

Consultation on CP12 – Evidence in Trade Mark Appeal Proceedings

December 17, 2019 [General](#)

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The draft Common Practice of the project [CP12 ‘Evidence in Trade Mark Appeal Proceedings: filing, structure and presentation of evidence, and the treatment of confidential evidence’](#) has been made available in English for comments.

The CP12 Working Group, composed of representatives from five external Appeal Bodies, the Appeal departments of three EU intellectual property offices, three user associations and the EUIPO Boards of Appeal, made significant progress on developing the Common Practice during the course of two Working Group meetings and a workshop in which the representatives shared best practices and expertise to establish the common principles of the CP12 project.

As a result, the draft of the CP12 Common Practice is now available for review by all stakeholders. The Working Group considers this to be a ‘living document’ and open to discussion, where it would be very **appreciated to receive input or feedback**.

The scope of the CP12 project covers **five main areas**:

- General Concepts – definitions and admissibility of evidence
- Means and sources of evidence – documents; online evidence; and genuineness, veracity and reliability of evidence
- Establishing the relevant date of evidence – documentary evidence; online evidence; and the period and timing of a market survey
- Ways to present evidence: structure and presentation – acceptable

formats, size and recommended length; structure of the evidence;
structure of market surveys; and templates

- Confidentiality of evidence – acceptable ways and point in time to claim confidentiality; the scope of the confidentiality request and criteria for assessing it; and publication of the decision and use of confidential evidence.

The EUIPO welcomes your comments on the draft Common Practice, which should be returned either via email (stating the relevant section or page number) or by completing the [Feedback Form](#) and send it to CommonPractices@euipo.europa.eu by **Monday, 20 January 2020**.

The CP12 project is part of the EUIPO's [European Cooperation Projects](#) under the heading 'ECP4 Shared Services and Practices'.