INTA Comments on draft EUIPO Strategic Plan (SP) 2025

INTRODUCTION

The International Trademark Association (INTA) thanks the Office for the opportunity to provide input on its draft Strategic Plan (SP) 2025. This is particularly important as the EUIPO plays a pivotal role in supporting the use of trademark and design rights as a tool to enhance innovation, spur economic growth, promote the creation of jobs and boost competiveness in the EU.

We would like to start by congratulating the Office on its 25th anniversary, and the impressive achievements reached so far. The EUIPO is a true success story beyond any doubts, having grown into a reputable agency users can rely on and be involved in, by participating in the Office’s activities up to its management level.

INTA appreciates the excellent cooperation it has built with the Office since its inception. We stand ready to foster this constructive relationship by continuing to support the Office in its mission to provide quality, state-of-the-art services to its users.

Further, INTA congratulates the EUIPO for a proposed strategic plan that is ambitious, forward-looking, part of an extensive reflection on the sustainability of the Office in light of challenges brought by political context, new technologies and climate change. We also appreciate the Office’s effort to keep users at the very center of its strategy with a number of concrete user-focused initiatives and tools found in the draft SP.

INTA would like to convey the following general comments, before providing specific comments on each of the SP’s Strategic Drivers (SD):

- Registration and management of trademarks and designs should continue occupying a central role in the EUIPO’s strategy and be explicitly part of its mission statement.

INTA is confident that quality registration services will continue to be a priority for the Office. INTA is reassured by the message, conveyed in the SP, that the Office’s focus on delivering excellent products and services to businesses when administering EU trademarks and Community designs remains unchanged.

As noted in the SP, the two prior strategic plans “focused intensively on the interests of users of the EU trademark and design systems and the need to put quality at the centre by becoming an Office of excellence”. We trust that the Office’s strategy for 2020-2025 will continue to focus on those same principles, with the same intensity.

We respectfully suggest that the proposed mission statement is incomplete, and recommend that the SP’s mission statement expressly mentions the services of grant and management of trademark
and designs which, even if not anymore the only core task of the Office, remain a central pillar in the EUIPO’s mission. Further, while we fully support the reference to customer-centric services, we recommend clarifying which services are at issue. We believe that it should be clear in the mission statement that the EUIPO provides customer-centric (which we recommend replacing by “user-centric”) services of (or including the) registration and management of EUTMs and RCDs.

- The SP should foresee a detailed implementation plan, including budget allocation. A contingency plan prioritizing trademarks and designs services would be appropriate.

The SP is quite ambitious, comprising new and often revolutionary ideas. Notably and among others, it proposes to consider all IPRs, an increase in cooperation activities and fora, new tools such as a Geographical Indications (GI) database, new services, including on enforcement, communications and advice to businesses, extensive reliance on new technologies, and even an IP register in blockchain.

We trust that a proper impact assessment and thorough consideration on the feasibility of each of the proposed initiatives, notably in terms of financial and human resources, in coordination with the European Commission, has been carried out. Considering that the SP’s projects are not listed in an exhaustive manner and also that its three SDs are placed on equal footing, a detailed implementation plan of the SP is obviously necessary to clarify the initiatives to be implemented first and those which are secondary, to provide a structured plan of when and how such initiatives will be put into practice, and to detail the process and timeline of users’ consultation. Considering the Office’s limited budget and potential constraints resulting from a possible lower EU budget, a clear budget allocation to each of the initiatives proposed in the SP is also appropriate. INTA recommends that initiatives relating to trademarks and designs services be prioritized over other tasks in both budget allocation and the implementation of the SP.

It is clear from the SP that the Office plans to increase its focus on cooperation and to expand to new areas in this field. Cooperation is at the core of the SP’s first SD and, as explained in the SP, will benefit from significant resources from the EUIPO’s budget. Notwithstanding the relevance of the EUIPO’s cooperation activities which INTA continues to support, we recommend that the Office establishes a contingency plan prioritizing administration services of trademarks and designs over other tasks, in case of unexpected constraints of budgetary or other nature.

