



20 April 2020

Covid-19 Update

Measures taken by UK and European IP offices in response to coronavirus

In view of the spread of Covid-19 (coronavirus) and ever-changing responses by the UK and Europe, we are monitoring the situation closely and will report any changes that affect our operations or those of the UK and European intellectual property offices.

Some automatic extensions are in place, and other requests for extensions are likely to be more favourably received than normal. However, if you have a specific deadline that you feel you are unlikely to be able to meet in the current climate, then please contact us for advice.

European Patent Office (EPO)

As a result of the disruption, the EPO is extending deadlines where an applicant has to complete an act before the EPO, for example filing a response to an examination report or filing documents in support of an application. Any such deadlines falling on or after 15 March 2020 are being automatically extended to 4 May 2020. The EPO is monitoring the situation and may extend this period further. While this is welcome, we would still appreciate instructions in advance of the original deadline, where possible, and will continue to issue reminders as if the extension were not in place.

Some key deadlines/dates not covered by the automatic extension are the filing of a new application to pre-empt a public disclosure and the filing of a divisional application while a parent application remains pending.

Oral proceedings before examining and opposition divisions scheduled before 30 April 2020 have been postponed until further notice, unless already confirmed as being conducted by videoconference, or in the case of examination proceedings, are converted into oral proceedings by videoconference with the applicant's consent.

Oral proceedings will not be held at the premises of the Boards of Appeal before 30 April 2020, and affected parties will be notified individually. The Boards of Appeal will continue to issue written communications, summons and decisions.

All EPO organised events that involve more than 50 participants in March and April have been postponed, including EQE exams.

[EPO update on coronavirus](#)



UK Intellectual Property Office (UKIPO)

The UKIPO has said that they will take whatever measures they can to support applicants, and their attorneys, who have been affected.

The UKIPO has declared that 24 March, and subsequent days until further notice, will be considered as “interrupted days”, meaning that any deadlines for patents, supplementary protection certificates, trade marks and designs, and applications for these rights, which fall on an interrupted day, will be extended until the IPO notifies the end of the interrupted days period. A minimum of 2 weeks’ notice will be given before ending the interrupted days period.

The UKIPO has also previously given the following advice:

Deadline extension - The UKIPO will extend time periods where national and international legislation allows. We are willing to support affected customers using the discretionary powers available to us.

Extensions of time - The UKIPO is willing to consider requests for extensions of time as favourably as possible on a case-by-case basis. Seems likely that where a 2-month extension is available as of right, but any further extensions are only discretionally available, those further extensions are more likely to be granted.

Loss of rights due to failure to meet a time period - Where a failure to meet a time period has resulted in a loss of rights, those rights may be reinstated or restored in certain circumstances. The UK’s intellectual property legislation does not provide any single provision for all situations that may arise. Legal provisions depend on the nature of the late response and the circumstances of the delay. UKIPO staff can explain the options available and how reinstatement or restoration procedures work.

[UKIPO coronavirus advice for rights applicants](#)

The UKIPO has confirmed that services are unaffected at present, except for some limited impact on their hearings service. Hearings will continue to be operated via telephone, Skype or other virtual methods, and no further physical hearings will be booked or take place before 1 June 2020. Parties will be contacted over the next few days if their current hearing arrangements need to change.

<https://www.gov.uk/government/news/update-on-ipo-services>



European Union Intellectual Property Office (EUIPO)

All meetings and events involving a high number of external stakeholders during March and April are postponed. The EUIPO's participation in events and activities outside EUIPO premises with stakeholders are also postponed during this period. The Office is looking into alternative solutions in order to hold these meetings (fully or partially) at a later stage through digital means such as VICO's, streaming, etc.

The EUIPO has now issued a Decision extending time limits expiring between 9 March 2020 and 30 April 2020 until 1 May (in practice 4 May, since 1 May is a public holiday, followed by a weekend) – 'all time limits expiring between 9 March and 30 April 2020 inclusive that affect all parties in proceedings before the Office'.

The reference to 'all time limits' is to be read literally and encompasses all procedural deadlines, irrespective of whether they have been set by the Office or are statutory in nature (i.e. are stipulated directly in the Regulations). For the sake of clarity, this expression covers:

- Time limits set by any instance of the Office, in any proceeding before the EUIPO, including its Boards of Appeal.
- Time limits imposed directly by the EUTMR, the EUTMIR or the EUTMDR as well as CDR and CDIR, including those originating from the Paris Convention or other International Treaties, and regardless of whether they are excluded from restitutio in integrum within the meaning of Article 104 (5) EUTMR and Article 67(5) CDR.

In particular, the following statutory time limits **are covered** by the extension:

- Payment of the Application Fee (Article 32 EUTMR)
- Right of Priority (Article 34(1) EUTMR and Article 41 CDR)
- Exhibition Priority (Article 38(1) EUTMR and Article 44 CDR)
- Opposition Period (Article 46(1) EUTMR)
- Payment of the Opposition Fee (Article 46(3) EUTMR)
- Request for Renewal (Article 53(3) EUTMR and Article 13 CDR)
- Filing of an Appeal and of the Statement of Grounds, payment of the Appeal Fee (Article 68 (1) EUTMR and Article 57 CDR),
- Conversion (Article 139 EUTMR)
- Deferment of publication of design (Article 50 CDR).

[EUIPO update on Covid-19](https://euiipo.europa.eu/ohimportal/en/news/-/action/view/5657728)

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