



MINUTES OF THE BOARD OF DIRECTORS' MEETING
held on 19 October 2019, in Naples

The Board of Directors met on 19 October 2019, at 10 a.m., in the Maschio Angioino, Via Vittorio Emmanuele III, Naples (Italy)

Were present

Béatrice Brenneur (France), Dragos Călin (Romania), Nicholas Chambers, represented by Michael Fysh (United Kingdom), Audran Ozėrsk (Lithuania), Rosalie Mercedes Fernandez Alava (Spain), Paul Gilligan (Ireland), Camilla Hölzer (Germany), Sara Menichetti (Italy), Vida Pavlina (Slovenia), Zane Peterson (Latvia), Avi Schneebalg (Belgium), François Staechelė (France), Monica Velleti (Italy), Michèle Weil-Guthmann (France), Monika Włodarczyk (Poland), Peter Zsabo, represented by Agnes Bucsi (Hungary).

Were excused

Linda Benrais (France), Isabelle Bieri (Switzerland), Renata Dolanska (Slovakia), Erik Van Engelen (Netherlands), Albertina Aveiro Pereira (Portugal).

Was Invited

Malgorzata Miszkin Wojciechowska (Poland).

AGENDA

1. Tribute to Jaime Cardona Ferreira
2. Conference led by GEMME Italy
3. Welcome to the new national sections
4. Approval of the minutes of the previous Board meeting
5. Financial points
6. Website (François Staechelė)
7. GEMME actions
 - EUIPO project for GEMME (Lourdes Arastey)
 - Invitation from the CEPEJ (Strasbourg, Paulo de Brito, Eric Battistoni)
 - ERA Project: Participation of GEMME members in seminars in different countries (Paul Gilligan)
 - List of European mediators (Paul Gilligan and Avi Schneebalg)
 - Cruise on the Rhine of GEMME-France from 7 to 12 May 2020, from Strasbourg to Coblenz (Béatrice Brenneur)
 - Annual Mediation and Peace Award
8. Next General Assembly
9. Other points, if any.

1. Tribute to Jaime Cardona Ferreira

The President opened the meeting by recalling the memory of Jaime CARDONA FERREIRA in these terms:



"Jaime, with these few words, I would just like to say thank you as a friend and on behalf of all your GEMME friends:

- Thank you for the fidelity of your friendship

- Thank you to the great President you have been

- Thank you for all that you have given us

- Thank you for all the seeds you have sown that will sprout on the path of Justice and Peace where you have taken us.

You have made us all stand together. Full of wisdom, energy, listening, kindness and gentleness, you knew how to be firm when GEMME's interests were at stake.

You were a great man who was admired by all.

You were the head of our big GEMME family and you liked to say: "Jaime loves GEMME".

We are the ones who are telling you today: "GEMME loves Jaime" and we feel orphaned.

But from where you are, you will continue to watch over us in the invisible.

A candle has been extinguished on earth; a star has been lit in the sky which will remain a guide for the future of GEMME.

"Your friend Beatrice and the GEMME Board of Directors."

2. Conference organized by GEMME ITALY.

On the previous day, 18 October, at 15:30, the Italian section of GEMME had organised a beautiful conference on family mediation which brought together about 150 people in the prestigious Maschio Angioino in Naples, with the active participation of Béatrice Brenneur (in French) and Avi Schneebalg (in Italian).

The President again thanked Monica Velleti and Sara Menichetti for the wonderful welcome from the Italian Section of GEMME.

3. Welcome to the new national sections

The President welcomed the presence of a representative of the new Slovenian section.

She highlighted and applauded Avi Schneebalg's outstanding work in opening or reviving the Greek, Cypriot, Danish, Slovenian and Slovak sections, the latter with the help of Monika Włodarczyk.

She also thanked Camilla Hölzer for her involvement in reviving the Austrian section.

4. Approval of the minutes of the Board meeting held on March 22, 2019

The minutes of the previous Board meeting were unanimously approved.

5. Financial

The treasurer has not yet sent his report. It will be presented to the Board of Directors at a later date.

6. Websites

Our webmaster, François Staechelé, indicates that the structure of the GEMME-Europe website is almost finished. Still remains to be finalized:

- CRM (Customer Relationship Management), i. e. an IT module, managing an online database allowing the management of the association and its members;
- The online payment module, requested by some sections;
- Discussion lists for internal communication.