Indeed, as noted in the introductory section of the Strategic Plan (pages 7-8), the demand for EU trademarks (EUTMs) and Registered Community Designs (RCDs) had been steadily growing over the years, reaching historical levels in recent years -- a demand which the Office has managed with effectiveness and professionalism. This is an outstanding achievement of the Office which should be continued and not jeopardized by unforeseen problematic events. However, the Office has stressed that it has a limited budget and that there is a potential reduction of the EU budget which could translate into lower resources for all EU bodies, including the EUIPO. Against that background, a precautionary approach seems necessary: anticipating such a scenario would allow the Office to be ambitious in its strategy while remaining prudent and sending a strong reassuring signal to businesses.
The SP should more clearly reflect that users are at the core of the Office’s strategy and ought to be involved in all initiatives, including cooperation.

We believe that the Office’s success will continue to derive from its capacity to stay close to the needs of its users and to respond with quality services accordingly. Therefore, INTA recommends to position SD 2 “Advanced customer-centric services” as the first SD of the SP. This would reflect the Office’s commitment to keep users as the core of its strategy. This would also send a strong signal to businesses that the Office will both continue taking a user-driven approach and if there are budgetary constraints, the priority will remain the provision of quality services to users.

More importantly, the SP should ensure and stress that users will be properly involved in all present and future EUIPO initiatives, including on cooperation. As per the EUIPO’s mandate, in particular Article 152(2) of the EUTMR, users should be involved in the different stages of all EUIPO’s projects and activities, including on cooperation, by having the opportunity to provide feedback both before and after implementation. We take note that the Office plans to expand the cooperation networks, including new partners and projects. However, it is not mentioned how the Office intends to involve users in such new cooperation initiatives. This should be explicitly clarified in the SP.

INTA congratulates the Office for including in its strategic plan many new tools and services specifically targeted at users and matching tools and practices with users’ needs as one of its main goals. Moreover, we strongly welcome that the SP acknowledges that different user segments have different needs and that, therefore, a tailored approach is needed. In order to ensure that such services and tools actually match users’ expectations, INTA recommends that before implementing any initiatives the Office carefully maps the existing services and assesses the actual needs of each different user segment. Further, while we support the focus on SMEs, we suggest to further stress that the needs of all businesses, regardless of their size and regardless of their provenance, will be thoroughly considered. In this context, we suggest that it be clarified that the Office’s commitment to “assist European businesses to become more competitive” is not to the prejudice of non-EU EUIPO users, which will continue benefiting from the EUIPO’s support and being included in its projects and activities.

The SP should further clarify some initiatives and notions.

While understanding that details on the several projects and activities envisaged in the SP will be included in future Work Programmes and European Cooperation Projects, we recommend that the SP be more concrete and detailed in the activities foreseen. Notably, the SP contains broad and somewhat abstract notions such as “holistic approach to IPRs”; “deeper partnership” with Member States IP Offices (IPOs) and other national authorities or “intermediaries”. We recommend that such broad notions and their legal basis be clarified to the benefit of certainty, transparency and accuracy of the SP. Such detail as well as the concrete budget allocation to each initiative referred to in the SP is necessary for INTA to be able to properly consider the proposals and provide relevant feedback to the Office.

INTA suggests that the SP includes consistent and clear references to the European Observatory on IPR Infringements (the “Observatory”) for areas and initiatives where it is competent, given that the Office and the Observatory have their respective legal frameworks and, therefore, the
Observatory’s scope and legal mandate differ from the rest of the Office’s tasks. This would be particularly appreciated when referring to all IPRs and enforcement.

We also suggest replacing the term “customer(s)” by “user(s)” throughout the whole SP, for consistency and since “users” more accurately reflects the fact that the Office provides a public service to the broad community of private stakeholders that contributes and therefore benefits and uses the Office’s tools and procedures. Moreover, both terms “customers” and “users” are used interchangeably throughout the SP’s text: this is confusing. At least, it should be explained what each of them refers to.

- Technology should continue to be framed as a means of assistance with consultation and prior testing by users.

