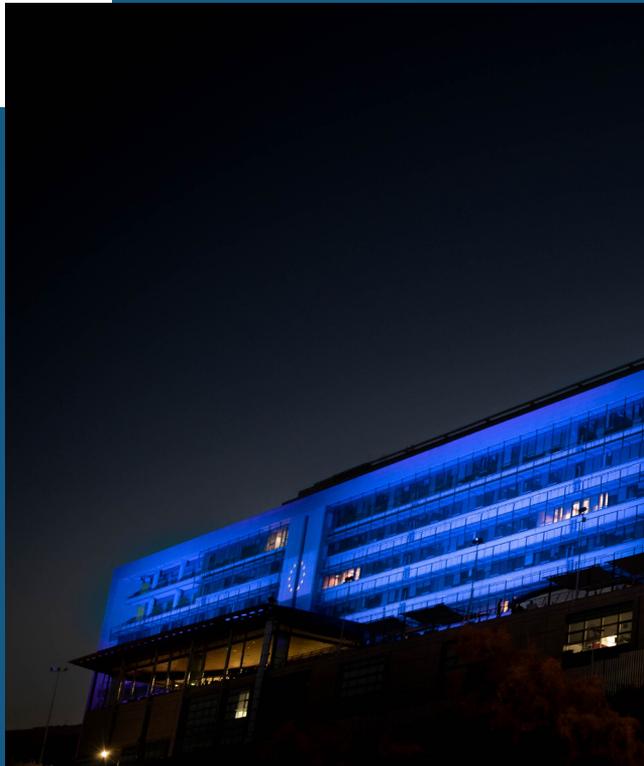




EUIPO
EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE

Mediation Centre

Established in November 2023 under the framework of the EU Trade Mark Regulation, the EUIPO Mediation Centre aims to facilitate the amicable resolution of intellectual property (IP) disputes through expert-guided mediation.



The EUIPO Mediation Centre

The EUIPO Mediation Centre provides mediation services to all parties involved in intellectual property disputes pending before the EUIPO.

Building on more than 10 years of experience in the successful mediation of IP disputes, the EUIPO Mediation Centre offers mediation services through a qualified and multilingual team of experienced mediators and case managers who assist parties to reach **effective and amicable solutions** tailored to their business interests.

Mediation can be requested by parties involved in **inter partes proceedings** before the EUIPO, including first-instance cases such as oppositions, cancellations, and design invalidities, as well as second-instance appeals before the Boards of Appeal.

The Mediation Centre aims to provide users with a **voluntary, confidential, and accessible** way to resolve disputes, offering a **complementary** option to formal proceedings. It enables parties to select the approach that best meets their needs.



Why Mediation?

IP litigation can be **time-consuming, unpredictable and costly**. The costs are not just in the professional fees needed to litigate effectively but also extend to the management time diverted to administering any such ongoing legal proceedings – time that could have been devoted to profitable commercial pursuits. Businesses are increasingly exploring alternative, more efficient and amicable ways to resolve disputes.

Moreover, IP is particularly prone to **cross-border disputes** for which global solutions are necessary but for which traditional litigation simply encourages battles on multiple fronts.

Ultimately the EUIPO Mediation Centre assist parties to resolve a wide range of disputes in a **single process**, therefore facilitating **swift, efficient, global settlements**.





“Any natural or legal person may use the Centre’s services on a voluntary basis with the aim of reaching a friendly settlement of disputes based on this Regulation or Regulation (EC) No 6/2002 by mutual agreement”

Art. 170 (2) EU Trade Mark Regulation

10 Reasons why your IP dispute may be suitable for mediation

1. Your dispute is still at an early stage of the conflict

Mediation can be particularly effective if it is considered at the **earliest possible stage** of a dispute.

However, mediation may still prove to be the best solution when a dispute is at an advanced stage, as the parties may prefer to avoid investing further resources, time and effort in court proceedings or other adversarial proceedings.

