EUIPO
EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE

The Executive Director

DECISION No ADM-21-24 on establishing an Integral Quality Framework at the EUIPO

The Executive Director of the European Union Intellectual Property Office (the Office),

Having regard to Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark ([1]), and in particular Article 157(4)(a) and Article 166(7) thereof, and to Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs ([2]), in particular Articles 97 and 106 thereof,

Having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 and Decision No 1247/2002/EC,

Having regard to the Staff Regulations of Officials of the European Union and the conditions of employment of other servants of the European Union laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 ([3]) and last amended by Council Regulation (EC, Euratom) No 723/2004 of 22 March 2004 ([4]),

Having regard to the Commission Delegated Regulation (EU) 2018/625 of 5 March 2018 supplementing Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark and repealing Delegated Regulation (EU) 2017/1430, in particular Recitals 10 and 11 thereof,

Having regard to the decision adopted by the Office´s Management Board by Written Procedure No 24/17 on 21 March 2017,

Having regard to the Internal Control Framework as revised by the European Commission by decision C(2017) 2373 final of 19 April 2017 and adopted by the Office in June 2018,

Having regard to the Office's Strategic Plan,

Having regard to the Office's Corporate Sustainability Framework,

Having regard to the Office's Quality Management System (QMS),

([1]) OJ L 154, 16.6.2017, p. 1.
([2]) OJ L 1, 5.1.2002, p. 1.
([3]) OJ L 56, 4.3.1968, p. 1.
([4]) OJ L 124, 27.4.2004, p. 1.

Whereas:

(1) The initiatives undertaken by the Office in accordance with its Strategic Plan focus on delivering best-in-class products and services as a registration office, by maintaining and improving the quality of decisions and proceedings for all customers, taking into consideration their perception and expectations through direct and immediate feedback, which are central to managing quality, ensuring predictability and implementing a coherent and consistent decision taking practice.

(2) The QMS is an instrument that helps the Office to run more effectively, provide better products and services to its customers, and improve internal and external stakeholder satisfaction and engagement. Since 2013, the Office's QMS has been implemented and certified under the international standard ISO 9001 for all the Office's activities.

(3) To achieve the abovementioned objectives, it is necessary to develop the concept of quality within the Office's core business activities by establishing, as part of the Office's QMS, an Integral Quality Framework that is solid, all-encompassing and forward-looking, with the purpose of improving customer experience, consistency and efficiency, together with overall user satisfaction.

(4) To ensure the successful implementation and communication of this framework, it is necessary to outline clearly its structure and logic, lay down the key assumptions on which it rests, and show how the various components of the framework interact and complement each other. This will allow the Office to identify areas for improvement, take preventive, reactive or corrective actions on unsatisfactory products or processes, assess individual staff needs, and identify areas for group training.

(5) Given the independence of the Office's Boards of Appeal and their important role in providing guidance on the Office's practice, it is necessary that they remain responsible for defining, establishing and controlling the quality of their own products and services as part of the Office's QMS,

HAS ADOPTED THE FOLLOWING DECISION:

SECTION 1
GENERAL PROVISIONS

Article 1
Purpose

1. This Decision defines and establishes an Integral Quality Framework (IQ Framework) to be applied to all Office IP Products.

2. It sets out the main principles that underpin the Office's quality vision and policies, outlines the IQ Framework's core features, and lays down appropriate structures to ensure the framework is properly set up, run, and governed.

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Article 2
Strategic Vision and Context

1. The creation of an IQ Framework is essential for fulfilling the Office's strategic vision of becoming an IP hub of excellence, by continuously improving the quality of its IP Products.

2. The Office's QMS relies on, complements and complies with the international standard ISO 9001 for all the Office's activities. The aim is primarily to achieve a stable and consistent quality level in the Office's output, thereby increasing user satisfaction and confidence in its products and services.

3. The coordination of the IQ Framework falls under the Office's QMS and focuses on the specific activities that relate to registering and administering intellectual property rights.

4. Both the QMS and the IQ Framework form part of the Office's Integrated Management Systems Policy and help the Office achieve the specific goals outlined in its quality strategy.

SECTION 2
THE INTEGRAL QUALITY FRAMEWORK

Article 3
Scope

1. The IQ Framework applies to all IP Products that the EUTMR and CDR empower the Office to deliver for the benefit of its customers.

2. The IQ Framework extends to the entire 'IP Product Cycle', which covers the full process of delivering IP Products, including the persons, teams and means implicated in that process, as well as the series of actions carried out to that end.

Article 4
Structure

1. For each IP Product, the IQ Framework identifies the corresponding actors, actions, and outputs, and captures all the elements that aim to determine, enable, measure, and improve its quality. These elements are grouped into quality determinants, enablers, and controls.

2. The specific components of the IQ Framework are annexed to this decision and are illustrated in as many diagrams and maps as necessary to reflect the gradual evolution of the IQ Framework in each production area over time (Annexes 1 and 2).