INTA welcomes the renewal of the Office’s focus on the impact of new technologies and that it is committed to empower staff to “work smarter”. Likewise, we applaud the EUIPO’s commitment to face the future using a “human-centric approach”. Nevertheless, we urge the Office to carefully approach the “increased automation” on which it expects to rely.

While INTA welcomes a modern, technology-savvy Office, able to provide cutting-edge services to its users, this should be balanced with a human element that ensures that decisions are reviewed by individuals able to judge situations on a case-by-case basis and taking into account all the relevant circumstances. Machines cannot completely replace examiners and while time and cost efficiency are important, technology must not jeopardize the quality and fairness of decisions. It is therefore important that, even for simplified procedures such as the Fast Track, all decisions taken are reviewed by an examiner.

It is important that the Office allows users to test any new technologies, features and tools before their implementation. We further recommend that specific means of support are provided, notably by establishing direct means of communication with users, such as a dedicated hotline or chat bot with an EUIPO employee responding, so that questions can be quickly answered and errors can be swiftly corrected. The EUIPO should also regularly assess users’ experience with technology, for example by including dedicated questions in user satisfaction surveys. The assessment of the impact of technologies on the Office’s decisions could also be considered in the context of the Stakeholder Quality Assurance Panels (SQAP) project.

THE STRATEGIC DRIVERS

Strategic Driver 1: “Interconnected, efficient and reliable IP system for the Internal Market”

INTA believes that the goal of a more “interconnected, efficient and reliable IP system” is laudable and we fully agree that a robust IP system – both on the registration and enforcement dimensions – is essential for the success of the EU’s Internal Market. We would nevertheless welcome more clarity as to how the Office intends to focus this SD on the Internal Market given that the majority of the initiatives described relate with cooperation at the international level.
1. Expansion on cooperation initiatives and involvement of users

INTA continues to support the expansion of the EUIPO’s different initiatives on international cooperation, such as TM5/ID5, the sharing of TMView and TMClass or the implementation of the IP Key projects. INTA has also been a strong advocate of accession to the Madrid and Hague Systems and is thus pleased by the suggested support of the enlarged membership of both Systems in cooperation activities.

We take note that the Office will explore setting up new forums such as a dedicated “international cooperation forum”, a “visitor programme for non EU-stakeholders” and a “think tank on legal issues and IP topics”. We would welcome more detail on these initiatives and their purposes as well as how users will be involved. Further, we wonder if the multiplication of forums is efficient considering the overall ambitious character of the SP, the Office’s limited budget and the potential reduction of the EU budget which, as the Office has previously cautioned, could potentially translate into lower resources for all EU bodies, including the EUIPO. It is important that all activities and forums are backed by a proper assessment in terms of feasibility and resources.

INTA commends the Office for electing the need to match tools and practices with users’ needs as the first of the three principal goals of SD 1. Indeed, the Office’s success derives from its capacity to stay close to the needs of users and to respond accordingly. We are therefore very pleased to learn that this continues to be a central priority in the EUIPO’s strategy. We nonetheless note that, under Goal 1.1, users are only referred to as the end-receiver of benefits rather than as an active member/party to the network and projects. In particular, we recommend that it be clearly explained how the Office intends to hear and involve users to ensure that the tools and practices effectively match with their needs and expectations.

2. The Office’s tools: modernization of existing tools and offering new tools

We welcome the EUIPO’s commitment to offer new tools, to improve the existing ones, as well as the effort to make access to tools truly inclusive by considering the special needs of users with disabilities. Further, we appreciate the proposed increased use of "helper tools", based on new technologies. Indeed, we support the use of technology to promote efficiency gains but always as assistance rather than replacement tools – even the simplest tasks require, at the very least, human verification and confirmation that the outcome is correct.

With regards to existing tools, INTA supports the revamping of the flagship tools TMview, DesignView and the Harmonised Database to meet user’s expectations. We are also glad to read that the Office intends to deploy upgraded network solutions with a strong focus on the searchability of new types of marks. As previously noted to the Office, notably at the meeting with our EUIPO Subcommittee at INTA’s 2019 Annual Meeting, we support the EUIPO’s efforts to facilitate the categorization of non-traditional trademarks, thus enabling effective searches of such marks, and would be pleased to participate in the discussions and provide support to the EUIPO on this specific matter.

