEMENTS</b>											
1.						Total amount					
2.						Total amount					
<b>CONTRIBUTION AGREEMENTS</b>											
1. PAGoDA – IP Key Latin America	11/05/2017	6 000 000 €	01/09/2017-31/08/2021	DG TRADE and FPI	The overall objective of the project is to promote a more level playing field for European Union companies operating in LA by contributing to greater transparency and fair implementation of the IPR protection and enforcement system in LA.	Total amount	1 500 000 €				
2. PAGoDA – IP Key SEA	11/05/2017	7 000 000 €	01/09/2017-31/08/2021	DG TRADE and FPI	The overall objective of the project is to act on a national level to establish for EU companies operating in SEA an IPR environment of greater transparency and fair implementation of IPR protection and improved enforcement system.	Total amount	2 000 000 €				

3. PAGoDA – IP Key China II	11/05/2017	7 000 000 €	01/09/2017-31/08/2021	DG TRADE and FPI	The overall objective of the project is to promote a more level playing field for companies operating in China by contributing to greater transparency and fair implementation of the IPR protection and enforcement system in China.	Total amount	1 200 000 €				
4. PAGoDA – ARISE + IPR SEA	Dec. 2017	5 555 556 €	01/01/2018-31/12/2022	DG DEVCO and DG TRADE	The objective of the project is to support ASEAN regional integration and further upgrade and improve the systems for IP creation, protection, utilisation, administration and enforcement in the ASEAN region, in line with international IP best practice and standards and the ASEAN IPR Action Plan 2016-2025.	Total amount	1 400 000 €	1 400 000 €			
5. Caribbean Regional IPR Project	03/10/2019	3 280 000 €	01/11/2019-31/10/2023	EUD to CARICOM/ CARIFORUM and DG DEVCO	The overall objective of the project is to contribute to the integration of the CARIFORUM States into the World Economy, through strengthening the enabling framework that stimulates innovation and competitiveness of the private sector.	Total amount	1 000 000 €	1 000 000 €	580 000 €		
6. Georgia IPR Project	16/12/2019	1 170 000 €	01/02/2020-31/01/2023	EUD to Georgia and DG NEAR	The overall objective of the project is to support the Georgian authorities in their efforts to further	Total amount	350 000 €	400 000€	100 000 €		

					approximate to European standards and integrate into the global economy, stimulating economic development and market opportunities.						
7. Pan-African IPR Project	20/12/2019	8 000 000 €	01/02/2020-31/01/2024	DG DEVCO	The overall objective of the project is to facilitate intra-African trade and African and European investment.	Total amount	900 000 €	1 400 000 €	2 400 000€	2 400 000 €	700 000 €
8. SMEs support via COSME	Nov.- Dec. 2020	20 000 000 €	12 months	DG GROW	Contribution agreement from COSME Programme for the implementation of an action aiming at providing financial relief to SMEs on IP-related costs.  The action implemented by the EUIPO will support innovative SMEs in continuing to deploy their IP strategies by providing grants to EU SMEs to cover costs for filing EU or national trade marks and designs, as well as IP-prediagnosics.	Total amount	19 800 000€				
9. European School	10/07/2020	1 886 600.00 €	01/09/2020 – 31/08/2025	European School of Alicante	The MoU between the School and the EUIPO covers the cooperation in the following areas: -Pre-school or post-school activities; -Services provided for the EU School, e.g. advising the School on security matters, return plan 09/2020, etc.	Total amount	330 000 €	362 000 €	398 200 €	398 200 €	398 200 €

					-Sponsoring of events in which the EU School Alicante participates, e.g. Eurosports, Model European Council, etc. -Cooperation in other areas, e.g. work experience programme for secondary pupils at the EUIPO, participation of the ED in the BAC ceremony, etc.						
10. European School	26/06/2019	44 622 651.41€	01/09/2020 – 31/12/2025	European School of Alicante +European Commission	The Financing Agreement is a tripartite agreement signed between the EUIPO, the Commission and the Secretary General, about the financing of the budget of the ESA	Total amount	8 477 876.00	8 789 230.76	8 947 436.91	9 117 438.21	9 290 669.53
<b>SERVICE LEVEL AGREEMENTS<sup>1</sup></b>											
1. <a href="#">Administrative Agreement with DG AGRI</a>	17/12/2019	N/A	17/12/2019-	European Commission-DG AGRI	The Memorandum of Understanding signed on 25 April 2019 between the European Commission and the EUIPO provides a framework for the conclusion of detailed working arrangements with individual Commission departments, and specifically envisages in its Chapter 7 deepened practical cooperation between the EUIPO and	Total amount	N/A	N/A	N/A	N/A	N/A

