

Evaluation study of the European Union Trade Mark Regulation (EUTMR)

Fields marked with * are mandatory.

Introduction

Based on Article 210 of Regulation (EU) 2017/1001 on **the European Union trade mark (EUTMR)**, the European Commission is mandated to conduct a review of the implementation of this Regulation every five years. Given that EUTMR was codified in 2017 and the secondary legislation implementing the EUTMR was codified in 2018, the first review of this regulatory framework is taking place now, in 2023. The goal of this evaluation is trifold:

1. **Assess the implementation of the tasks and obligations assigned by the EUTMR** to the European Union intellectual Property Office (EUIPO) and the EU Member States, as well as identify key issues and best practices in national and EU level implementation;
2. Review **the legal framework of cooperation and the financing mechanism** set out between the EUIPO and the national IP offices in support of convergence of practices and tools in the field of trade marks and designs;
3. Review **the impact, effectiveness and efficiency of the EUIPO's working practices.**

To evaluate the abovementioned themes, the European Commission has tasked Capgemini to aid them in gathering relevant stakeholder input. The letter of support from the European Commission can be found [here](#).

Support letter

[DG_GROW_support_letter_EUTMR_Study.pdf](#)

To have representative data, we kindly ask you to answer questions truthfully. Depending on your path, the entire survey should take you between 15 to 30 minutes.

Please note that after you start the survey, you can also save it and return to it to complete it.

Should you have any questions about the survey, please do not hesitate to contact the Project Manager of the study team, Soohyun Lee, soohyun.lee@capgemini.com. The contact person at the European Commission is Philipp RUNGE, Philipp.RUNGE@ec.europa.eu, Legal and Policy Officer at DG GROW.

As you proceed through this survey, please be aware that **the numbering of questions may vary depending on the stakeholder group category** you identify with in the initial section. This tailored approach allows us to present you with questions that are most relevant to your specific role and interests.

The survey will be closed on the 3rd of November, it will therefore not be possible to provide input after this date.

For your convenience, downloadable copies of the survey questions can be found here:

- **IP user association** representing either brand/trade mark owners or IP practitioners

[Survey questionnaire - IP user association.pdf](#)

- **Industry/business representative association** (chambers of commerce, SME associations, business unions etc)

[Survey questionnaire - Industry business representative association.pdf](#)

- **IP rightsholder/IP rights applicant/IP intermediaries such as law firms and other IP service providers and businesses** including companies such as SMEs, large scale enterprises, and associations or organisations eligible to apply for trade marks, acting either directly or via an intermediary

[Survey questionnaire - IP rights applicant IPrightsholder IP intermediary.pdf](#)

- **National or regional IP offices**

[Survey questionnaire - National regional IP Offices.pdf](#)

- **Others** (i.e., research, academia with a focus on IP)

[Survey questionnaire - Others.pdf](#)

We are also including a glossary with the most common terms you will find in the questionnaire. We kindly ask you to familiarise with these terms before answering to the survey.

Part 1 - Identification

I have read and approve the data protection notice.

[Privacy notice DG GROW EUTMR study.pdf](#)

* Please indicate your name and surname:

Claire-Line LALLEMAND

* Email:

Would you consent to be contacted by our study team should we need to further understand your answers?

- Yes
- No

*** I am representing:**

- An IP user association representing either brand/trade mark owners or IP practitioners
- An Industry/business association (i.e. chambers of commerce, unions of SMEs, etc.)
- An IP rightsholder/IP rights applicant/IP intermediaries such as law firms and other IP service providers and businesses including companies such as SMEs, large scale enterprises, and associations or organisations eligible to apply for trade marks, acting either directly or via an intermediary
- National or regional IP office
- Other (research/academia with a focus on IP):

Please indicate the name of the organisation you are representing:

APRAM - Association of Trade Mark and Design Law Practitioners

Please indicate your position in this organisation:

Public relations and policy consultant

*** In which country does your organisation have its registered seat or main headquarters?**

- AT - Austria
- EE - Estonia
- IT - Italy
- PT - Portugal
- BE - Belgium
- FI - Finland
- LV - Latvia
- RO - Romania
- BG - Bulgaria
- FR - France
- LT - Lithuania
- SK - Slovak Republic
- HR - Croatia
- DE - Germany
- LU - Luxembourg
- SI - Slovenia
- CY - Cyprus
- EL - Greece
- MT - Malta
- ES - Spain
- CZ - Czechia
- HU - Hungary
- NL - Netherlands
- SE - Sweden
- DK - Denmark
- IE - Ireland
- PL - Poland
- ID259 - Outside the EU

If applicable, please indicate additional EU Member States your organisation is active in.

*** What industry(ies) does your organisation or the (majority of the) members you represent belong to?**

- Agri-food
- Construction
- Defence
- Education and leisure
- Electronics

- Energy and renewables
- Pharmaceuticals
- Textile including clothing/accessories
- Tourism
- Transport & Mobility
- Cosmetics
- Other

Other: please specify

IT /software, videogames ; TV/Media ; chemicals

*** Please indicate to what extent you are familiar with the EU Trade Mark Regulation (EUTMR).**

- Not familiar (i.e. I do not know it, or I have heard of it but I do not know what it means for my organisation)
- Somewhat familiar (i.e. I have heard of it and know the basics, but I have never been exposed to it)
- Familiar (i.e. I am well aware of this Regulation and regularly deal with EU trade marks as part of my work)
- Very familiar (i.e. I know this Regulation in detail and EU trade marks are part of the core activities of my organisation)

*** Please choose which of the below options best describes your experience with the EU trade marks system:**

- My organisation has successfully applied for EU trade marks
- My organisation has applied for EU trade marks in the past but we have not been successful (it was not granted by the EUIPO)
- My organisation considered applying for EU trade marks but never did
- My organisation never considered applying for EU trade marks
- My organisation has only applied for trade mark protection at national level
- My organisation has never applied for any kind of trade mark protection

*** When did your organisation first apply for an EU trade mark?**

- Before March 2016
- After March 2016

*** Please select the statement that best represents your situation: “When filing an application for an EU trade mark....”**

- My organisation would be typically the direct filer/applicant
- My organisation typically files EUTMs on behalf of other organisations
- My organisation would typically use intermediaries (IP representatives as lawyers, agents, etc.)