Concerning convergence of practices, we support both the encouragement of convergence analysis and the measurement of the impact of converged practices. In this respect, we note that it is necessary to ensure that the broadest consensus possible is achieved as the converged practices...
are intended to be uniformly applied by the different Member States’ IPOs. For this purpose, it is important that the Office allows the necessary time for such consensus to be obtained and that the timeline set for the projects’ conclusion is merely indicative, remaining flexible in case more time is needed to achieve a truly inclusive common practice. Success of the convergence practices should be evaluated on the basis of their positive impact and wide implementation by Member States rather than by their numbers or timeline to be finalized. Further, convergence should not be perceived as a goal on itself but rather as a means to achieve results that are beneficial and improve users’ experience in the interaction with IP offices. Harmonization of practices should only be pursued insofar as it can contribute to such beneficial results.

Concerning new tools, we welcome the EUIPO’s plans of cooperating with the General Court and the Court of Justice with the aim of setting up a “single multilingual tool to access all IP case-law related information”. Such a database would be very helpful for users as it would allow time saving and efficient gains. As the exact scope of this tool/database is not entirely clear in the SP, we take the opportunity to strongly suggest that it also includes decisions of national opposition and cancellation actions. Alternatively, a separate searchable database of opposition and cancellation decisions could be created.

Regarding the proposed new “GI database”, INTA would appreciate receiving further details, notably as concerns its scope, contents and structure. Moreover, we would like to understand if and how the EUIPO’s database would communicate and synchronize with the database “eAmbrosia - the EU Geographical Indications registers” launched by the European Commission in 2019.

In our view, one of the main issues relates to the different scope and nature of the legal protection afforded to GIs in each country. Therefore, INTA recommends that the new EUIPO database includes a comparative table about each single way to protect GIs (sui generis GIs, certification TM or collective TM) in each specific Member State accordingly.

On issues relating to “control systems” and “enforcement” in each country, INTA welcomed the EUIPO-EU Observatory Study on GIs control system and enforcement in the EU Member States, commissioned by the EU Commission DG AGRI, as it provides relevant and comprehensive information for EU Member States.

Involvement and prior testing by users is needed to ensure the quality and relevancy of the tools and that no form of legal advice is provided. Notwithstanding our positive reaction to the proposed refashioning of tools and introduction of new ones, we caution that in order to ensure that such positive initiatives actually meet users’ expectations, a process must be established to properly involve users in the set up and implementation of these initiatives. Notably, we strongly recommend that the Office allows and encourages users to test any features and tools that are targeted at them. For instance, it is mentioned in the SP that the Office plans to, where feasible, share its own internal tools. We wonder if the Office is also referring to its Tmmeaning tool. As previously mentioned to the Office, we would welcome that this tool is made available to users. Nevertheless, prior testing by users should be possible, in order to ensure that the tool fits their particular needs, which differ from those of IPOs that currently use the tool.

Further, we are concerned that some of the new initiatives proposed in the SP, such as the pre-clearance enhanced functions and the new shared pre-clearance platform may involve the provision
of legal advice. For full clarity, we recommend that the Office adds a disclaimer in this platform or any other pre-clearance services noting that the EUIPO does not provide legal advice, which can only be provided by IP professionals. At the same time, the scope of the services which extend beyond the traditional offer from the EUIPO should be carefully defined so that they are not perceived as an indication that no legal or more specialized advice is needed.