<sup>1</sup> An agreement with CdT is also in place (pro memoria, with an amount of zero)

					DG AGRI.						
2. SLA EUIPO-Europol	07/11/2019	3 800 000 €	07/11/2019 – 31/12/2023	Europol		Total amount	950 000 €	950 000 €	950 000 €	950 000 €	
3. SLA EUIPO-DG HR	16/12/2015		01/03/2016 - 26/05/2024	DG HR	Service Level Agreement on the issuance process of the laissez-passer of the European Union in accordance with Council Regulation (EU) No 1417/2013 relating to the cooperation between the European Commission acting as a central service and the institutions of the EU within the meaning of this Regulation.	Total amount	6 000 €	5 000 €	11 400 €	13 000 €	8 200 €
4. SLA EUIPO-DG HR	14/12/2017		01/01/2018- Unlimited duration	DG HR	The Service Level Agreement defines the conditions under which DG HR provides services goods or works (services) to the EUIPO. In particular the services provided are learning and development and medical services.	Total amount	13 093 €	13 093 €	13 093 €	13 093 €	13 093 €
5. SLA EUIPO-EEAs	29/06/1018		29/06/2018- Unlimited duration	EEAS	The Service Level Agreement sets out general rules and principles applicable to the hosting of EUIPO offices and staff members within Union Delegations as well as the specific conditions of services and assistance which the EEAs provides to the EUIPO to enable the EUIPO to carry out its	Total amount	HRD does not monitor the budgetary matters regarding this SLA. Please contact ICLAD.				

					mandate and responsibilities in countries outside the European Union where it has established an office.						
6. SLA EUIPO-PMO	29/11/2018		01/01/2019 - Unlimited duration	PMO	The Service Level Agreement defines the conditions under which the PMO provides services, goods or works ('services') to the EUIPO. In particular the services provided cover: sickness- accidents - occupational disease; unemployment; pensions - invalidity allowance - transfers - severance grant; salary calculation and payment; determination of individual entitlements - allowances and reimbursements on taking up appointment, transfer, during the career or leaving the service; determination of mission expenses under the EU staff rules; reimbursement of expenses outside of the EU staff rules: expenses of experts and candidates; reimbursement of expenses outside of the EU staff rules; expenses of seconded national experts; visa services; other services.	Total amount	683 217 €	703 713 €	724 825 €	724 825 €	768 967 €



7. SLA EUIPO- EUAN DG HR			01/01/2019 - Unlimited duration	EUAN DG HR	Expat administrative support	Total amount	HRD does not monitor the budgetary matters regarding this SLA. Please contact ICLAD.				
8. SLA EUIPO- EPSO. EUSA	04/04/2019	N/A	01/04/2019 – Unlimited duration	EPSO	The Service Level Agreement defines the conditions under which EPSO and EUSA ('service providers') provide services, goods or works ('services') to the EUIPO. In particular the services provided cover: -EPSO provides assistance to institutions, agencies and bodies at their request, with a view to the selection of officials, TAs and CAs in order to ensure the transparency and standardisation of their selection procedures. -EUSA, provides training services to the EU institutions, agencies and bodies. Replaces previous agreement. Unless tailor-made or outside the scope of the present SLA, services are free of charge.	Total amount	N/A	N/A	N/A	N/A	
9. Corrigendum + Addendum to the	July 2020	175 000 €	21/06/2019- Unlimited	EPSO	Corrigendum + addendum to the SLA EUIPO- EPSO.	Total amount					

SLA EUIPO-EPPO.EUSA			duration		EUSA in order to organise competitions for the selection of personnel in view of their recruitment.						
10. <a href="#">Administrative agreement EUIPO – DG TAXUD</a>	04/06/2018		3 years (until 04/06/2021)	DG TAXUD	Administrative agreement through which the parties agree to cooperate in activities related to the use of enforcement tools (EDB, ACIST, ACRIS) and COPIS system, and to reach convergence of practice.		1 304 001.58	834 001.58			

## APPENDIX 11 – EUIPO Building Policy

### Current buildings

Information to be provided per building:	Main information	Other Comments
<b>Name, location and type of building</b>	AA1 Building Avenue Europa, 4 03008 Alicante Mid-rise Office building	
<b>Surface Area (m2)</b>	43.004	Gross Area
<b>Surface Area (m2) : Office space</b>	12.508	Usable Area
<b>Surface Area (m2) : Non-Office space</b>	30.496	Including 9.672 m2 of car parking space
<b>Construction cost (EUR)</b>	24.600.000	prices 1999
<b>Type and duration of rental contract</b>	N/A	
<b>Host country grant or support</b>	N/A	
<b>Present value of the building (EUR)</b>	N/A	