*** How many EU trade marks has your organisation successfully registered until now?**

It is not APRAM per se that is applying for EU TM but our members are in-house lawyers, Attorneys-at-law and Industrial Property Attorneys that frequently file EU TMs for their companies/clients.

* Can you specify in which years your organisation has registered its EU trade marks?

Since 1996

Part 2.1 - Implementation of EUTMR

Q2.1.1 To what extent do you think the EUTMR has helped to achieve the following objectives?

Objective Not Achieved (1): there is no progress or success towards the goal

Objective Minimally Achieved (2): there is limited progress towards the objective, but it is far from being fully achieved

Objective Partially Achieved (3): progress has been made, and some aspects of the objective have been achieved, but it is not yet fully realized

Objective Mostly Achieved (4): the objective is close to being fully achieved, but there may still be minor gaps or improvements needed

Objective Fully Achieved (5): the goal has been met

* **Establish a modern trade mark system that allows businesses to obtain a trade mark uniform protection across the EU, through a streamlined procedural system adapted to the digital age.**

- Objective Not Achieved (1)
- Objective Minimally Achieved (2)
- Objective Partially Achieved (3)
- Objective Mostly Achieved (4)
- Objective Fully Achieved (5)

* **Improve accessibility of the trade marks protection in the EU.**

- Objective Not Achieved (1)
- Objective Minimally Achieved (2)
- Objective Partially Achieved (3)
- Objective Mostly Achieved (4)
- Objective Fully Achieved (5)

* **Ensure coexistence and complementarity between EU and national trade mark systems.**

- Objective Not Achieved (1)
- Objective Minimally Achieved (2)
- Objective Partially Achieved (3)
- Objective Mostly Achieved (4)
- Objective Fully Achieved (5)

* **Provide legal certainty for all businesses holding EU trade marks as regards scope of protected goods and/or services.**

- Objective Not Achieved (1)
- Objective Minimally Achieved (2)
- Objective Partially Achieved (3)
- Objective Mostly Achieved (4)
- Objective Fully Achieved (5)

Q2.1.2 If applicable, what kind of positive changes have you observed with regards to how the EUTMR has been implemented (You can refer broadly to the EU level or specifically to the country(ies) where your organisation is active)?

Renewal fees are lower.

Q2.1.3 If applicable, what kind of best practices have you observed with regards to how the EUTMR has been implemented (You can refer broadly to the EU level or specifically to the country(ies) where your organisation is active)?

Q2.1.4 If applicable, what kind of obstacles have you observed that prevent, hamper, or delay the implementation of EUTMR? (You can refer broadly to the EU level or specifically to the country(ies) where your organisation is active)

Provisions regarding applications to claim seniority remain unclear : during the last revision of the regulation, the effects and scope of applications to claim seniority should have been clarified. Those claims aim at simplifying trademarks portfolio and avoid the renewal of national or international rights that duplicate EU TMs. Yet, effects of seniority claims, their concrete acknowledgement by national IP offices and WIPO, and the legal certainty of this system are not entirely clear. This is especially true when the national trademark or the relevant part of the international trademark is not renewed and then the corresponding EU TM lapses for one reason or another. In this case, the national or international trademark should be considered valid again but there is currently no certainty on this and practicalities are not clearly defined.

Legal texts should be clarified on this point or, at least, cooperation with national offices and WIPO should be implemented to agree on the practicalities, ensure that national or international discontinued trademarks are back in effect if the EU TM ceases to exist, and that third-parties are adequately informed at all stages that previous rights can be invoked against them.

*** Q2.1.5 What kind of effects do you think the EUTMR has brought for your organisation?**

- Strongly Negative
- Negative

- Neutral
- Positive
- Strongly Positive
- I don't know

*** Q2.1.6 Please rank below the main positive changes or benefits of EUTMR for your organisation.**

Use drag&drop or the up/down buttons to change the order or [accept the initial order](#).

⋮	Improved and more efficient access to IP protection at EU level
⋮	Reduced fees for users
⋮	Cost savings as a result of common practices across all EU IP offices
⋮	Simplified/more efficient procedures to obtain trade mark protection in the EU
⋮	Increase incentives for innovation
⋮	Improved quality of IP services across the EU
⋮	Improved awareness of IP rights
⋮	Increased legal security when applying for a trade mark or design
⋮	Other

Other: please specify

*** Q2.1.8 How do you see the impact of digitalisation and other technological developments on the implementation of EUTMR?**

- Negative impact
- No impact
- Positive impact
- I don't know

Q2.1.9 If possible, can you explain your answer?

Easier access to the informations in the register and quick updates, efficiency gains in carrying out various acts affecting trademarks.

Q2.1.10 If applicable, what are the main improvements that you have observed with regards to the registration process for EU trade marks since March 2016.

For products and services : the Harmonised Database has been used a lot because it is quite practical.

Q2.1.11 If applicable, what are the main unresolved issues that you have observed with regards to the registration process for EU trade marks since March 2016.

For the filing, it remains problematic to set a maximum number of characters, prohibiting long list of goods /services, for example in classes 35 or 42. We understand that the use of HDB is preferred, but free text input should remain possible.

Q2.1.12 If applicable, what are the main improvements that you have observed with regards to the trade mark protection since March 2016.