3. The Office’s enhanced role on advocacy

We take note that the Office intends to increase its exchange and cooperation with other EU Institutions, notably by increasing the communication of its work, seconding staff and providing support and expertise, including on trade policy negotiations. We trust that the Office has thoroughly discussed and coordinated with the relevant EU bodies, notably the European Commission, on this proposed increased cooperation, and that a proper impact assessment has been carried out, including the impact on human and budget resources of the Office. This is particularly important considering the Office’s limited budget and possible budgetary constraints resulting from a lower EU budget. Considering the wording of the draft SP under Goal 1.1 - Key Initiative 2, we wonder if the EUIPO proposes to have a role on EU trade policy negotiations that goes beyond the current one, i.e. the implementation of EU-funded programs. The detailed implementation plan, which INTA recommends be added to the SP, should include details as to the concrete initiatives that will be put into place to achieve the enhanced support to the EU Institutions on IP policy matters. This is necessary for a proper assessment and to be able to provide feedback to the Office.

Moreover, we note that the SP is not clear with regard to the activities that will be carried out as part of the Office’s own bilateral relationships with third countries versus those that are meant to implement EU-funded programs. INTA recommends that the SP clearly distinguishes between both for the sake of certainty and transparency.

We fully agree that the profile of IP at the EU institutions needs to be raised. With that objective, INTA shared with the European Commission and the EUIPO its IP priorities for the EU 2019-2024 political cycle, highlighting the importance of IP for the EU and providing concrete recommendations to promote and fully reap the benefits of IP as a tool to protect consumers, foster innovation and support EU Businesses of all sizes.

INTA strongly supports the EUIPO’s objective to provide evidence-based contributions to IP policy making. Notably, we welcome the proposed increased leverage of the results of major studies, both in scope and geographical coverage. We always appreciate the extensive studies that the Observatory produces. Nevertheless, we believe that that these valuable reports should receive greater promotion and publicity, which should include the development and implementation of a broader strategy for disseminating this information to a wider audience. In this regard, in our IP Priorities for 2019-2024, we highlighted the fact that it is crucial that the Observatory is supported in further disseminating and adapting these facts and figures to reach broader audiences, especially consumers. In this context, we welcome the establishment of a technology incubator to properly map and study the impact and potential of technology on/for IP services.

INTA commends the Office for the initiatives proposed under Goal 1.3 - Key Initiative 3 to promote a wider and deeper understanding of IP for policy-makers, consumers and businesses. We take
note that the Office plans to encourage a stronger focus on the importance of IPRs by the EU institutions and to launch awareness-raising activities targeting youth, SMEs and consumers.

We would welcome more information on the concrete activities planned and stand ready to support the Office. We understand from the presentation given at the strategic User Group Meeting of September 13 that the scope of one of the new proposed cooperation projects (ECP 6 ‘Supporting SMEs’) includes awareness raising activities of SMEs. INTA welcome this initiative, subject to further comments on the project’s scope and concrete activities planned. We would welcome more information as to how the EUIPO intends to work with the other identified sectors requiring awareness raising on IP, namely youth, policy makers and consumers. In this respect, we believe that both the positive impact of IPRs, including trademarks and designs, and the negative impact of counterfeiting and other IP infringements need to be communicated.

In our IP Priorities, we recommend that the European Commission launches and supports an EU-wide IP education campaign targeting consumers, university students, SMEs and policy-makers. In our view, such campaign could be coordinated by the Observatory, given the pivotal role it has played in raising awareness of the value of IPRs and the impact of their infringements through its studies and network.

INTA further supports the work of the Office with teachers and education authorities to develop tools that can inform and inspire young people on the importance of IP and the dangers of counterfeiting. INTA’s recent study1 on the Generation Z (18-23 years old) and counterfeiting has demonstrated that while 79% of these young people have purchased counterfeit products in the past year, 93% have a strong respect for the value of people’s ideas and creations, and that 74% think that it is important to buy genuine products. This shows that the opportunity to sensitize and educate young consumers exists and should be seized. INTA would very much support and work with the Office in this respect.

4. The Office’s increased focus on enforcement

INTA welcomes the increased focus on enforcement proposed in the SP for 2020-2025. In line with the above comment, we recommend that it be clarified that the initiatives proposed to step up IP enforcement, notably under Goal 1.2, will be carried out through the Observatory. Particularly, we fully agree that there is a need for better coordination between enforcement actors. We support the Office’s intention to facilitate the exchange of information and data between the different actors, including authorities, right holders and businesses.