He will send all Board members a complete note answering the various questions that have been raised:

- What about personal data and compliance with the DGMP?
- Will online payment be mandatory?
- How will it be linked to the registration procedure?

He already invites national sections to send articles, announcements of symposiums or conferences, training courses, etc., which they wish to be published on the GEMME-Europe website, and in particular all the laws of their respective countries relating to amicable dispute settlement. He also wants the national sections to respond to the questionnaire that will be sent out, making it possible to deal with the theme chosen by the GEMME in 2020 (The right to mediation).

He insists on the need for all members of the national sections, who are also ex officio members of GEMME-EUROPE, to complete the registration form on the website (<https://www.GEMME-mediation.eu/espace-reserve/> under the heading "my account", specifying that the data thus entered will be used exclusively for the management of the association and will in no case give rise to public dissemination. Identification allows access to the part of the site reserved for GEMME members only and in particular to a directory of members, an internal library, working groups, etc.

With regard to the national sections, he recalled that, according to the requests made, the national sections had two types of sites:

- a complete site allowing the creation of pages and articles at will with all the components guaranteeing security and presentation;
- a simple presentation site, which aims only to be present on the Internet, to present the national section, the country's legislation relating to MARDs and a form allowing new members to join.

National sections are invited to send to Marc Chavand (tutolex@lilo.org), our internet service provider who will put them online:

- a presentation text of the section in the language of the country;
- a presentation of their national legislation on mediation;
- their bank details allowing the registration of new members and the payment of membership fees, it being noted that each national section will remain responsible for its own financial management.

François Staechelé explains that the service provider can only provide us with a "container" but that he cannot invent content, and that until he gets the data provided by the national sections, he has, as all webmasters do, injected "filling text" in Latin into the sites.

He asked that each national chapter that has not yet done so:

- provide the name and e-mail address of its local webmaster;
- invite its local webmaster to contact Marc Chavand who will explain his role.

He reminds us that the online publication of articles does not require any computer skills and that a little practice is enough to become operational, as was the case for the new webmaster at GEMME-France.

Finally, he reminded the Board that he had made a discussion list available to members of the Board. It is necessary to use it and write to board members only at GEMME-europe-CA@googlegroups.com, to avoid repeating errors or omissions in the address list using the reply command, as has again been the case recently. All address changes must be reported to him/her so that he/she can maintain an up-to-date list.



7. The actions of GEMME

- **EUIPO project for GEMME.**

Lourdes Arastey is leading this project in collaboration with the Intellectual Property Office, with members of GEMME as part of a project with a European Union agency <https://euipo.europa.eu/ohimportal/es/home>. One of the objectives is to set up a network of judges in practice with expertise in European trademark matters.

Rosalía Fernández explained that a written report will be sent to the GEMME Board, which is inserted below.

“Last June the Spanish Branch of GEMME was contacted by the Board of Appeal of the European Union Intellectual Office (EUIPO) to consider an Agreement between GEMME, the EUIPO and the competent entities, organizations and institutions in the area of intellectual property, with the aim of creating a network of courts and organizations that promote mediation among Courts in the European Union that have jurisdiction in intellectual and industrial property cases. This would happen at European level, with the Agreement being fostered by the Spanish branch of GEMME.

The objectives of the project are as follows:

- 1. Multiply the impact of mediation in the area of intellectual and industrial property at EU level and successfully put it to actual operation.*
- 2. Progress from simply raising awareness amongst the different groups affected by conflicts in the area of intellectual and industrial property to a phase of actual practical application of mediation, involving the judges and the courts as a strategic element so that this method of dispute resolution can triumph.*
- 3. The creation of a network which will include judges and academics who advocate in favour of the application of mediation to EU intellectual and industrial property cases and mediators, with the aim of establishing a road map according to which judges will refer intellectual property cases to mediation, achieving more complete and appropriate agreements than the ones reached by virtue of simple negotiations.*
- 4. The creation of close links between the judges advocating in favour of mediation in the area of EU-intellectual and industrial property and the mediators who operate in this field, to the benefit of the users of the EUTM and RCD system.*

The President of GEMME, Mrs Benneur, by a letter dated 1 July 2019, accepted the challenge.