Q2.1.13 If applicable, what are the main issues that you have observed with regards to the trade mark protection since March 2016.

It remains very difficult to prove the acquisition of distinctive character through use of a mark. The level of evidence required, for all the EU Member States, is burdensome for rightholders, impossible to achieve and completely disconnected from the reality of European rightholders and companies that do business in the EU.

It is also extremely difficult to protect non-traditionnal trademarks (e.g. movement, position or 3D marks) through an EU TM. We believe that more flexibility from the EUIPO is needed when examining those trademarks to ensure that they are registered: these marks are extremely useful to fight against counterfeiting and they usually aim at protecting what counterfeiters copy the most.

On this, we noted that the severity in the assessment of those marks undermines the value of intellectual property in general, i.e. leading to a decrease of trust in the value of IP rights, and is detrimental to businesses.

Appeal proceedings : compared to other procedures, less information is available : the same level of detail and clarity of information available online should be applied across the board to all proceedings.

Q2.1.14a Please provide, based on your experience, an overall qualitative assessment of the time required for various EU trade mark related procedures, including an estimation of this time in person-days (with a person working 8 hours a day)

Excessively Lengthy (1): The time required to register, file an opposition, cancel, or renew an EU trade mark is unreasonably long and causes significant delays or inefficiencies.

Longer Than Desired (2): The time required for these procedures is longer than what is considered ideal. It may lead to some inconveniences or delays but is not unmanageable.

Reasonable (3): The time required to perform the procedures is considered reasonable and aligns with expectations. It does not significantly disrupt operations or planning.

Shorter Than Expected (4): The time required for these procedures is shorter than anticipated, allowing for quicker resolutions and actions.

Efficiently Managed (5): The time required for these procedures is exceptionally well-managed and is notably efficient, making the processes swift and effective.

*** The process of preparing the application for an EU trade mark**

- Excessively Lengthy (1)
- Longer Than Desired (2)
- Reasonable (3)
- Shorter Than Expected (4)
- Efficiently Managed (5)
- I don't know (6)

Estimation in person days

*** The duration of the opposition procedure for an EU trade mark**

- Excessively Lengthy (1)
- Longer Than Desired (2)
- Reasonable (3)
- Shorter Than Expected (4)
- Efficiently Managed (5)
- I don't know (6)

Estimation in person days

*** The duration of the cancellation procedure of an EU trade mark**

- Excessively Lengthy (1)
- Longer Than Desired (2)
- Reasonable (3)
- Shorter Than Expected (4)
- Efficiently Managed (5)
- I don't know (6)

Estimation in person days

*** The duration of the appeal procedure for an EU trade mark**

- Excessively Lengthy (1)
- Longer Than Desired (2)
- Reasonable (3)
- Shorter Than Expected (4)
- Efficiently Managed (5)
- I don't know (6)

Estimation in person days

*** The duration of the renewal procedure for an EU trade mark**

- Excessively Lengthy (1)
- Longer Than Desired (2)
- Reasonable (3)
- Shorter Than Expected (4)
- Efficiently Managed (5)
- I don't know (6)

Estimation in person days

Q2.1.14b In relation to the trade mark application process, how would you compare the time spent on preparing an application under the current European Union Trade Mark Regulation (EUTMR) to the time spent under the previous Community Trade Mark procedures prior to 2016?

The process of **preparing an application for an EU trade mark under the EUTMR**, compared to procedures before 2016, takes:

Please estimate % reduction or increase in the time spent:

The duration of **the opposition procedure** for an EU trade mark, compared to procedures before 2016, takes:

Please estimate % reduction or increase in the time spent:

The duration of **the cancellation procedure** for an EU trade mark, compared to procedures before 2016, takes:

Please estimate % reduction or increase in the time spent:

The duration of **the appeal procedure** for an EU trade mark, compared to procedures before 2016, takes:

Please estimate % reduction or increase in the time spent:

The duration of the **the renewal procedure** for an EU trade mark:

Please estimate % reduction or increase in the time spent:

Q2.1.15a Using the scale below, please provide a qualitative assessment of the global financial costs of each of the following EU trade mark procedures (incl. the costs of intermediary help such as legal services employed, etc), along with an estimation of each of those costs in EUR.

Very Unaffordable (1): The total costs are extremely high and far beyond what can be reasonably afforded.

Unaffordable (2): The total costs are significantly high and may pose financial challenges.

Moderately Affordable (3): The total costs are at a moderate level and may require typical budget considerations.

Fairly Affordable (4): The total costs are reasonably affordable and align well with the available budget.

Highly Affordable (5): The total costs are very affordable, comfortably fitting within the available budget.

* **The total costs of the application process for an EU trade mark**

- Very Unaffordable (1)
- Unaffordable (2)
- Moderately Affordable (3)
- Fairly Affordable (4)

- Highly Affordable (5)
- I don't know (6)

Estimation in EUR

The total costs of the opposition procedure for an EU trade mark

- Very Unaffordable (1)
- Unaffordable (2)
- Moderately Affordable (3)
- Fairly Affordable (4)
- Highly Affordable (5)
- I don't know (6)

Estimation in EUR

The total cost of the cancellation procedure of an EU trade mark

- Very Unaffordable (1)
- Unaffordable (2)
- Moderately Affordable (3)
- Fairly Affordable (4)
- Highly Affordable (5)
- I don't know (6)

Estimation in EUR

The total costs of the appeal procedure for an EU trade mark

- Very Unaffordable (1)
- Unaffordable (2)
- Moderately Affordable (3)
- Fairly Affordable (4)
- Highly Affordable (5)
- I don't know (6)

Estimation in EUR

The total costs of the renewal procedure for an EU trade mark

- Very Unaffordable (1)

- Unaffordable (2)
- Moderately Affordable (3)
- Fairly Affordable (4)
- Highly Affordable (5)
- I don't know (6)

Estimation in EUR

Q2.1.15b In relation to the trade mark application process, how would you compare the costs on preparing an application under the current European Union Trade Mark Regulation (EUTMR) to the costs under the previous Community Trade Mark procedures prior to 2016?

Preparing an application for an EU trade mark under the EUTMR, compared to procedures before 2016, is:

Please estimate % reduction or increase in the costs:

Preparing for **the opposition procedure** for an EU trade mark under the EUTMR, compared to procedures before 2016, is:

Please estimate % reduction or increase in the costs:

The cancellation procedure for an EU trade mark under the EUTMR, compared to procedures before 2016, is:

Please estimate % reduction or increase in the costs:

Preparing for **the appeal procedure** for an EU trade mark under the EUTMR, compared to procedures before 2016, is:

Please estimate % reduction or increase in the costs:

Preparing for a renewal of EU trade mark under the EUTMR, compared to procedures before 2016, is:

Please estimate % reduction or increase in the costs:

Q2.1.16 Please rate the extent to which administrative delays and bureaucracy concerning EU trade mark procedures have caused delays in your branding efforts.

If possible, please explain your choice below.

Q2.1.17 Please rate the extent to which administrative delays and bureaucracy concerning EU trade mark procedures have resulted in delayed access to the market for your business.

If possible, please explain your choice below.

Q2.1.18 Please rate the impact of administrative delays and bureaucracy relating to EU trade mark procedures on your business in terms of lost revenue and market share.

If possible, please indicate the potential loss of your **market share**.

- 5% or less
- 6-10%
- 11-15%
- 16-20%
- More than 20%

Could you explain if possible?

If possible, please indicate the potential loss of your **revenue**.

- 5% or less
- 6-10%
- 11-15%
- 16-20%
- More than 20%

Could you explain if possible?

Q2.1.19 How much time and/or cost do you estimate your business or organisation has saved per year by using TMView for trademark searches and information access? Please provide your estimates in terms of time and costs.

	Your estimates on time and costs saved from TMView
Time saved (please indicate the unit of the time: hours, days, weeks, months)	
Costs saved (in EUR or in your currency)	

Q2.1.20 Please rate how transparent you find criteria used to establish the fees for the services EUIPO provide (e.g. application, renewal, cancellation, opposition, appeal).

Not Transparent (1): The criteria used to establish fees for EUIPO services are not transparent at all.

Somewhat Transparent (2): The criteria used to establish fees for EUIPO services are somewhat clear, but transparency could be improved.

Moderately Transparent (3): The criteria used to establish fees for EUIPO services are moderately clear and provide a reasonable level of transparency.

Fairly Transparent (4): The criteria used to establish fees for EUIPO services are fairly clear and offer a good level of transparency.

Very Transparent (5): The criteria used to establish fees for EUIPO services are very clear and highly transparent.

*** The fee setting criteria for the application, renewal, cancellation, opposition, appeal process for an EU trade mark:**

- Not Transparent (1)
- Somewhat Transparent (2)
- Moderately Transparent (3)
- Fairly Transparent (4)
- Very Transparent (5)

Which criteria do you believe should be used?

*** Q2.1.21 In your opinion, should special fee rates (discounts) be offered to SMEs as an alternative to the support channelled through the SME Fund, to provide more targeted and direct assistance?**

- Yes, special fee rates should be offered to SMEs as an alternative to the support provided through the SME Fund.
- No, special fee rates should not be offered to SMEs as an alternative to the support provided through the SME Fund.
- I'm unsure/I have no opinion

If possible, please explain your choice below:

We believe that special fee rates would be easier for SMEs than the SME fund (the voucher system can be quite burdensome and administrative for SMEs), as it would make IP protection may be more accessible and used by SMEs.

*** Q2.1.22a In your opinion, to which extent has the Art. 39 of the preamble of the EUTMR been accomplished?**

Art. 39 of the Regulation (EU) 2017/1001: "Given the essential importance of the amounts of fees payable to the

Office for the functioning of the EU trade mark system and its complementary relationship as regards national trade mark systems, it is necessary to set those fee amounts directly in this Regulation in the form of an annex. The amounts of the fees should be fixed at a level which ensures that: **first, the revenue they produce is in principle sufficient for the budget of the Office to be balanced; second, there is coexistence and complementarity between the EU trade mark and the national trade mark systems, also taking into account the size of the market covered by the EU trade mark and the needs of small and medium-sized enterprises; and third, the rights of proprietors of an EU trade mark are enforced efficiently in the Member States.**"

- 1. Not Accomplished at All
- 2. Slightly Accomplished
- 3. Moderately Accomplished
- 4. Largely Accomplished
- 5. Fully Accomplished

If possible, please explain below your choice:

We noticed that budgetary surplus can sometimes lead to a profusion of EUIPO projects, for which the relevance/usefulness remains to be demonstrated.

We do not agree that the third point in article 39 - "the rights of proprietors of an EU trade mark are enforced efficiently in the Member States" is achieved as enforcement of EU TMs, globally in the EU and in Members States, remains problematic (see also answer Q2.1.13).

*** Q2.1.22b In your opinion, should a possibility for the EUIPO exist to adjust fees in line with inflation?**

- Yes, fees should be adjustable to inflation
- No, fees should remain fixed and not adjusted for inflation
- I'm unsure/I have no opinion

If possible, please explain below your choice:

To ensure that costs/budgets remain predictable for rightholders/applicants and intermediaries.

EUTM Mediation services

*** Q2.1.25 Are you aware of EUIPO's mediation services?**

- Yes
- No

Q2.1.26 On a scale from 1 to 5 (1-Not useful, 5-Very useful) how useful do you find the mediation services in supporting the enforcement of trade mark protection?

Please justify your choice if possible:

We did not use the EUIPO's mediation services hence we do not have an opinion on their usefulness.

*** Q2.1.27 Has your organisation or members of your organisation ever used EUIPO's mediation services for the purpose of reaching a friendly settlement of disputes relating to EU trade marks and/or Community designs?**

- Yes
- No
- I don't know

*** Q2.1.28 How useful and appropriate do you find the idea of potentially extending the services of the EUIPO's mediation centre to also include 'arbitration,' as contemplated in the context of the design initiative?**

- Not useful/appropriate
- Neutral
- Useful/appropriate
- I don't know

Please justify your choice if possible:

*** Q2.1.29b Would you consider using EUIPO's mediation services (again) as an alternative to other trade mark litigation procedures?**

- Yes
- No

If possible, please explain your choice below:

Yes, mediation could be a solution amongst other procedural options, depending on the case.

Q2.1.30a Please rate to what extent you think the EUTMR has established a coherent IP protection system in relation to other national, EU or international pieces of legislation with a similar scope

Coherence between EUTMR and other relevant EU legislation frameworks with similar scope

- Incoherent (there are too many conflicts or inconsistencies between EUTMR and other EU legal frameworks with similar scope)

- Rather coherent (there are some conflicts or inconsistencies between EUTMR and other EU legal frameworks with similar scope)
- Fully coherent (there are no conflicts or inconsistencies between EUTMR and other EU legal frameworks with similar scope)

Coherence between EUTMR and relevant national legislation in EU Member States

- Incoherent (there are too many conflicts or inconsistencies between EUTMR and national legislation with similar scope)
- Rather coherent (there are some conflicts or inconsistencies between EUTMR and national legislation with similar scope)
- Fully coherent (there are no conflicts or inconsistencies between EUTMR and national legislation with similar scope)

Coherence between EUTMR and relevant international legislation/treaties such as Madrid Protocol

- Incoherent (there are too many conflicts or inconsistencies between EUTMR and international legal frameworks with similar scope)
- Rather coherent (there are some conflicts or inconsistencies between EUTMR and other international legal frameworks with similar scope)
- Fully coherent (there are no conflicts or inconsistencies between EUTMR and other international legal frameworks with similar scope)

Q2.1.30b If possible, please explain your choices below

Part 2.2 - Legal cooperation framework and financing mechanism related to European Cooperation Projects provided for in Article 152 EUTMR

*** Q2.2.1a Has your organisation participated in or been invited to any European Cooperation Projects under the legal cooperation framework established by EUTMR since 2016 (including participation in the selection procedure, overseeing, developing, implementing or evaluating these projects)?**

- Yes
- No

*** Q2.2.2 Has your organisation participated in the participation mechanisms of the European Cooperation Projects under the legal cooperation framework since 2016? (multiple choice)**

- No
- Yes, as a Member of the Working Groups

- Yes, as a Member of the Liaison Meetings
- Yes, as a Member of User Group Meetings
- I don't know

*** Q2.2.3 What has been your role in the European Cooperation Projects?**

- Implementing IPO and/or pilot IPO
- Participating IPO
- Observatory/advisory capacity (User Associations/IP experts)
- Other, please specify

*** Q2.2.4 Which projects have you been part of (tick as many as appropriate)?**

- ECP1: Consolidate the implementation of EUIPN tools
- ECP2: Improvement and upgrade of EUIPN tools
- ECP3: New tools
- ECP4: Convergence of Practices
- ECP5: Sustainability of the Network
- ECP6: Supporting SMEs
- ECP7: Implementation of the Directive
- ECP8: Collaborative Services

If you participated in more than one project, please respond on behalf of the project(s) you were most engaged in.

*** Project definition (incl. developing the technical direction, scope setting, business justification)**

- No participation
- Marginal participation
- Active participation
- I don't know

If possible, please justify your choice or elaborate on your experience

Based on our experience in European Cooperation Projects, our opinion is that the EUIPO generally has readymade projects that are more "top-down" rather than following a cooperative format. User associations are regularly consulted (so this is a good point) and provide input but this input is not necessarily taken into account or too marginally.

*** Project implementation (incl. monitoring delivery times, creation of project deliverables, ensuring the project remains fit for use and purpose)**

- No participation
- Marginal participation
- Active participation
- I don't know

If possible, please justify your choice or elaborate on your experience

Based on our experience in European Cooperation Projects, our opinion is that the EUIPO generally has readymade projects that are more "top-down" rather than following a cooperative format. User associations are regularly consulted (so this is a good point) and provide input but this input is not necessarily taken into account or too marginally (e.g.: we conveyed our doubts regarding the usefulness of certain tools but as they were already in the development-phase, our concerns were not heard and the tools were launched anyway).

*** Project closure and final assessment (evaluation of results)**

- No participation
- Marginal participation
- Active participation
- I don't know

If possible, please justify your choice or elaborate on your experience

We were indeed consulted on the end-project but we do not believe that our opinion was truly taken into account.

Q2.2.5b To what extent has your organisation been able to actively participate in the following project management stages of the European Cooperation Projects?

*** Project definition (incl. developing the technical direction, scope setting, business justification)**

- No participation
- Marginal participation
- Active participation
- I don't know

If possible, please justify your choice or elaborate on your experience

Based on our experience in European Cooperation Projects, our opinion is that the EUIPO generally has readymade projects that are more "top-down" rather than following a cooperative format. User associations are regularly consulted (so this is a good point) and provide input/comments but this input is not necessarily taken into account or too marginally.

