

Covid-19 – Trade Mark Registries

Disclaimer: The information in this table is kept under review and will be updated periodically. However, trade mark registries are constantly adapting their approach to the particular circumstances that we are all facing. This table (and any information accessed through links in this table) is provided for information purposes only and does not constitute legal advice. Professional legal advice should be obtained before taking or refraining from any action as a result of the contents of this table, particularly in relation to deadlines. Your usual contact at Simmons & Simmons would be pleased to provide further assistance.

Registries	Deadlines	Other	Links
<p>WIPO</p>	<p>WIPO will accept late communications from users who were unable to meet a deadline as a result of issues relating to Covid-19 provided that the necessary communication is made within 5 days (and no later than 6 months) of gaining access to the relevant service and that the reason for the delay is justified.</p> <p>Holders or applicants who have failed to meet the deadline may request that WIPO continue processing the international application, subsequent designation, payment or request concerned. They may request continued processing without giving any reason or providing any evidence.</p> <p>WIPO also reminds of the automatic extension of deadlines in case an intellectual property office is not open to the public.</p>	<p>WIPO is resuming most of its postal mail-based services. Applicants, holders and representatives are strongly advised to use the Madrid System e-Services or Contact Madrid to perform transactions online, where possible.</p> <p>WIPO also fully resumed the certified documents, extracts and legalization services on July 13, 2020.</p> <p>When it is not possible for Madrid System users to submit forms electronically with the handwritten signature of holders or representatives, signatures can also be printed, typed or stamped; it may be replaced by the affixing of a seal. A handwritten signature is not mandatory.</p> <p>WIPO is also offering a COVID-19 IP Policy Tracker with information on measures adopted by IP offices in response to the COVID-19 pandemic, such as the extension of deadlines, legislative and regulatory measures for access and voluntary actions.</p>	<p>https://www.wipo.int/madrid/en/news/2020/news_0009.html</p> <p>https://www.wipo.int/covid19-policy-tracker/#/covid19-policy-tracker/ipo-operations</p>

Registries	Deadlines	Other	Links
EUIPO	<p>All deadlines which expire between 9 March and 17 May 2020 were extended to 18 May 2020.</p> <p>No further extensions were granted. Thus, on 18 May all extended time limits have expired.</p> <p>However it is to be noted that new time limits have been set individually by the EUIPO and many time limits do not fall into the time range that was extended and expire later than on 18 May 2020.</p> <p>The EUIPO draws attention to the possibility to request further deadline extensions, to the suspension of proceedings as well as to reinstatement tools.</p>		https://euipo.europa.eu/ohimp-ortal/en/covid-19-information
INPI (French Patent and Trade Mark Office)	<p>By Ordinance n°2020-306 of 25 March 2020 and Ordonnance n°2020-560 of 13 May 2020, all deadlines which expire between 12 March 2020 and 23 June 2020 are extended to 23 July 2020 if the initial deadline was one month, and to 23 August 2020 if the deadline was two months or more. This applies to all deadlines set by the French Intellectual Property Code such as opposition periods, annuities payments, renewal periods etc.</p> <p>This does not apply to deadlines provided by international instruments such as the priority period to obtain an international extension.</p>	<p>In order to avoid an overburdening of the procedures at the end of the health emergency period, the office enhances the parties to proceed with the proceedings as soon as they are in the position to do so.</p> <p>All online procedures continue to operate normally, and the INPI encourages parties to use them without relying on the extended deadlines in order to limit the backlog arising as a result of the extension of deadlines.</p>	https://www.inpi.fr/fr/report-de-delaix-lie-la-crise-sanitaire
DPMA (German Patent and	<p>With regard to all pending IP procedures, as of 24 March 2020 all deadlines granted by DPMA are extended until 4 May 2020. Until then, no decision</p>	<p>The DPMA requests that enquiries are sent via email to info@dpma.de. This does not apply to IP procedures.</p>	https://www.dpma.de/english/our_office/publications/news/corona/index.html

Registries	Deadlines	Other	Links
<p>Trade Mark Office)</p>	<p>will be issued based on a finding that a deadline that falls during that period was not respected. Separate notices concerning the extension of deadlines will not be issued.</p> <p>The DPMA cannot extend deadlines specified by law. Parties will be able to request the re-establishment of rights using the standard procedure.</p> <p>As regards employee inventions, the Arbitration Board extends all open pleading deadlines until 15 May 2020 in accordance with the Law on Employees' Inventions without separate application (please note that this does not apply to the non-extendable statutory objection period under Art. 34 (3) ArbEG).</p>	<p>The DPMA also requests that IP applications are made via their online filing systems, as all paper based applications will be affected by a delay in processing.</p> <p>There may also be delays in issuing certificates and priority documents. The dates of publication in the IP gazette may be different from the scheduled dates.</p> <p>The immediate transfer of international design applications to the International Bureau of the World Intellectual Property Organization cannot be guaranteed either. The DPMA recommends to file such applications directly with the WIPO.</p> <p>Until 30 June 2020 summons to appear in hearings or oral proceedings will no longer be issued. Hearings and oral proceedings that have been scheduled will not take place until further notice and are cancelled ex officio, which will be notified in writing.</p> <p>As of 4 September 2020, the DPMA stated, that will remain closed for the public until further notice, and continue to provide it's services digitally.</p>	
<p>IPTO (Italian Patent and</p>	<p>Deadlines for complying with any deadline concerning administrative proceedings (the ones pending before the IPTO Divisions), provided by law or by the Office (e.g. to file briefs and/or documents),</p>	<p>All statements, certificates, permits, concessions, authorizations and authoritative documents, however denominated, including those relating to industrial property rights expiring between 31</p>	<p>https://uibm.mise.gov.it/index.php/en/202-news-english/2036408-covid-19-extension-of-the-deadline-for-</p>