Since then, Lourdes Arastey and Juan Mejías (members of the Board of GEMME Spain) have been working in building up a list of judges that throughout the EU Member States (EUMS) bear the exclusive jurisdiction on EU-trademark and EU-design (as allocated by every EUMS in the List published on 24.9.2014 by the Official Journal of the EU).

Unfortunately, very few of the members of GEMME who were contacted have responded to our demand of collaboration to identify precisely the judges in charge of these specific courts. Our list should be the initial and key tool and it seems not too difficult that the national judiciary could provide us with the details of these judges. We have only identified those in Spain, Belgium, France (only at appeals level), Italy (not all), Ireland and the UK.

On 17th October, Lourdes Arastey met with the EUIPO Appeals Board members (Theophile Margellos and Sven Sturmman, also members of GEMME) to schedule the next steps.

A big encounter was planned with relevant members of the judiciary of the EUMS in order to present the project and create working groups. It will take place during the first weeks of 2020 in Alicante (EUIPO premises) and the presence of the leadership of GEMME shall be of the utmost importance.

This project means neither financial nor managerial obligations for GEMME, but we are committed to provide it with the information and expertise we can gather about mediation and our essence as judges. Therefore, all national branches of GEMME are compelled to



participate, identify and contact the EU-trademark national judges, and attract them to mediation.”

- **Invitation of the CEPEJ.**

GEMME, being an observer at the Council of Europe, is regularly invited to CEPEJ work on mediation. This takes place in Strasbourg, and sometimes in Paris.

Paulo de Brito from Portugal and Eric Battistoni from Belgium have already represented GEMME. We are waiting for them to report back to us on these meetings. This work is also monitored by Jean Mirimanoff.

Paulo de Brito gave a thematic account of these meetings:

1°- On 15-16 November 2018, the discussions focused on the working documents concerning:

- a) Baseline Grid for Mediation Key Performance Indicators (questionnaire to statistical purposes on mediation performance indicators in the Member States, such as the number and type of mediations realized);
- (b) Code of conduct for mediators;
- (c) Standard mediation forms (form on the mediation agreement);
- (d) Means of ensuring the dissemination of the toolbox in the Member States in order to the development of mediation;
- (e) Definitions relating to mediation used by the CEPEJ;
- (f) Feasibility study on a Council of Europe Convention on mediation (to be considered by the CEPEJ at its next plenary meeting).

2°- On May 6-7, 2019, the discussions focused on the working documents concerning:

- (a) Mediation Awareness Program for Judges (Eric Battistoni has volunteered to help Jean Mirimanoff on this subject);
- (b) Design of training programmes for different actors (judges, lawyers, notaries, bailiffs);
- (c) Status of the feasibility study (with a view to the possible preparation of a Council of Europe Convention on mediation) led by the scientific experts Leonardo d'Urso and Mirjana Visentin ;
- (d) CEPEJ-GT-MED roadmap.

- **ERA Project: Participation of GEMME members in seminars in various countries.**

This project is followed by Paul Gilligan. These are English language training courses on mediation in several European cities. They have been very successful in the past few years. National sections must find judges involved, either to participate in these trainings or even as trainers themselves.

- **List of European mediators.**

This project is led by Paul Gilligan, Avi Schneebalg and Béatrice Brenneur.

A new meeting was held in Brussels between Paul Gilligan, Avi Schneebalg and Mr. Pilette of the Council of the European Union.

At this meeting, Mr. Pilette requested the assistance of GEMME Europe to establish a list of mediators for each of the EU Member States.

Paul and Avi explained that GEMME did not have the financial or administrative capacity to engage in this project, but that nevertheless, GEMME could help the Council achieve its aim.

It was hoped that GEMME would take stock of the different mediation organizations in each of the Member States and then give its opinion on the criteria to be required to be a mediator on the EU lists. For example, qualification, ethics, knowledge of languages, professional liability insurance and area of expertise. This would be particularly useful for countries where there are no official lists of "accredited" mediators. In Belgium for example, there is such a list.



Thus GEMME could work in cooperation with the Council if the latter carried out the necessary administrative work to this end.

