
Kluwer Trademark Blog

EUIPO Boards of Appeal: expedited appeal proceedings are now possible

Verena von Bomhard (BomhardIP) · Monday, June 13th, 2016

There is no official fee for requesting expedited proceedings. A request must be filed at the same time as filing the notice of appeal together with its statement of grounds or, for respondents, when filing their observations in reply. The request must be submitted in writing, as part of a **separate document** with detailed reasoning as to why expedited appeal proceedings are warranted. This must set out what the impact would be by not submitting the appeal to expedited proceedings. Also the party requesting expedited proceedings must provide documentary evidence proving its assertions. If the request is accepted, expedited appeals will be given priority by the Boards of Appeal and the parties will, in principle, be limited to a single set of submissions each. Nonetheless, statutory time limits are unaffected.

An exhaustive list of instances where a request for expedited appeal would be granted has not been provided by the Office, however, the following example was given: *“where parallel infringement proceedings have been suspended pending the outcome of the appeal, giving rise to a serious risk of damage if the appeal is not expedited”*. Whilst thought likely to be applied narrowly and in a few specific circumstances, this is welcomed news for right holders and goes some way to addressing the use of EUTM administrative proceedings as a tactical delay in infringement proceedings (the so-called “Alicante torpedo”).

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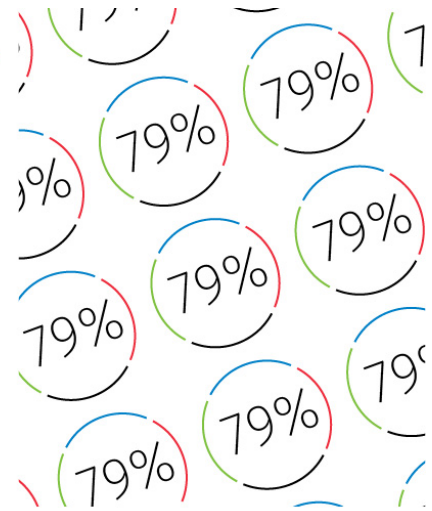
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