Information to be provided per building:	Main information	Other Comment
<b>Name, location and type of building</b>	AA2 Building Avenue Europa, 4 03008 Alicante Mid-rise Office building	
<b>Surface Area (m2)</b>	37.473	Gross Area
<b>Surface Area (m2) : Office space</b>	5.833	Usable Area
<b>Surface Area (m2) : Non-Office space</b>	31.640	Including 12.900 m2 of car parking space
<b>Construction cost (EUR)</b>	46.700.000	Prices 2015, including CPD
<b>Type and duration of rental contract</b>	N/A	
<b>Host country grant or support</b>	N/A	
<b>Present value of the building (EUR)</b>	N/A	

Information to be provided per building:	Main information	Other Comment
<b>Name, location and type of building</b>	AA3 Building Avenue Europa, 4 03008 Alicante Mid-rise Office building	
<b>Surface Area (m2)</b>	13.868	Gross Area
<b>Surface Area (m2) : Office space</b>	2.891	Usable Area

<b>Surface Area (m2) : Non-Office space</b>	10.976	Including 4.547 m2 of car parking space
<b>Construction cost (EUR)</b>	17.400.000	prices 2017
<b>Type and duration of rental contract</b>	N/A	
<b>Host country grant or support</b>	N/A	
<b>Present value of the building (EUR)</b>	N/A	

<b>Information to be provided per building:</b>	<b>Main information</b>	<b>Other Comment</b>
<b>Name, location and type of building</b>	Brussels Office Rue de la Loi, 223 4th floor 1040 Brussels	Joint occupancy building with non-EU bodies.
<b>Surface Area (m2)</b>	282	Gross Area
<b>Surface Area (m2) : Office space</b>	178	Usable Area
<b>Surface Area (m2) : Non-Office space</b>	104	Including 2 parking spots located in -1 level in the building
<b>Annual rent (EUR)</b>	98.929	
<b>Type and duration of rental contract</b>	Fixed-term contract: From 1st July 2020 to 30th June 2029	
<b>Host country grant or support</b>	N/A	
<b>Present value of the building (EUR)</b>	N/A	

<b>Information to be provided per building:</b>	<b>Main information</b>	<b>Other Comment</b>
<b>Name, location and type of building</b>	Luxembourg Office Rue Jean Monnet, 2 ground floor L-2180 Luxembourg	Joint occupancy building with non-EU bodies.
<b>Surface Area (m2)</b>	242	Gross Area
<b>Surface Area (m2) : Office space</b>	100	Usable Area
<b>Surface Area (m2) : Non-Office space</b>	142	Including 1 parking spot located in -3 level in the building
<b>Annual rent (EUR)</b>	79.137 €	
<b>Type and duration of rental contract</b>	Fixed-term contract: From 1st August 2017 to 31th July 2026	
<b>Host country grant or support</b>	N/A	
<b>Present value of the building (EUR)</b>	N/A	

Information to be provided per building:	Main information	Other Comment
<b>Name, location and type of building</b>	Alicante Hills Glorieta del Reino Unido, 6 03008 Alicante Mid-rise building	Joint occupancy building with non-EU bodies.
<b>Surface Area (m2)</b>	625	50 Parking spots (2'50x5'00m)
<b>Surface Area (m2) : Office space</b>	0	
<b>Surface Area (m2) : Non-Office space</b>	625	
<b>Annual rent (EUR)</b>	21.000 €	
<b>Type and duration of rental contract</b>	Duration of 1 year, renewable 3 times and the maximum duration of 4 years	
<b>Host country grant or support</b>	N/A	
<b>Present value of the building (EUR)</b>	N/A	

## Building projects in planning phase

### Development of EUIPO Campus

The main purpose of the project "Development of the EUIPO Campus" is to join the present EUIPO campus with the recently purchased UT1 plot and the street between both areas, thus creating one single site. By unifying the campus into a single one, more secured access control will be allowed, and the staff and visitors will have the opportunity to enjoy a campus with more green and leisure areas. At the same time, the EUIPO will have the long-term possibility to grow in office surface and parking spaces within one single and continuous campus if needed in the future. The end date foreseen is December of 2022.

The Project cost estimation is 3,3 M€, including the following items: purchase of the public street, purchase of the piece of municipal land to facilitate the connection to the main street, drafting of projects, public services diverted under the street, construction of new perimeter fencing, new access control booth, security equipment in the new perimeter fencing, street surface reshaped and planting.