GEMME would not be involved in any major projects involving financial or administrative matters and would not appear in their presentation by the Council.

This proposal was put to the vote and received 14 votes in favor, 2 against and 1 abstention. It was therefore adopted by a majority.

Zane Petersone brought up a proposal that each country should present its local situation, which was adopted.

Paul and Avi will have to meet again with Mr. Pilette to present GEMME's point of view and for the project to be detailed.

- **MIKK Seminars.**

MIKK trains family mediators. Interested persons can contact Paul.

- **Cruise on the Rhine of GEMME-France from 7 to 12 May 2020, from Strasbourg to Koblenz/Coblence.**

Béatrice Brenneur explained that, following the success of the May 2019 cruise, GEMME-France will again organize a seminar-cruise on the Rhine, from Strasbourg to Koblenz, from 7 to 12 May 2020.

Paul Gilligan, who was at the 2019 cruise, regrets very much to be unavailable for the Rhine cruise.

The theme of the cruise will be "the right to mediation". One should have access to mediation as one has access to justice.

On 7 May 2020, a visit of the Council of Europe and the European Parliament and a meeting with members of the Council and Parliament are planned in Strasbourg.

Members of GEMME national sections are cordially invited. Everyone must be able to participate in this cruise seminar and the price must not be an obstacle (see Béatrice Brenneur in order to adapt financial conditions to everyone's resources).

Information and registration: <https://www.anm-mediation.com/GEMME.php>. All national sections should relay this information to their members.

- **The GEMME - Spain section reports very positive results:**

- Appointment of GEMME - Spain as a member of the Forum for Mediation created by the Minister of Justice. Among other things, the Forum's function is to advise the Ministry of Justice on the design, development and implementation of mediation mechanisms within the Spanish regulatory framework. Four working groups have been set up for that purpose.

- Collaborative agreements have been signed with major institutions, such as several universities and ombudsmen, to bring mediation closer to citizens, including in the field of public administration.



- Several conferences are planned:

In Tenerife, Canary Islands on 5 November 2019, in collaboration with the Canary Islands Ombudsman, as part of the DEMOS (Interreg) project involving the Ombudsmen of the Azores, Madeira, Senegal, Cape Verde, the Canary Islands and Mauritania.

- Global Mediation Conference (Barcelona, 21-23 January 2020). It is an event organized by ICAB (Barcelona Bar Association) in collaboration with GEMME Spain. News will be given after October 23rd. There will be a meeting of the organization to decide whether or not the CME can be held.

- IV GEMME Symposium Spain (Málaga, 23-25 September 2020). The provisional program will be ready between the end of November and the beginning of December. Registration is expected to start in January 2020.

Rosalía Fernández will keep us informed on these projects.

8. Next general Assembly

Europe and GEMME - France General Assembly will take place during a cruise on the River Seine on March 7, 2020.

The cruise is organized into two parts:

A - For the General Assembly:

12:30 Boarding. Departure cruise to La Défense and Suresnes

13:00 Lunch on board

15:00 General Assembly

18:00 Return to quayside

Price: Free for GEMME members, 35 € for the lunch of the accompanying persons

B - For the cruise

19:30 Departure cruise Paris by night. Gastronomic gala dinner

22:30 Return to the dock.

22:30 Dance evening

Price: Paris by night cruise + dinner + dance evening: 50 €

Overnight on board: Cabins are available with shower rooms are spacious and superb.

Price: 80 € per cabin for a cabin for 2 people (that can be used alone) breakfast included.

Book your cabin with Béatrice Brenneur: brenneur@gmail.com

GEMME will pay for the lunches, dinners and cabins of the members of the Board of Directors who can only be reimbursed for travel in economy class, low-cost flights or 2nd class trains, on presentation of proof.

The total cost of this event is less than €14,000. GEMME-France, which will hold its general meeting on the same



day, will contribute in part to this.

This project was unanimously accepted.

The President reminded the meeting that at this general meeting, the new directors will be elected. The deadline for announcing the names of the candidate directors is March 1, 2020.

The President asked whether there were any further questions.

Since there was none, the meeting was closed at 1 p.m.

The President,
Béatrice Brenneur,

For the General Secretary,
Michèle Weil-Guthmann