INTA finds encouraging and applauds the EUIPO’s objective to take very specific steps in relation to enforcement of IPR on the marketplaces, such as an integrated secure online service and a mechanism to verify the rights of right holders willing to join platforms’ IP protection programs.

However, we fail to see the same level of detail with regards to off-line enforcement. It is mentioned that the EUIPO will continue working with Europol, Eurojust and enforcement bodies, which INTA supports, but no specific initiatives are indicated. We encourage the EUIPO to work on stepping-up the standards of enforcement of IPRs among Member States and to work on specific initiatives.

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1 INTA’s study “Gen Z Insights: Brands and Counterfeit Products”, May 2019.
Notably, we encourage the Office, via the Observatory, to promote initiatives to combat more effectively bad faith applications within the EU. In line with its 2009 Board Resolution, INTA believes that trademark owners should be able to prevent the registration of trademarks applied for in bad faith and recommends a set of criteria for a finding of bad faith application/registration.

Moreover, we urge the Office to ensure that only good faith trademark owners can access the information that the EUIPO collects on online platforms’ notice and takedown policies as sharing such information publically could lead to an exploitation by infringing parties.

Further, INTA recommends that the EUIPO ensures that its databases “speak” to the other existing enforcement databases at a regional and national level within the EU before looking at outside jurisdictions. Indeed, the many tools available in the EU can be overwhelming as it takes much effort to keep information updated in these types of systems.

INTA fully agrees that more needs to be done to make the EU sources on IP law and practice more transparent and readily available. In this respect, we believe that information is lacking on the specific online tools which should enable easier enforcement of IPRs. We reemphasize our above recommendation of establishing an easily searchable and encompassing database comprising national opposition and cancellation decisions.

**Strategic Driver 2: “Advanced customer-centric services”**

As mentioned above, this should be the first SD of the SP. INTA appreciates that the Office has progressively been changing its interaction with users, multiplying interactions and possibilities to provide feedback. Precisely for that reason, we believe that prioritizing this SD over the other two would send a strong signal to businesses that the Office is committed to continue being, before and above all, a user-oriented organization, focusing first on the needs and priorities of its users.

As already noted, we welcome the segmented approach proposed on the SP that considers different segments of users according to their particular needs. We however stress again, in this regard, that in order to ensure that the Office’s welcomed new or enhanced user-focus tools and practices effectively respond to needs and expectations, users must be properly involved, i.e. consulted in a timely manner and in a way that enables them to understand how their feedback is integrated in the Office’s initiatives.

INTA strongly welcomes the focus on the quality, consistency and predictability of the services offered to users, as well as the approach that is proposed under this SD to achieve quality: identify users’ needs, integrate their feedback, sought in a progressively direct and immediate manner, and deliver solutions based on the particular user segment. We believe this is the right approach.

1. **The Office’s services: enhancement of existing services**

The SQAP project: We believe that the SQAP is one of the Office’s most successful projects in ensuring that users participate in the quality management of EUIPO decisions. We look forward to receiving more information on the extension of SQAP to more products, after the successful extension to decisions on trademark absolute grounds of refusal and the soon to be implemented pilot extension to invalidity of designs’ decisions. As stressed to the Office before, we have noted
that some EUIPO decisions are less substantiated. We hope that the extension of SQAP to cover more kinds of decisions may contribute to tackle this issue. INTA is pleased to actively participate on the SQAP project and we hope that user associations will continue to be involved in all instances of the SQAP, regardless of the products or other stakeholders that may be involved in the future.

As there is always room for improvement even in the most successful projects, we would welcome that more complex decisions were submitted to the analysis of SQAP auditors. While we understand that the selection of decisions is random and that some are excluded for reasons of conflict of interests or languages, we believe that the quality check of EUIPO’s decisions would be more robust and comprehensive if users had the opportunity to audit all kinds of decisions, from the simplest to the most complex.

