APRAM COMMENTS ON THE STRATEGIC PLAN 2025

APRAM is grateful to the Office for having the opportunity to provide input on its Strategic Plan 2025. This ambitious plan reflects EUIPO's involvement during the past 25 years to provide excellence in the IP field.

APRAM also appreciates for the good relationship and close collaboration we have forged together over the years. Our Association will always support the EUIPO in achieving its goal to better serve the users' interests and the role of IP in the economy.

You will find below our comments, which follow the structure of the plan.

STRATEGIC DRIVER 1
INTERCONNECTED, EFFICIENT AND RELIABLE IP SYSTEM FOR THE INTERNAL MARKET

GOAL 1.1 Matching tools and practices with users' needs

APRAM can only agree with this goal. It would appreciate however to be consulted upstream on the different tools' projects before their selection given its heightened knowledge of users' needs. After tool selection and development, APRAM would be pleased to participate in the testing of the different tools.

Initiative 1 :
*   CP needs to be continued in fully transparency and with regular written feedback as user associations do not take part in all ECPs. It is important to put in place CP selection and implementation processes. APRAM would like to stress that the scope of certain CPs should not be reduced to practically nothing.

    As far as ECP are concerned, we believe that ECP6 and ECP4 will have more impact on users. Moreover, as a general comment, the intended roadmap unrealistic especially for ECP8, where feedback from national IPOs is to be collected and shared with Users Associations.

*   User Associations: the role of Users Associations is paramount in the establishing of a dialogue and the overall development of the EUIPO. As already commented, clarity is required on the rotation system between Users Association. Furthermore, participating UAs need to plan early in advance to coordinate efficiently and need at least 6 months advance notice of the schedule and information regarding the Associations participating in the rotation and the calendar of forthcoming change.

Initiative 2 :
Cooperation with EU Commission, Court of Justice and other EU agencies :
Increased cooperation shall be promoted.
A case-law database would be very helpful for users, including practitioners.

Initiative 3 :
If APRAM supports extending the use common tools and practices outside the EU, we believe that European UAs should be consulted beforehand regarding their needs that need to be mapped with UAs before EUIPO makes such extensions.

EUIPO should not lose sight of one of its main goals namely to encourage European competitiveness. It should therefore prioritize promoting European business before enlarging the scope of the common tools and practices objectives by means of an international extension.

GOAL 1.2 : Stepping up IP enforcement in defence of right holders and society

Initiative 1 :
It raises the question of data security and confidentiality especially in the IP enforcement portal. EUIPO needs to ensure that such highly confidential data will be protected and only accessible to the parties concerned. Furthermore, regarding the platform's harmonised approach to "take down" arrangements, if the initiative is praiseworthy, we express some concerns on its feasibility given such platforms' existing practices: no harmonization of the take-down notice system, no data on proactive take-down notices; effectively the lack of transparency jeopardizes the effectiveness of the results.

Initiative 2 :
We would make the same comment regarding security and confidentiality of data exchanges between enforcement authorities and bodies. APRAM supports a strong partnership between EUIPO and the different actors of the enforcement network.

GOAL 1.3: Developing an IP knowledge hub

As a general observation, the development an IP knowledge hub should facilitate access to learning materials, education support, and therefore provide assistance to the users and increase IP awareness. APRAM therefore supports these initiatives. However, the practical details invite several comments :
-   Regarding GIs, we support the idea of a consolidated database. A unique data source for all GIs would be helpful, provided it is accompanied with a summary of the different GIs' status, per country.
-   In so far as domain names are concerned, we also consider that the relationship to corresponding trademarks should be highlighted, considering the risks of cybersquatting that rights holders experience when filing EUTMs. However, EUIPO should clarify its goals, and develop cooperation with registrars and registries like EURID and ICANN in order to ensure efficiency.

STRATEGIC DRIVER 2
ADVANCED CUSTOMER-CENTRIC SERVICES

This strategic driver is a key one and should be considered a priority. The number of existing EUTMs evidence the endorsement by users and popularity of the system. To the extent that

users have contributed to the success of EUIPO, they must remain the heart of its focus and decision-making process.

Regarding terminology, we do not fully understand with the purpose of replacing USERS by CUSTOMERS although we appreciate that EUIPO may want to capture a broader public. It is important to ensure that EUIPO is managing the delicate distinction between informing users as opposed to advising customers / clients.

In this respect, the language used must be clear on the EUIPO portal regarding the content, scope and responsibility of the relevant texts.

Reserves are made on communication with and access to Examiners: Communication and clarity of what the contact person is permitted to comment and to what extent the "advice" may be considered binding although they are not an expert. APRAM supports facilitated access to Examiners, especially for legal matter requests.

GOAL 2.1: Improved user experience quality and efficiency

Initiative 1 :
APRAM welcomes the SQAP extension given the success and quality of this programme. However, there should be no auditors' certification in order to maintain flexibility and agility among our experts.

As the IT system regularly encounters accessibility difficulties, any improvements to available databases are welcome.

GOAL 2.2 : New services to increase added value to businesses

Initiative 1 :
APRAM expresses its reserves on the tailored pre-clearance tools as the intended goals, scope of results and corresponding limitations and understanding of these parameters by users are not clear. It also raises the important question of responsibility.

APRAM, as mentioned below, clearly supports improving direct interaction with Examiners.

As far as the Key User programme is concerned, we favour the enlargement of this service:
- As it is efficient, useful and appreciated by users ;
- As it was initially proposed exclusively to "top filers", and extension of this service would eliminate discrimination between users.

Initiative 2 :
APRAM supports facilitating alternative dispute resolution.

However, the initiative "IP valuation services" raises some concerns. This seems to go far beyond EUIPO's role. At the very least, it should be renamed to remove the reference to "services". Unless EUIPO limits such "services" to a providing a catalogue of methodologies

and practical/factual data (such as the number of proceedings based on a specific trademark: weak, strong etc..), such IP valuation shall not be provided by EUIPO.

GOAL 2.3 : IP services for SMEs

Initiative 1 :
If the EUIPO intervention is useful to facilitate access to IP awareness and access to SMEs, it should be through intelligible materials that are adapted to their needs. However, some of the EUIPO initiatives such as "Building bridges between investors and owners of IPRs" as well as "IP pre-diagnostics and benchmarking IP valuation instruments" are overstepping the scope of its missions. SMEs should not be misled: they will not obtain legal advice from the EUIPO.

Initiative 2:
This should be carried out in close cooperation with UAs given their knowledge of the needs of SMEs.

STRATEGIC DRIVER 3
DYNAMIC ORGANISATIONAL SKILLSETS AND AN INNOVATIVE WORKPLACE OF CHOICE

GOAL 3.1: Continuous learning and sustainable staff engagement

APRAM supports the three initiatives as one can only agree with staff continuous training, development programs and a sustainable staff engagement.

Our only comment is about Artificial Intelligence that should be used wisely and not weaken personal thinking.

GOAL 3.2: Evolving with the digital era

As above, APRAM supports the three initiatives with the same comments as hereabove regarding AI.

Regarding blockchain technology, it would be appreciated to have more details in order to better understand the content and purpose of this initiative.

There is a need for greater clarity on who is doing what among the technical expert group comprising the EUIPO, the Observatory and the EU Commission. The goal being to limit redundancies, reduce the overlap of IT projects between the three expert groups and to simplify the understanding of responsibilities for Users.

GOAL 3.3: Towards the future / sustainable workplace
We can only approve these initiatives and appreciate that EUIPO policies and focus shifts in this direction.