2. Your dispute is complex or involves several jurisdictions

This is the case when:

- Two or more parties are from **different countries**.
- There are **multiple conflicts** between the same parties.
- The dispute involves **multiple IP rights** (such as EU trade marks, national trade marks, registered or unregistered designs, copyrights, patents, etc).
- **Third parties** (i.e. parties not involved in the original dispute) are required to join the action.

3. A court decision in your dispute would be difficult to enforce

Mediation may also be appropriate in cases where the **enforcement** of a decision taken by the competent authority is **challenging**.

This is relevant in cases where there are insufficient assets or resources to enforce a future court judgment, or where enforcement may have to take place in an unfamiliar jurisdiction (e.g. outside the EU).

4. The other part and you have, or may have, co-existing IP rights in your dispute

Mediation is also appropriate in cases where the IP rights of the parties **already have co-existed or could co-exist**. This could be because the parties to the dispute are interested in different business areas or territories.

5. A tailored approach is essential for you

Mediation is appropriate when the emotional and personal aspects of a dispute **require a tailored and flexible approach**.

For example, mediation can be valuable in cases involving **family-owned businesses** or **former business partners**. In such cases, an experienced mediator can guide the parties in a non-confrontational way to explore solutions that are flexible and beneficial to all involved parties.

6. You and the other part are, or wish to be, engaged in a business venture

If you are interested in **preserving an existing business relationship** or establishing a new one, mediation is a highly suitable dispute resolution mechanism.

7. Confidentiality is important to you

Confidentiality is the cornerstone of the mediation process. Unlike litigation, all information relevant to the mediation, such as the mediation request, the discussions between the parties and the outcome of the mediation, are covered by **strict confidentiality** and cannot be used in court, arbitration, or other formal proceedings unless you and the other party agree otherwise.

8. You want to preserve your business reputation

Mediation is a convenient dispute resolution mechanism to **protect your reputation** by avoiding public and open conflicts, unnecessary tensions with your business partners, competitors, authorities, etc.

9. A language barrier exists between you and the other part

Mediation is **more flexible** than traditional litigation when it comes to the **language** used during the process. In formal adversarial proceedings, the use of a particular language is usually dictated by strict procedural rules. In mediation, however, you can agree with the other party on the common language to be used during the process. The mediator may also address each party in his or her own language.

10. You want to resolve the dispute quickly

Mediation can be as **time-efficient** as you and the other party want it to be because you own the process.

Services

Mediation services at the EUIPO

Mediation enables the parties to reach an amicable settlement of their dispute before the EUIPO with the **assistance of a mediator**.

The role of the mediator is to **conduct the process** and assist the parties in reaching a voluntary and mutually satisfactory settlement. The mediator is neutral and impartial and has no authority to decide on the case. It is not the role of the mediator to provide legal advice, to propose solutions, represent any party or adjudicate on the merits of the case. Settlement is **consensual** and the **terms must be agreed** by the parties.

While the mediation service applies to **disputes before the EUIPO** (i.e. related to EU trade marks, registered EU designs, and geographical indications for craft and industrial products), the full scope of the mediation is voluntarily determined by the parties and therefore it may include **other IP rights** (such as copyright or domain names) or **any other dispute pending between the parties**.

Mediation Case Management

The Mediation Centre's case management team is responsible for processing requests for mediation services. They manage the **procedural** and administrative aspects of the process, including the proposal of suitable mediators, through to its conclusion.

The case management team also provides parties with **guidance** and information, helping them to consider this option for the amicable resolution of their dispute. The Mediation Centre further supports the establishment of initial **contacts between the parties**, paving the way for the eventual submission of a joint request for mediation.

Online ADR platform

With the vast majority of mediations conducted remotely, the Mediation Centre has introduced an online ADR platform to efficiently manage and support the **dispute resolution** process. The platform allows mediators and parties to interact virtually in a **secure, confidential environment** prior and during the mediation sessions. Parties can also check the status of their mediation cases, access and upload relevant documents, schedule meetings and communicate with the Mediation Centre.