Alternative dispute resolution services: We take note that the Office intends to enhance its services of alternative dispute resolution, including by using “assisted negotiated tools”. In this respect, as stressed in previous occasions, while INTA strongly supports the promotion of mediation, we are concerned about the potential creation of a EUIPO Mediation Center, as foreseen by Article 170 of the EU Trade Mark Regulation. Such creation, if it must be, should be carefully pondered. Any bureaucratic and complex layer, which would take away the flexibility and the human nature that mediation attempts to offer should be avoided. In that sense, we recommend that the list of mediators referred to in Article 170 (12) expressly includes mediators that are not EUIPO employees. We further recommend that the EUIPO Mediation Center, if created, is presented as an alternative, and not the only route for mediation on EUTM and RCD cases.

Fraudulent or misleading practices: We support the EUIPO’s efforts to continue working to protect users from fraudulent practices, including the encouragement of the interaction with the TM5/ID5 partners in the respect and, possibly, the creation of an “anti-scam shield”. Nevertheless, we recommend that any initiatives on the field of fraudulent solicitations be thoroughly discussed and considered within the framework of the Anti-Scam Network so that a consensual modus operandi can be agreed and duplication of efforts is avoided.

2. The proposed new services and the need to avoid providing legal advice

INTA appreciates the goal of offering new services to make IP protection more accessible, transparent and attractive, as well as the groundbreaking ideas advanced on the SP to achieve that goal. We would nevertheless recommend that a meticulous research exercise on similar initiatives and services be conducted, in order to assess best practices and ensure a higher degree of certainty and proper resource and time allocation.

Further, it is important to ensure that the EUIPO does not provide new services at the expense of the quality and reliability of its trademark and design administration services. Notably, INTA members have experienced issues with the stability of the EUIPO’s online platform and with the length of the response time to technical issues - it can take nearly 5 minutes to file a very short response to an Office action. These issues have been reported several times to the EUIPO, including to representatives of the Key User program during onsite visits. We strongly recommend that these faults be remedied and that services for EUTMs and RCDs are improved before the Office expands the range of services it offers.
Moreover, the SP lacks detail as to the new services proposed which are often simply named without any explanation as to their scope or implementation (for example, “IP valuation”, an “IP register in blockchain” or a “European private cloud for IP”). In line with the above comments, we note that it is not possible to properly consider and provide feedback on the proposed services without detailed information as to their nature, implementation process and use of human and budgetary resources.

We note with some concern that many of the new proposed services have a broad scope and involve actions and operations by the Office that are different from what is typically offered by the EUIPO. Notably and as mentioned before and above, it is important to ensure that the Office refrains from providing any services that may involve or be perceived as involving legal advice. For this purpose, we suggest that a disclaimer be included in all communications about such services clearly stating that the EUIPO does not provide legal advice and that such advice is important and should be obtained with the relevant professionals.

Notably, as concerns the services proposed before filing and during examination (Goal 2.2, Key Initiative 1), we very much welcome the possibility to schedule direct exchanges with examiners, which INTA has been requesting for some time. However, we are concerned that the scope of some of the EUIPO’s activities such as “guidance and advice to filers”, “tailored pre-clearance tools”, or “support for drafting submissions to the Office” may involve legal advice. Even more so, we find it difficult to see how the EUIPO can assist applicants to “tailor their product specifications in line with their commercial strategies”, the service typically provided by agents, without providing any sort of legal advice. The same can be said regarding some post-registration IPR management (Goal 2.2, Key Initiative 2) that the EUIPO proposes to offer, notably the “assistance to bilateral negotiations via an electronic platform”.

Other services such as IP valuation or the program enabling companies to subscribe to insurance policies must be carefully considered before implementation in order to make sure that they fit within the framework of the Office’s legal mandate and its limited budget. Overall, we recommend that the Office approaches the expansion to services that are currently performed by the private sector, such as IP valuation, with particular prudence, especially considering the EUIPO’s limited budget and the potential budgetary constraints mentioned above. INTA believes that the EUIPO should continue providing quality services of an inherently public nature and that services which extend beyond that should be left to the expertise and specialization that can be found with the private sector, i.e. dedicated IP businesses and practitioners.

