

The Executive Director

**DECISION No ADM-25-21 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 ('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 amended by Regulation (EC) 2024/2822 of the European Parliament and of the Council of 23 October 2024 amending Council Regulation (EC) No 6/2002 on Community designs and repealing Commission Regulation (EC) No 2246/2002 (EUDR), in particular Articles 31(5) and 53(5) thereof,

Having regard to Regulation (EU) 2023/2411 of the European Parliament and of the Council of 18 October 2023 on the protection of geographical indications for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753,

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-24-12 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.
- (4) Mediation services are available for any inter partes proceedings before the Office.
- (5) Thus, Decision No ADM-24-21 should be modified accordingly.

HAS ADOPTED THE FOLLOWING DECISION:

Article 1
Establishment of the EUIPO Mediation Centre

- (1) A EUIPO Mediation Centre ('the EMC') is established in compliance with Article 170 EUTMR.
- (2) The EMC is operated by the Boards of Appeals, in accordance with Article 7 of Decision No ADM-24-12.

Article 2
Scope and services

- (1) The EMC is responsible for all tasks related to Alternative Dispute Resolution (ADR) at Office level, including relations with stakeholders, cooperation with other centres, training, awareness and education activities and events.
- (2) The EMC will offer voluntary mediation services in the context of any inter partes proceeding pending before the Office.
- (3) By mutual agreement, the parties may also include disputes involving other intellectual property rights-related matters within the scope of the mediation process.
- (4) The EMC offers expert determination as a complementary service to mediation services.
- (5) 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.
- (6) The EMC will also engage in other activities such as:
 - (a) organising and delivering 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 EMC; 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 EMC, including case management support and assistance for the services specified in Article 2.
- (2) Through the EMC, 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 EMC.
- (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 EMC, Business Operations, Business Support, Business Development and Legal Affairs 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 EMC.
- (2) The EMC 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 EMC 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
Amendments

This Decision repeals Decision No ADM-24-21 on the establishment and operation of the Mediation Centre that entered into force on 1 September 2024.

Article 8
Entry into force

This Decision will enter into force on 2 June 2025 and be published in the Official Journal of the Office.

Done in Alicante, 30 May 2025.



João Negrão
The Executive Director