Services

Meeting facilities

Should the parties wish to conduct a face-to-face mediation, the EUIPO Mediation Centre offers dedicated mediation meeting rooms at the EUIPO headquarters in Alicante and at the EUIPO Liaison Office in Brussels. The meeting rooms are adapted to the needs of the mediation process and offer hybrid meeting capabilities and breakout rooms for separate meetings.

Cost

When the parties chose EUIPO's mediation services to resolve their disputes, **no additional cost** have to be paid in addition to those already paid the context of the relevant inter partes proceedings.

There is no cost for the service when mediation is conducted online or at the EUIPO headquarters in Alicante, Spain. However, if the mediation takes place at the EUIPO premises in Brussels, a one-off fee of EUR 1200 -shared equally between the parties- will be charged to cover the travel and accommodation expenses of the EUIPO mediator.



Mediation Principles at the EUIPO

Mediation services offered by the EUIPO Mediation Centre are governed by three basic **principles**: the **neutrality and impartiality** of the mediators, the **confidentiality** of the process, and the **voluntary participation** of the parties.

Neutrality and Impartiality

A mediator may be selected from the list of individuals available on the EUIPO website. The selected mediator must confirm that they have not previously been involved with the case or with the parties and their representatives. If mediation is unsuccessful and the matter returns to the formal process, the mediator will not participate in the decision-making team for that case.

Confidentiality

Confidentiality is a cornerstone of the EUIPO mediation process. Under Article 170 of the EUTM Regulation, all discussions, negotiations, and documents exchanged during mediation are strictly confidential. This commitment applies to all participants, including the parties, their representatives, and the appointed mediator. To support this, the EUIPO Mediation Centre provides a secure digital platform where parties can conduct their mediation and safely upload confidential documents.

Voluntary participation of the parties

Parties are free to decide whether or not to participate in mediation. In some cases—especially when multiple proceedings between the same parties are pending—the relevant division or instance may propose mediation. This proposal is based on objective criteria related to the case. However, parties remain free to accept the proposal, decline and await a formal decision, or request mediation themselves at any time. Even after mediation has started, parties may withdraw at any stage, without any obligation to reach a settlement. This ensures that mediation remains a flexible and collaborative process focused on mutual agreement.

Mediation Process at EUIPO

1

Mediation Request



The process is initiated with the submission of the **mediation request** available at the EUIPO website by both parties. Once submitted through the User Area, proceedings will be **suspended ex officio** for six months. Parties will be contacted by the Mediation Centre case manager to explain the overall process, obtain any missing information about the scope and participants of the mediation, and onboard them onto the EUIPO online ADR platform.

2

Appointment of Mediator



The Mediation Centre will propose a **mediator** to the parties. Once confirmed, the mediator will contact the parties and their representatives to collect initial information on the dispute, outline the process and the mediator's role, and agree on the date(s) for the mediation session(s).

3

Mediation phase



The mediator will conduct the mediation session(s), which are **flexible and confidential**, helping the parties explore the issues, identify common ground, and work towards mutually acceptable settlement terms.

Parties can resolve their dispute as **quickly as they wish** - potentially just weeks after the mediator's appointment and **within three months** to reach agreement on the main terms.

4

Conclusion



Mediation concludes with either a **signed settlement agreement** or, at minimum, accepted heads of agreements. If only **heads of agreement** are reached, the parties and their representatives will finalise and sign the settlement agreement within the remaining period of the suspension of proceedings.

5

Implementation



Parties are responsible for carrying out the **agreed actions** under the terms of their settlement, both before the EUIPO and, where applicable, before other authorities or instances.

Our Mediators



At the EUIPO Mediation Centre, disputes are handled by a team of highly qualified mediators.

The Centre's mediators are EUIPO professionals with specialised training from internationally recognised institutions, combining top-level **expertise in intellectual property** with proven mediation skills.



Multilingual and highly experienced, they are committed to helping parties find common ground.

The Mediation Centre case management team is on hand to provide guidance and to assist parties in identifying the mediator best suited to each case.



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Mediation Centre**

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