Article 5
Quality Determinants

1. Determinants define and condition the quality of the Office's processes and IP Products.

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2. Determinants guide the Office's quality efforts by providing the objectives and principles every quality initiative must comply with, in line with Office strategy.

Article 6
Quality Enablers

1. Enablers are the elements that provide adequate power, means, opportunity or authority to achieve a quality result.

2. Enablers encompass all the organisational structures, systems, means and resources deployed by the Office to enhance quality in a certain area. For each enabler one or more controls shall be put in place to ensure that the desired objective is achieved and the corresponding determinant further consolidated.

Article 7
Quality Controls

1. Controls are the standards of measurement, comparison and/or means of verification of the desired quality of an IP Product and serve to ascertain that the enablers put in place to that effect are efficient.

2. Controls may vary in nature, form and methodology, depending on the type of IP Product concerned. Controls may be hierarchical or between peers, and may take the form of performance monitoring, audits (including process audits, product audits, style audits, system audits) or surveys. They may be performed by Office staff or external stakeholders appointed for the purpose, acting individually or conjointly in panels, teams or other groupings.

3. The detailed rules and principles for the different types of controls, in terms of subject matter, procedure, methodology, sampling and roles and responsibilities, are included in the 'Guide on Product Audits and Controls'.

Article 8
Reporting and Review

1. The results of the controls shall be formally reported as part of the Office's QMS and shall be analysed to measure the quality for each product against objectively specified standards and customer expectations.

2. The analysis of results may reveal the need to take appropriate improvement or corrective actions, such as additional training, improving IT systems and increasing support to staff. It may also reveal the need to adjust examination standards and quality criteria and to implement new enablers and controls or deactivate existing ones.

3. Further triggers for undertaking corrective or improvement actions may be the need to realign determinants with changes in Office strategy, the outcome of risk assessments or audits, legislative and regulatory changes, as well as case-law developments.

4. The effectiveness and efficiency of the established enablers and controls will be reviewed annually within the context of the Integrated Management System annual

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review, as part of the Office's commitment to abide by the principle of continuous improvement.

Article 9
Knowledge Circle on Quality

1. The Knowledge Circle on Quality (KCQ) is responsible for the IQ Framework's governance, implementation and development.

2. The KCQ is an interdepartmental forum composed of representatives from all areas of the Office responsible for delivering IP Products or whose activities produce an effect on their quality.

3. The KCQ defines an annual work plan that is submitted for approval to the Executive Director. The KCQ reports to the Management and Advisory Committee at least twice per year.

4. The KCQ's Terms of Refence (ToR) specify its governance, responsibilities, tasks and composition. These may be reviewed as often as necessary. The Executive Director shall approve the KCQ's ToR.

SECTION 3
FINAL PROVISIONS

Article 10
Entry into force and repeal

1. The present Decision will enter into force on the day following the date of its adoption and will be published in the Official Journal of the Office.

2. Decision No ADM-18-71 of 17 December 2018 on the Office Product Quality Framework is hereby repealed.

Done at Alicante, 12 May 2021

Christian Archambeau
Executive Director

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ANNEX 1
STRUCTURE & COMPONENTS OF THE IQ FRAMEWORK

I. Structure of the IP Product Cycle

In each production area, the IP Product Cycle is divided in sequential phases that reflect the series of actions needed to deliver the IP Product in question and identify the actors, teams and means implicated to that end, as follows.

(1) **Actors:** these are individuals or teams involved in the IP Product Cycle. They request, receive or produce the Office's IP Products. For the purposes of the IQ Framework, both customers and Office staff are considered to be actors.

   (a) The term 'customer' encompasses any individual or company and/or the professional representatives representing them before the Office. They are the requesters and recipients of the Office's IP Products.

   (b) The term 'Office staff' comprises any person or team that is empowered to deliver the Office's IP Products.

(2) **Actions:** the IP Products are requested and delivered through these. The IQ Framework defines the following actions.

   (a) The term 'filing' refers to the process followed by the customers to interact with the Office to obtain IP Products.

   (b) The term 'production' refers to the workflow followed by Office staff to provide the customer with the requested IP Products.

   (c) The term 'communication' refers to any written, oral or electronic interaction between the Office and its customers via official communication channels.

(3) **IP Product:** refers to the result of the production process, namely the output of the Office, such as letters, notifications, decisions, and certificates.

The breakdown of the IP Product Cycle in sequential phases and the distinction between actors, actions and products enables the Office to apply better focused and more targeted quality enhancing measures in the respective areas.

II. Components of the IQ Framework

The individual components of the IQ Framework interact in a dynamic way and can be adapted to the specificities of each IP Product. The principal determinants, enablers, controls, their main interactions and how they impact the actors, processes, and IP Products in each phase of the cycle are given below.

Customer

(1) Insofar as customers are both the requesters and the recipients of the Office's IP Products, their position and role in the IQ Framework must be addressed from this double perspective.