*** Project closure and final assessment (evaluation of results)**

- No participation
- Marginal participation
- Active participation
- I don't know

If possible, please justify your choice or elaborate on your experience

We were consulted on the end-project but as the projects are led by the EUIPO, we believe our comments are given marginal consideration.

*** Q2.2.6a Did the project specifications clearly set out your role?**

- Yes
- No
- I don't know

Q2.2.6b Please provide a justification for your choice if possible.

The project is led and the relevant documents are prepared by the Office. The associations are consulted and express their opinions on the outcomes but we believe our comments are given only marginal consideration in a way that this consideration does not affect the substance of these projects (see also previous answers).

Q2.2.7a On a scale of 1 to 5, where 1 indicates 'Not Sufficiently/Appropriately Consulted' and 5 indicates 'Sufficiently/Appropriately Consulted,' please rate your perception of the level of consultation of user representatives in the phases of defining the projects and evaluating their results as required under Art 152(2).

3

Q2.2.7b Please provide a justification for your choice if possible.

No consultation on the project definition but consultation on the evaluation of results. And again consultation does not mean that the comments expressed are taken into account.

Q2.2.8 What costs has your organisation faced participating in the project management /governance in the context of European Cooperation Projects (i.e. project specification, project implementation, project evaluation)?

Please provide the type of costs including the travel costs (i.e., transport, accommodation) and employee's time spent. Please provide an estimate of their amount in EUR or in FTE (i.e., 1 day per month, 3 FTEs)

None for APRAM as members are representing our association "pro bono" but for those persons representing the association: 4 days per year in employee's time spent.

*** Q2.2.9 Has your organisation received financial support from EUIPO in the context of European Cooperation Projects?**

- No
- Yes
- I don't know

*** Q2.2.10 What kind of financial support between 2016 and 2023 have you received from EUIPO in the context of European Cooperation Projects?**

- Reimbursement of costs

- In-kind contributions
- Payment of grants

If yes, please provide an estimate of the amount (EUR)

Members of our association involved in projects were reimbursed by the EUIPO on the basis of the daily subsistence allowance (may be approximately 80€ per day).

*** Q2.2.11a To what extent did this financial support cover the total cost of the activities you participated in in relation to European Cooperation Projects?**

- To a small extent (<10%)
- Partially (11 - 99%)
- Fully (100%)

Please provide the percentage covered by your organisation.

Some costs remain.

*** Q2.2.12 Do you consider EUIPO's financial contribution sufficient towards the achievement of the objectives of the project?**

- Yes
- No
- I don't know

*** Q2.2.14 Do you believe that the total amount of funding provided by the EUIPO (max. 15% of the yearly revenue of the Office) is relevant and appropriate to promote the convergence of practices and development of common tools? Please choose one of the following options:**

- Yes, the funding is still necessary and appropriate
- No, the funding is no longer necessary and appropriate
- I don't know

*** Q2.2.15 How would you rate the cooperation with EUIPO in the projects so far?**

- Not at all successful
- Somewhat successful
- Very Successful
- I don't know

Please provide a justification for your choice if possible.

Projects are defined and led by the EUIPO, they carry out and move the projects forward, but there is no real cooperation. It is more information sharing.

*** Q2.2.16 The European Cooperation Projects are meant to achieve the following outcomes. Could you rank the outcomes in the order of importance for your organisation?**

Use drag&drop or the up/down buttons to change the order or [accept the initial order](#).

- O4: Establishment of common standards and practices to ensure interoperability, consistency and efficiency of procedures and systems across EU.
- O1: Development of common examination standards across Member States' IP offices.
- O2: Creation of common databases and portals for EU-wide consultation, search and classification purposes.
- O5: Sharing of information on industrial property rights and procedures, including mutual support to helpdesks and information centers.
- O6: Exchange of technical expertise and assistance in relation to the aspects covered in O1-O5.
- O3: Continuous provision and exchange of data and information among national IP offices.
- O7: Awareness raising concerning the trade mark system and the fight against counterfeiting.

*** Q2.2.17 In the context of the European Cooperation Projects you have participated in, what do you see as the main outcomes achieved?**

Regarding ECP2 Improvement and upgrade of EUIPN tools, the objective is achieved as the main result is the implementation of usable and relatively reliable tools.

Q2.2.18 In which other areas of EUIPO do you want to see (more) European Cooperation Projects developed in the future?

The definition of standards and means to establish common practices across the EU, not on the technical side but on the substance of the law, would be really helpful.
The EUIPO could also develop/enhance the cooperation with national IP offices in countries where it is known that there is counterfeiting problems (manufacturing, transit, high demand, etc) or where there are specific issues regarding filing and registration of IP rights.

Q2.2.19 What have been the main benefits for your organisation from participating in the projects?

- B1: Increased awareness of IP aspects
- B2: Access to IP knowledge hub
- B3: Co-creation of common tools and practices for the national IP offices, IP practitioners, and enforcement authorities
- B4: Networking with IP offices and users

- B5: Helping to develop an advanced free trade mark and design search engines (e.g. TMView, DesignView, eSearch, Harmonised Database)
- B6: Other

*** Q2.2.20 Taking into consideration the costs you mentioned earlier (Q2.2.8), please provide a qualitative assessment as to whether the benefits from participating in European cooperation Projects outweigh the costs you faced?**

- Costs outweigh the benefits
- Costs equal the benefits
- Benefits outweigh the costs
- I don't know

*** Q2.2.21 What is the likelihood of your organisation participating in European Cooperation Projects in the future?**

- Very likely
- Likely
- Unlikely
- Very unlikely
- I don't know/I am not sure

If there are any improvements aspects you can think of regarding the European Cooperation Projects, please explain below

The approach should be more cooperative in the definition phase of the project so that users associations can be more involved in the substance. Furthermore, we believe that an improvement should be made on the consideration given to users' comments: these should be taken into account in the advancement and stages of the projects, and not just "noted" on the side. And finally, on projects that are technical (e.g. development of tools), there is a need to acknowledge that at a certain point, the tools are live and there is no need to ask for further feedback from users associations.

