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PI 109

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	6294/24, 10811/24
Subject:	COUNCIL DECISION extending the term of office of the chairpersons of two of the Boards of Appeal of the European Union Intellectual Property Office - Adoption

1. Chairpersons of the Boards of Appeal of the European Union Intellectual Property Office (EUIPO) are appointed by the Council pursuant to Article 166(1) in conjunction with Article 158 of Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark ('EU trade mark Regulation') for a term of five years.
2. The term of office of the chairpersons of the Boards may be extended for additional five-year periods, or until retirement age if this age is reached during the new term of office, after a prior positive evaluation of their performance by the EUIPO Management Board, and after consultation of the President of the EUIPO Boards of Appeal (Article 166(3) of the EU trade mark Regulation).
3. By Council Decision of 18 February 2019¹, the term of office of Mr Gordon HUMPHREYS as chairperson of a Board of Appeal of the EUIPO was extended from 1 September 2019 to 31 August 2024.

¹ OJ C 73, 26.2.2019, p. 2.

4. By Council Decision of 27 February 2020², Ms Virginia MELGAR was appointed chairperson of a Board of Appeal of the EUIPO for a term of five years and has taken office on 1 April 2020.
5. By letter of 29 January 2024, the EUIPO Management Board proposed to the Council to extend the term of office of Mr Gordon HUMPHREYS as chairperson of a Board of Appeal of the EUIPO. This extension should be for an additional five-year period starting on 1 September 2024 or until retirement age if this age is reached during the new term of office.
6. By letter of 4 June 2024, the EUIPO Management Board proposed to the Council to extend the term of office of Ms Virginia MELGAR as chairperson of a Board of Appeal of the EUIPO. This extension should be for an additional five-year period starting on 1 April 2025 or until retirement age if this age is reached during the new term of office.
7. These letters, which also included the evaluation of the performance of the above-mentioned chairpersons and the consultations of the President of the EUIPO Boards of Appeal, were circulated to delegations on 12 and 13 June 2024, respectively³. In that context, delegations were invited to indicate, by 21 June 2024, if they had any opposition to the proposed extensions.
8. At the Working Party on Intellectual Property on 24 June 2024, delegations were informed that no opposition had been received regarding the proposed extensions.
9. The Permanent Representatives Committee is therefore invited to recommend to the Council to adopt, under the 'A' items of one of its future meetings, the Decision prepared by the Council's legal linguistic experts and contained in document 11724/24.

² OJ C 72 I, 5.3.2020, p. 1.

³ See documents 6294/24 and 10811/24.