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(2) The factors that condition the quality of a customer's interaction with the Office when requesting IP Products are their background and their knowledge. In this context, their background refers to different concepts such as their status (owner, representative, etc.), nature (individual, company, etc.), size (SMEs, etc.), location (EU Member State, outside the European Economic Area) and/or customer segment (first time filer, usual filer, Key User, etc.). Their knowledge concerns the information, competencies and skills they possess due to either their professional qualifications or prior experience and contact with the Office.

(3) That interaction is facilitated by ensuring that customers possess the requisite level of qualifications or education and by dynamic outreach policies that promote high-level training initiatives and ensure that adequate information and resources are made available to customers. Such measures and policies depend on, and shall be adapted to, the individual customer's background and the specific customer segment to which they belong.

(4) The effectiveness of these measures and policies is controlled by:

(i) ensuring that representatives possess the formal qualifications and credentials required to be entitled to act as a legal or employee representative or as practitioner before the Office (Articles 119 and 120 EUTMR and Articles 77 and 78 CDR);
(ii) monitoring and keeping track of customers' participation in the Office's training and awareness building initiatives.

(5) The customers' satisfaction with an IP Product mainly depends on its predictability (the trust they have in the Office providing the product with the expected outcome) in terms of compliance with the law, Office practice, timeliness, style, etc.

(6) The predictability of the Office's products from the customers' perspective is measured, among others, by regularly gathering their feedback on the Office's IP Products. A variety of measures have been developed for that purpose, such as surveys, audits, ad hoc events, etc.

Filing Process

(1) The quality of the customers' submissions when requesting an IP Product is conditioned by the guidance received during the filing process, that is to say the support and information provided by the Office (e.g. through tools, icons and personalised support) to help the customers to obtain the desired product in an error-free manner.

(2) The main means that enable customers to successfully complete the filing process are the information contained in the Office's front-office tools and the personalised support provided by the Office through direct real-time interaction with the customers.

(3) The desired quality of the filing process is measured by:

(a) monitoring the percentage of objections raised during the filing process;
(b) periodically auditing the user-friendliness of the relevant systems and processes;

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(c) gathering the customers' feedback through surveys or other means to measure their satisfaction with the guidance and service provided during the filing process.

Office Staff

(1) The Office staff entrusted with delivering IP Products must possess the necessary competencies, knowledge and skills to be able to perform their tasks successfully in accordance with the Office's job mapping.

(2) The aptitude of Office staff to perform their tasks in accordance with their job profiles is ensured by enacting appropriate human resources policies with regard to recruitment, career path, training and general professional development.

(3) The suitability of Office staff to perform their duties is safeguarded by:

(i) employing procedures with the aim of selecting the most suitable candidates on the basis of specific criteria included in the relevant vacancy notice;
(ii) carrying out annual evaluations to appraise their performance and identify learning needs and professional development opportunities.

Production Process

(1) The Office processes that facilitate the delivery of IP Products must be efficient in terms of use of time, means and resources. They must also be effective in terms of their capability of successfully attaining the intended results.

(2) The main enablers deployed by the Office to enhance the quality of the production process are:

(a) the organisational structures, including departmental and cross-departmental teams and groups whose aim is to support production;
(b) the instructions and support given to Office staff by supervisors, peers or coaches;
(c) the resources made available to Office staff;
(d) the various back-office tools and other IT infrastructure, including AI solutions, put in place to support production.

(3) The desired quality of the production process is controlled through performance monitoring. This involves measuring the individual or team processes' fulfilment of their respective objectives in terms of effectiveness and efficiency, in particular through performance, process, or system audits. Performance monitoring is complemented by managers ensuring Office staff have full access to the resources required to perform their tasks and follow the processes in place.

IP Product

(1) The quality of the Office's IP Products is determined by:

(i) their timeliness, that is to say their delivery within the expected time;
(ii) their compliance with the law and Office practice;

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(iii) their coherence and consistency, that is to say the Office output must be logically consequent and adhere to uniform quality standards over time.

(2) Attaining these objectives entails laying down concrete standards with which the product must comply, such as those included in the Office's Service Charter, Examination Guidelines and other rules or norms that Office staff must follow in order to provide the product, as well as developing objective quality criteria in order to measure the compliance of the product with the respective standards. These standards and quality criteria shall be specific to the various Office IP Products and shall be reviewed regularly.

(3) The checks put in place to measure the quality of the Office's IP Products include audits that may be carried out by internal staff or external stakeholders, the monitoring the confirmation rate of Office decisions by higher instances, as well as a systematic analysis of case-law trends to ensure the coherence and consistency of decisions.

Communication

(1) The quality of the Office's communications to the customers is determined by their clarity and style.

(2) To ensure that the Office communications meet the customers' expectations, it is necessary to develop user-friendly document templates that employ vocabulary and terminology that can be easily understood by the recipient, and to provide effective linguistic support during drafting and revision.

(3) The quality of the Office's communications is monitored through surveys, language audits and events organised by the Office with a view to obtaining feedback on the quality of its communications.

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ANNEX 2

QUALITY MAP: