

JOINT REQUEST FORM FOR MEDIATION

N° of pages (including this one):		
A. Appellant / Mediation applicant	Mediation applicant / Representative reference (not more than 20 characters)	
Address / ID Number		
Representative		
Address / ID Number		
B. Defendant / Mediation applicant	Mediation applicant / Representative reference (not more than 20 characters)	
Address / ID number		
Representative		
Address / ID Number		

Both parties have agreed to start EUIPO mediation in the following appeal case(s):

Appeal Numbers:

Both parties request the suspension of the proceedings for two months in view of a friendly settlement with the assistance of a mediator. If during these two months EUIPO mediation has commenced, it is requested to extend the suspension of the appeal proceedings until the termination of the mediation has been notified to the parties.

Signature	Signature
Name	Name
Place / Date	Place / Date

Explanatory notes

(1) Request for suspension

It is important to inform the Boards of Appeal as soon as possible of the willingness to settle the case by friendly settlement. This avoids that a decision be taken in the meantime.

It should be kept in mind that mediation and appeal or any other proceedings are separate proceedings. Whereas appeal proceedings are subject to strict legal requirements, such as the non-extendible time limits to file the appeal, pay the appeal fee (both two months from the notification of the contested decision), and submit statements of grounds for the appeal (four months from the notification of the contested decision) in accordance with Article 68 EUTMR, mediation proceedings are characterized by their flexibility and confidentiality.

A 'Joint Request for Mediation' is addressed to the Boards to which the cases were allocated. It is to be signed by both parties and communicated to the Board via the Registry, as any other request for suspension in accordance with Article 71 EUTMDR. It contains a request to stay the proceedings of all the indicated cases for two months. During these two months, the parties have the possibility to start EUIPO mediation by designating a Mediator, signing the Mediation Agreement and sending it to the Mediator. If Mediation has started, the suspension is extended up to the termination of the Mediation.

The use of the form to request the suspension of the case is not obligatory and may be replaced by corresponding letters. It shall be communicated to the Office through the official communication channels.

(2) Appointing a Mediator

Both parties must agree upon a mediator amongst the Mediators designated by the Presidium (see euipo.europa.eu/ohimportal/en/mediation). They may communicate directly with the Mediator whose e-mail address is mentioned in the individual presentations. They may also communicate the name of the Mediator to the Registry. Further, the Registry can assist in choosing a mediator. If the parties did not request the suspension of the proceedings yet, the Registry and/or the Mediator will communicate with the competent Board to suspend the proceedings.

The parties must provide the mediator with the names of the specific contact persons and contact details for the mediation exchanges by e-mail.

The parties may indicate several Mediators in order of preference and should send the request to the first Mediator chosen. Any Mediator is free to refuse mediation without giving any explanation. The Mediator may choose to be assisted by a co-mediator, whose presence, however, must be accepted by the parties. As soon as possible after being appointed, the mediator shall contact the parties and prepare the Mediation.

(3) How to maintain documents confidentiality:

The choice of the Mediator, the Mediation Agreement and the final Settlement Agreement shall be kept confidential by the parties.

- Please do not use the official communication channels of the EUIPO except for any procedural document that should go to the file, such as the request for suspension, limitations, withdrawals, etc.
- Use exclusively the mediator's special mediation e-mail address for any confidential mail addressed to the Mediator.
- Make sure by appropriate organisational means that any e-mail received by the parties in the context of the present mediation in your office or company remains confidential.