Part 2.3. - EUIPO's working practices

*** Q2.3.1. How would you describe the impact of the services EUIPO provides on the development of the internal market in terms of competitiveness, growth, and innovation of EU enterprises, especially with regard to SMEs and micro-enterprises?**

Please choose one of the following options:

- Very negative impact
- Negative impact
- Neutral
- Positive impact
- Very positive impact
- I don't know

*

Q2.3.2. To what extent do you think the EUIPO has been effective in raising awareness on the benefits of applying for trade marks and design rights?:

- Not effective
- Somewhat Effective
- Very effective
- I don't know

If possible, please justify your answer below:

Q2.3.3. What EUIPO activities have been particularly useful in raising awareness of the benefits of applying for trade marks and design rights? Please provide your answer below.

Regular studies on the various aspects of trademarks and designs.
But as APRAM is an association of IP professionals, the level of knowledge is already relatively high.

Q2.3.4. What other activities could the EUIPO take to improve awareness of the benefits in the area of trade marks and designs? Please provide your answer below.

We believe that the EUIPO could have dedicated tutorials or seminars on IP for Member States' governments, officials and administrations, in cooperation with national IP offices, in order to increase the level of awareness and knowledge on the importance of IP for the economy/EU competitiveness amongst all Members and decision makers.

Q2.3.5. In light of the different tasks that EUIPO develops currently and in the future (with extended competencies on CIGIs, possibly SPCs, SEPs, etc.), what further actions could the EUIPO take to increase the protection of IP rights? Please provide your answer below.

The area is not limited to trade marks and designs. The Observatory work can be factored in.

We believe that before taking any new tasks, and in order to fully promote IP, the EUIPO could focus first on its current missions and ensure that its working practices are coherent with the competitiveness and protection of rightsholders (see answers in Part 2.1 Implementation of EUTMR). More flexibility is needed in some areas to ensure that companies and more generally applicants for IP rights get their creations protected.

*** Q2.3.6. Do you agree with the following sentence? The EUIPO takes adequate action to seek feedback on the user satisfaction of its working practices.**

- Disagree
- Somewhat agree
- Strongly agree

I don't know

Please justify your answer if possible.

The EUIPO does send many questionnaires and asks for feedback but we do not know if these feedbacks are really taken into account.

Q2.3.7. What are the most useful means through which EUIPO collects feedback on user satisfaction of its working practices? Please provide your answer below.

Customer Panel, Users associations general meeting, Questionnaires, Guidelines, SQAP, Key Users contact

Q2.3.8. What other means could EUIPO use to collect feedback on user satisfaction of its working practices? Please provide your answer below.

Q2.3.9. What services and tools of the EUIPO are you aware of? (at least three)

TMView ; DesignView ; Goods and Services Builder ; training materials ; all tools related to filing, renewal, opposition, cancellation proceedings ; IPEP ; analysis of Board of appeal's caselaw.

*** Q2.3.10. What is your general satisfaction with the EUIPO's services?**

- Unsatisfied
 Somewhat satisfied
 Very satisfied
 I don't know

Q2.3.10a Can you list services you are satisfied with and explain why?

Goods and Services builder
Online filing and opposition forms are efficient.

Q2.3.11. Are you providing feedback to EUIPO regarding their working practices?

- Never
 Sometimes
 Regularly

Q2.3.11a What channels are used when you provide feedback to EUIPO?

During meetings, conferences, annual consultation on guidelines and SQAP

Q2.3.12. In your opinion, does EUIPO act effectively on the feedback received from users?

- Not at all
- Somewhat effectively
- Effectively
- I don't know

Please justify your answer if possible.

If some comments seem to be taken into account, many issues that were raised previously remained unresolved, without further explanation from the EUIPO.

Q2.3.13. To what extent do you agree that EUIPO takes adequate action to adapt its working practices to contemporary evolutions in the IP landscape

- Disagree
- Somewhat agree
- Fully agree
- I don't know

Please justify your answer if possible.

Q2.3.14. What have been the most useful actions taken by the EUIPO in adapting to contemporary evolutions in the IP landscape?

IPEP: centralised and useful form that would need to be widely used.
Convergence programs, notably regarding TM class, are useful.

Q2.3.15. In light of the different tasks that EUIPO develops currently and in the future (with extended competencies on CIGIs, possibly SPCs, SEPs, etc.), in what other areas would you like to see further actions from EUIPO? Please provide your answer below.

It is already a huge task so none for the moment.

Q2.3.16. To what extent do you agree that the stakeholder engagement mechanisms (e.g. Liaison meetings, User group meetings, EUIPN network, awareness-raising events & newsletters, etc.) are well organized.

Liaison meetings

- Disagree
- Somewhat agree
- Strongly agree
- I don't know

Please justify your answer if possible.

In terms of pure organization, all those mechanisms are well-organised and well led by the teams in charge.

European Cooperation Working Groups

- Disagree
- Somewhat agree
- Strongly agree
- I don't know

Please justify your answer if possible.

Depending on the projects, there are a lot of different stages and there may be sub-projects, sub-working groups, division into various projects, etc. All of this may lead to confusion, make things hard to follow and can lead to a high number of meetings.

Informative newsletter

- Disagree
- Somewhat agree
- Strongly agree
- I don't know

Please justify your answer if possible.

Awareness raising activities

- Disagree
- Somewhat agree
- Strongly agree
- I don't know

Q2.3.17. To what extent do you agree that the stakeholder engagement mechanisms (e.g. Liaison meetings, EUIPN, etc.) provide a clear and transparent platform to exchange views on IP.

