

The Executive Director

**DECISION No ADM-23-45 on the  
Establishment and Operation of the  
Mediation Centre**

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<sup>(1)</sup> ('EUTMR'), and in particular Articles 47(4), 64(4), 151(3), 170, 157(4)(a) and 178(1) thereof,

Having regard to Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs<sup>(2)</sup> ('CDR') and Commission Regulation (EC) No 2245/02 of 21 October 2002 implementing CDR<sup>(3)</sup>, and in particular Article 31(5) of the latter,

Having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data,

Having regard to Decision No ADM-20-32 of the Executive Director of the Office concerning the administrative structure of the Boards of Appeal.

Whereas:

- (1) Pursuant to Article 151(3) EUTMR the Office may provide voluntary mediation services for the purpose of assisting parties in reaching a friendly settlement.
- (2) Pursuant to Article 170 EUTMR, the Office may establish a Mediation Centre.
- (3) It is appropriate to adopt provisions on the establishment and operation of the Mediation Centre.

HAS ADOPTED THE FOLLOWING DECISION:

*Article 1*  
**Establishment of the Mediation Centre**

- (1) The Mediation Centre (hereinafter, 'the Centre') referred to in Article 170 EUTMR is hereby established and will commence its operations on 22 November 2023.
- (2) The Centre will be operated by the Alternative Dispute Resolution Service (ADRS).

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<sup>(1)</sup> OJ L 154, 16. 6. 2017, p. 1.

<sup>(2)</sup> OJ L 3, 5. 1. 2002, p. 1.

<sup>(3)</sup> OJ L 341, 17. 12. 2002, p. 28.

*Article 2*  
**Scope and services**

- (1) The Centre will provide mediation services to any natural or legal person on a voluntary basis with the aim of reaching a friendly settlement of disputes based on trade mark and design matters. By mutual agreement, the parties may also include disputes involving other intellectual property rights-related matters within the scope of the mediation process.
- (2) The Centre offers expert determination as a complementary service to mediation services.
- (3) The Executive Director will establish a list of mediators to assist the parties in resolving their disputes. Mediators that are not staff members allocated to the Boards of Appeal will be nominated by the Executive Director. Mediators who are staff members allocated to the Boards of Appeal will be nominated by the Presidium of the Boards of Appeal and their names will be forwarded to the Executive Director.
- (4) The Centre will also engage in other activities such as:
  - (a) organising and delivering alternative dispute resolution (ADR) related information sessions and training in the field of intellectual property and ADR;
  - (b) conducting ADR awareness raising and promotional activities;
  - (c) managing ADR-related cooperation activities and relationships with stakeholders, in particular, national and international bodies dealing with ADR, including organising meetings and events;
  - (d) developing ADR policies related to intellectual property law and practice;
  - (e) providing guidance and assistance to parties involved in disputes to facilitate settlements;
  - (f) coordinating and updating the Office's roster of mediators and experts;
  - (g) offering quality assurance, follow-up and analysis;
  - (h) implementing and supporting all ADR-related activities entrusted to the Office;
  - (i) acting as a repository of expert determination reports and/or settlement agreements;
  - (j) providing written attestations of expert determination reports and/or settlement agreements following a mediation process administered by the Centre; and
  - (k) providing attestations of ongoing mediation processes, including indications of the formal proceedings before the Office that are affected by the ongoing mediation.

*Article 3*  
**Operations management**

- (1) The ADRS will ensure the management of the operations of the Centre, including case management support and assistance for the services specified in Article 2.
- (2) Through the Centre, the ADRS will coordinate the Office's ADR operations and manage ADR cases, serve as a primary point of contact for ADR-related inquiries and offer support to the Office's users on ADR matters.

*Article 4*  
**Steering Committee**

- (1) A steering committee will ensure the strategic management of the Centre.
- (2) The Steering Committee will consist of the Executive Director, who is its Chair, the President of the Boards of Appeal, the directors of the Operations, Legal and Customer Departments and the Head of the ADRS. Other Office staff may participate as required upon invitation by the Executive Director.
- (3) The members of the Steering Committee may delegate their participation.
- (4) The ADRS will support the Steering Committee and organise its meetings.

*Article 5*  
**Quality follow-up**

- (1) Questions or queries regarding mediation processes must be directed exclusively to the Centre.
- (2) The Centre will send a satisfaction survey to the parties after conducting mediation to gather feedback on the quality of the service. Information will be anonymised for the exclusive purposes of analysing quality.
- (3) The Centre will produce statistics on the services provided regularly, ensuring that all data that may identify the parties and their representatives is anonymised.

*Article 6*  
**Exclusion of liability**

The Office, the mediators and experts appointed to a case will not be held liable for the outcome of the mediation or expert determination, the implementation of the settlement agreement or its legality and enforceability.

*Article 7*  
**Transitional measures**

- (1) The Centre will offer mediation services in the context of *inter partes* proceedings before the Boards of Appeal upon the entry into force of this decision.

- (2) The Executive Director will determine the dates from which the Centre will offer mediation services in the context of EUTM cancellation, Community design invalidity and EUTM opposition proceedings, at first instance.

*Article 8*  
**Entry into force**

This Decision will enter into force on 22 November 2023 and be published in the Official Journal of the Office.

Done in Alicante, 21 November 2023.



João Negrão  
The Executive Director