Overall, we would like to emphasize that despite our appreciation of the Office’s efforts to increase support to users, professional help such as that provided by an agent and/or in-house trademark specialist is very important and cannot be replaced. The use of a professional allows applicants to be aware of the possible pitfalls and mitigate risk of oppositions and enhance their strategy by adapting their choice of future trademark, selecting the exact classes and territory they need to cover for their goods and services. The Office should not displace professionals in these services and should refrain from providing legal advice, which in addition, would conflict with its administration and registration tasks.
3. New IP services for SMEs

As noted above, INTA supports the EUIPO’s proposed approach to provide services that are tailored to each category of users. This naturally includes SMEs which, given their importance in Europe’s economy and, and the same time, their lack of use of IPRs, need tailored-made support initiatives. In this context, the fact that SMEs are a broad and heterogeneous group, comprising businesses of different sizes and with different resources, should be taken into account in the conception and frame of these new services. As mentioned above, INTA stands ready to support the Office in the creation of a specific awareness program for SMEs, in cooperation with IPOs and user associations, as a European Cooperation Project. We nevertheless stress again that the needs of all businesses which make use of the Office’s tools and services and contribute to its budget, regardless of their size, should continue to be considered and properly included in the Office’s strategy and initiatives. All businesses, regardless of their size and provenance, should have equal access to the Office’s services.

We take note that of the EUIPO’s ambitious plan where SMEs are concerned and the specific four priority areas covering the full life-cycle of an IPR and ranging from provision of information, support on the identification and resolution of issues, to the use of IP. In line with the abovementioned, we find it necessary to receive detailed information from the Office as to which concrete initiatives are planned to respond to each of these priorities as well as the allocation of resources, in order to be able to provide input. Moreover, we repeat the above word of caution regarding the expansion of services offered by the EUIPO to services traditionally provided by the private sector and the need to guarantee that SMEs do not perceive the EUIPO’s services as involving any form of legal advice.
**Strategic Driver 3: “Dynamic organizational skill sets and an innovative workplace of choice”**

INTA welcomes the overall message and directions contained in this SD: we agree with Office’s approach to embrace the so-called fourth industrial revolution on its tools and practices and also to increase the productivity and well-being of its staff. Further, we commend the EUIPO on its projected initiatives to ensure that it is a truly sustainable organization.

As expressed above, we support the EUIPO’s proposal to foster the use of technology to promote efficiency gains and a seamless experience to users, while remaining human-centric. In this respect, while we agree that some more complex tasks can only be delivered by human beings, we remind the Office that *all* tasks need a level, even if minimum, of human involvement to ensure verification and confirmation of the results generated by means that rely exclusively on technology.

Moreover, we appreciate the EUIPO’s commitment to carefully manage the technological transformation to take advantage of the potential of technology while keeping staff at the center of its endeavors. To this reasoning, we would like to add that a careful management of the technological transition is required also to ensure avoidance of mistakes with potential serious consequences on the efficiency or quality of the Office’s operation or on users’ experience. Such a cautious approach is all the more important as the Office plans to further encourage “experimentation” and “risk-taking”. Indeed, the EUIPO’s initiative and boldness is welcome provided that it is consistently balanced with a prudent approach that ensures thorough impact assessments and sufficient human and budget resources, favoring quality over speed.

We note that under SD 3 many new and ambitious projects are proposed, notably a “European private cloud for IP” and an “IP register in blockchain”. INTA would appreciate to receive more detailed information about these initiatives and projected implementation. Further, we emphasize again that users should be involved in all initiatives planned by the Office from the outset, i.e. they should be consulted in a timely and comprehensive manner and should be able to ascertain how their feedback has been integrated in the project.

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INTA stands ready to support the Office in its efforts towards finalizing the SP2025. We hope you will find these comments useful. Should you wish to further discuss any of the points we have raised or additional issues, please contact Hélène Nicora, Chief Representative Officer- Europe at hnicora@inta.org or Carolina Oliveira, Policy Officer-Europe at coliveira@inta.org.