Liaison meetings

- Disagree
- Somewhat agree
- Strongly agree
- I don't know

European Cooperation Working Groups

- Disagree
- Somewhat agree
- Strongly agree
- I don't know

Please justify your answer if possible.

ECP are a good way to exchange views on some aspects of IP (considering the scope of the project in question), but the extent of consideration given to comments expressed in these fora remains to be clarified.

Informative newsletter

- Disagree
- Somewhat agree
- Strongly agree
- I don't know

Please justify your answer if possible.

The newsletter expresses the views/opinions of the Office, it is not "a clear and transparent platform to exchange views on IP."

Awareness raising activities

- Disagree
- Somewhat agree
- Strongly agree
- I don't know

*** Q2.3.18a According to the EUTMR, the EUIPO has the following mandates:**

1. ***Administration and promotion of the EU trade mark system***
2. ***Administration and promotion of the European Union design system***
3. ***Promoting convergence of practices and tools in the fields of trade marks and designs***

To what extent do you agree that the mandate assigned to EUIPO is adequate? What other mandates can be added?

- Disagree
- Somewhat agree
- Fully agree
- I don't know

Can you explain your answer? If possible, what other mandates can be added?

We believe that no other mandate should be added for now.

*** Q2.3.18b Given the current mandates, to what extent do you agree that EUIPO is fulfilling its mandates?**

- Disagree
- Somewhat agree
- Fully agree
- I don't know

If possible, please justify your answer below:

*** Q2.3.18.c To what extent do you think that your organisation is able to shape the strategic priorities of EUIPO?**

- Not at all
- To a small extent
- To a large extent
- I don't know

If possible, please justify your answer below:

We believe that the strategic priorities of EUIPO are set by its top management and the European Commission.

Q2.3.19. To what extent do you agree with the following statements about EUIPO's working practices?

*** The EUIPO's working practices facilitate EU companies' abilities to innovate in their respective industries.**

- Disagree
- Somewhat agree
- Fully agree
- I don't know

*** The EUIPO's working practices contribute to increasing the growth and competitiveness of EU companies.**

- Disagree

- Somewhat agree
- Fully agree
- I don't know

If possible, please justify your answer below:

We would have answered "somewhat disagree" if this option was available, as we believe that there are some of the EUIPO's working practices that are too rigorous and could be detrimental to the competitiveness of European stakeholders.

*** The strategic priorities defined in the Strategic Plan 2025 of the EUIPO are transparent and clear.**

- Disagree
- Somewhat agree
- Fully agree
- I don't know

*** The strategic priorities defined in the Strategic Plan 2025 of the EUIPO are well aligned with their mandate.**

- Disagree
- Somewhat agree
- Fully agree
- I don't know

*** The strategic priorities defined in the Strategic Plan 2025 of the EUIPO are well aligned with the needs of the industries.**

- Disagree
- Somewhat agree
- Fully agree
- I don't know

*** EUIPO's current level of autonomy inside the EU institutional architecture is appropriate.**

- Disagree
- Somewhat agree
- Fully agree
- I don't know

*** EUIPO is sufficiently accountable for its activities and budget towards its stakeholders.**

- Disagree
- Somewhat agree
- Fully agree
- I don't know

*** The user community can sufficiently shape EUIPO's management decisions.**

- Disagree
- Somewhat agree
- Fully agree

I don't know

If possible, please justify your answer below:

* Do you agree with EUIPO's current level of autonomy inside the EU institutional architecture?

- No
 To some extent
 Yes
 I don't know

If possible, please justify your answer below:

* Q2.3.21 Should the governance structure in EUIPO be improved?

- Yes
 No
 I'm unsure/I have no opinion

* Q2.3.22a Do you think the roles of the Member States and EU institutions in EUIPO are well balanced?

- Yes
 No
 I'm unsure/I have no opinion

* Q2.3.23 Do you think that the procedure for the appointment of top management posts (e.g. Executive Director) at EUIPO should be changed?

- Yes
 No
 I'm unsure/I have no opinion

If possible, please explain your choice below.

May be to add more transparency in the process.

* Q2.3.24 Art. 172 of the [EUTMR 2017/1001](#) outlines the budget transfer mechanism as below.

- **Offsetting costs:** Every year the Office shall offset the costs incurred by the central industrial property offices of the Member States, by the Benelux Office for Intellectual Property and by any other relevant authority to be nominated by a Member State, as the result of the specific tasks which they carry out as functional parts of the EU trade mark system in the context of the following services and procedure

- **Cost offsetting limit:** The total amount used for offsetting these costs is capped at 5% of the Office's yearly revenue. The distribution of this 5% is determined based on various indicators like the number of trade mark applications, oppositions, etc., from each Member State.
- **No deficit rule:** The Office will only offset these costs if doing so doesn't result in a budgetary deficit for that year.
- **Surplus scenario:** If there's a budgetary surplus, the Management Board may increase the 5% limit for cost offsetting to up to 10% of the yearly revenue.
- **Transfer to Union budget:** If a substantial surplus is generated over five consecutive years, a decision can be made to transfer this surplus to the budget of the Union

How do you assess this budget transfer mechanism?

- Not appropriate
- Somewhat appropriate
- Moderately appropriate
- Appropriate
- Highly appropriate
- I don't know

Q2.3.25 Do you think there can be a different mechanism to facilitate the transfer of surpluses to the budget of the European Union when necessary?

- Yes
- No
- I'm unsure/I have no opinion

Thank you for taking the time to complete this survey.

If you have opted to be contacted for further clarification, a member of our study team may reach out to you in the near future.

Once again, thank you for your participation. Your input is greatly appreciated.

Background Documents

[Glossary](#)

Contact

[Contact Form](#)

