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BusinessEurope Comments on EUIPO Strategic Plan 2025 (SP2025) Consultation

BUSINESSEUROPE is the leading advocate for growth and competitiveness at European level, standing up for companies across the continent and actively campaigning on the issues that most influence their performance. We speak for all-sized enterprises in 35 European countries whose national business federations are our direct members.

BUSINESSEUROPE has taken notice of the comprehensive consultation that the EUIPO is engaged in to build up its multiannual Strategic Plan 2025 (SP2025).

A well-functioning intellectual property (IP) system is of paramount importance for our membership. The protection of IP is key for innovation, growth, competitiveness and job creation in Europe. BUSINESSEUROPE fully supports the promotion of innovation and progress through, amongst others, means of strong and enforceable IP rights.

BUSINESSEUROPE is therefore happy to contribute - with its comments below - to this debate that will have an impact on the IP system over the coming years. BUSINESSEUROPE appreciates the very close cooperation with the EUIPO and trusts that this synergy will continue in the future.

General comments on the EUIPO Strategic Plan 2025

BUSINESSEUROPE takes positive note of the proposals already made in the letter of Mr Archambeau, the EUIPO Executive Director, dated 20 December 2018 and welcomes the focus on three strategic drivers to be implemented through a number of possible actions. Against this backdrop, BUSINESSEUROPE would like to put forward the following comments and suggestions.

- ***Strategic Driver 1: Interconnected, Effective and Reliable IP System***

BUSINESSEUROPE expects that the EUIPO procedures ensure the appropriate balance between high-quality products, timeless and efficient use of the resources of the EUIPO, and the users. It is fundamental for European businesses to have flexible, but robust procedures and practices to ensure that valuable IP rights can be protected.

The continuous involvement of users in decision-making processes of the EUIPO is also key. Decision-making bodies within the EUIPO need to obtain broad user input to fully understand the likely consequences of any envisaged changes in the IP system. Thus, it is very important that the EUIPO maintains its approach to involve users in all kinds of projects and ongoing activities, such as working programmes and the Stakeholder Quality Assurance Panels (SQAP) activity.



Regarding designs, BUSINESSEUROPE welcomes the involvement of users in the ongoing evaluation of the EU design protection system and looks forward to knowing the outcome of the public consultation launched by the European Commission in December 2018. In this regard, BUSINESSEUROPE members expect that, if this consultation reveals a need for action, the EUIPO will take all the necessary measures to adapt the current framework.

BUSINESSEUROPE sees substantial added value in the cooperation within the European Union Intellectual Property Network (EUIPN). BUSINESSEUROPE welcomes the EUIPO's efforts to improve the interoperability of tools provided by different IP national offices as this would allow to improve efficiency, reduce costs and increase access to the IP system. On the harmonisation of practices, the approach developed in the convergence programmes should be continued and accelerated. In this regard, our members observe that sometimes it takes a considerable amount of time until trademark granting practices have been harmonised and implemented by all national IP offices. The EUIPO should take a more active role in educational efforts when it comes to enforcement of trademarks and designs at national level.

Cooperation also needs to go global. BUSINESSEUROPE considers the current trademark and design cooperation framework between the five IP offices of Japan, Korea, Europe, China and U.S. (TM5 and ID5) as a priority and the way forward. Its focus on common projects aiming at the harmonisation of trademark and design procedures should continue to deliver tangible results that benefit European businesses. For instance, users could clearly benefit from the cooperation framework if, as a result of such cooperation, they could access directly the databases of different IP offices. This cooperation should be considered a priority and should be formally recognised in the new Strategic Plan 2025. In addition, BUSINESSEUROPE suggests that the harmonisation of topics such as the confiscation of proceeds of trademark counterfeiting, the question related to seizing assets, the reverse burden of proof and the extension of liability for counterfeiting activities, should also be pursued. Visibility of the benefits brought via the international cooperation should also be strengthened.

- ***Strategic Driver 2: Customer Centric IP Services***

BUSINESSEUROPE fully supports the establishment of stronger synergies between the EUIPO and users to make the IP system even more efficient and help address the lack of awareness and understanding of the importance and relevance of IP rights protection, especially for Small and Medium-Sized Enterprises (SMEs).

The delivery of high-quality studies from the EUIPO, acting through the Observatory, has contributed positively to the public debate on IP in Europe. BUSINESSEUROPE would like the Observatory to continue with publications and surveys on the general value and perception of IP rights in the European economy. BUSINESSEUROPE will continue to do its part to disseminate these findings within the industry.

BUSINESSEUROPE welcomes the general trainings provided by the EUIPO. However, it would be useful to prepare, in addition to webinars, recorded videos so that users may watch them even when they cannot join the webinar at the scheduled time. To make EUIPO's services more accessible, it should be considered to offer all existing tools in the form of an *app* (e.g. TM class, eSearch plus).



Lastly, BUSINESSEUROPE has taken note that the wording “user” has been replaced by “consumer” in the title and text of this Strategic Driven 2. Our membership would prefer the former terminology as it better emphasises the relationship between a public authority, such as the EUIPO, and its private counterparts. The term “consumer” does not have the same meaning and may be misleading.

- ***Strategic Driver 3: Dynamic Organisational Skillsets and Effective Support to Services***

BUSINESSEUROPE welcomes the EUIPO’s awareness that the technological revolution entails new challenges for the EUIPO itself, its staff and users. The EUIPO should therefore continue and strengthen its efforts to promote a discussion on the effects of new technologies, such as artificial intelligence and big data, on its future work and how it should respond to this.

In this context, the EUIPO must ensure that the trademark and design procedures are properly applied, and the principles of high-quality, efficiency and timeliness are duly respected regardless of the technologies involved. The use of new technologies should not interfere with the achievement of these fundamental goals.

Final remarks

To remain competitive in the future, European companies will need to rely more and more on up-to-date e-services, easy access to information and data, and converging practices regarding how IP Offices examine and evaluate trademarks and designs.

BUSINESSEUROPE renews its full commitment to work together with the EUIPO towards an EU trademark and design system for the 21st century.