Registries	Deadlines	Other	Links
<p>Trade Mark Office)</p>	<p>are suspended ex officio for the period 23 February - 15 May2020. As a consequence, deadlines falling into this timeframe shall continue to run for the remaining part once the period of suspension is over.</p> <p>When depositing the renewal form in accordance with the new deadline the interested party must indicate in the form (under the voice “Nota depositante”) that the former deadline was not respected due to the COVID-19 emergency and in application of Directorial Decree 11 March 2020 and Law Decree No. 18/2020.</p> <p>The above suspension shall also apply to the deadline for filing oppositions against Italian trade mark applications.</p> <p>Deadlines relating to appeal proceedings before the IPTO Boards of Appeal are excluded from the above suspension, as these proceedings are judicial in nature.</p>	<p>January 2020 and 31 July 2020 shall remain valid for the ninety days following the declaration of the end of the state of emergency.</p> <p>The Office will promptly inform users about the date of the end of the state of emergency.</p> <p>Upon expiration of the above period, it is the responsibility of the party, who intends to extend the duration of an intellectual property right, to take due action, in the forms already provided for by the law, in order to achieve its maintenance or renewal, through the payment of the fees due.</p> <p>Even though the state of emergency has been extended, since the aforementioned provision has not been amended payments for renewal or maintenance of expiring IP rights still have to be made by October 2020.</p> <p>Due to the current emergency situation related to the COVID 19 pandemic, as an alternative to the current procedures of filing with the Chambers of Commerce or by mail addressed to the IPTO, it is also possible to submit international trade mark/ trade mark renewal applications at the following certified email address: dglcuibm.divo8@pec.mise.gov.it.</p>	<p>administrative-proceedings-to-15-may</p> <p>***</p> <p>https://uibm.mise.gov.it/index.php/it/l-uibm-si-riorganizza-per-garantire-i-servizi-agli-utenti</p>
<p>UKIPO (UK Intellectual Property Office)</p>	<p>The UKIPO has declared 24 March 2020 and subsequent days until further notice ‘interrupted days’.</p>	<p>The UKIPO is unable to process paper forms, faxes and paper correspondence.</p> <p>For services that are not available online, there is a new email address:</p>	<p>https://www.gov.uk/government/news/coronavirus-advice-for-rights-applicants</p>

Registries	Deadlines	Other	Links
	<p>This means that any deadlines for trade marks, designs and patents which fall on an interrupted day will be extended until the UKIPO notifies the end of the interrupted days period.</p> <p>On 22 June, the UKIPO decided to bring the interrupted days period to an end on 29 July 2020. This will mean that all interrupted days deadlines will expire on 29 July.</p> <p>Until 29 July, the interrupted days provisions applies to all deadlines set out in the UK Acts and Rules, and all non-statutory deadlines specified by the UKIPO, including the deadline to file a notice of opposition (TM7), although customers are encouraged to comply with opposition deadlines if possible.</p> <p>The extension does not apply to deadlines set out in International IP treaties, such as the Madrid System (it does not apply to priority deadlines under the Paris Convention).</p> <p>It does not affect filing dates.</p> <p>For new trade mark examination reports the UKIPO will allow four months to respond (not the usual two months), removing the need for an extension.</p>	<p>paperformcontingency@ipo.gov.uk, which can be used instead of faxing or posting documents to the UKIPO.</p> <p>Hearings will continue to take place via telephone, Skype or other online methods. There will be no physical hearings booked until at least 1st June 2020. Parties involved in upcoming hearings will be notified if the arrangements for their hearing changes.</p>	
BOIP (Benelux Office for	<p>The BOIP announced that it has proposed 25 May 2020 as end date to further postpone deadlines.</p>	<p>Online services remain available.</p> <p>The register may not reflect the accurate status of certain trade marks.</p>	<p>https://www.boip.int/en/entrepreneurs/news/announcement-of-business-as-usual-date-bau-date</p>

Registries	Deadlines	Other	Links
Intellectual Property)	<p>In practice, this means that deadlines that expire(d) between 16 March 2020 and 24 June 2020 inclusive, will expire on 25 June 2020.</p> <p>From 25 May, all new deadlines will apply in the usual way.</p>		
CNIPA (China Intellectual Property Administration)	<p>If the applicant or concerned party delays the deadline stipulated in the Trade Mark Law and its implementing regulations or the period specified by the CNIPA due to COVID-19, which causes it to fail to handle the relevant trade mark affairs as normal, the relevant period shall be suspended from the date on which the obstacle rises, and shall continue to be calculated on the date when such obstacle ended.</p> <p>If the loss of a trade mark right is resulted by the obstacles due to COVID-19, a written application may be submitted within 2 months from the date of the removal of the obstacle, stating the reasons, along with the corresponding supporting materials to request the restoration of the right.</p>	<p>The CNIPA practice is now back to normal, including the online filing system and the issuance of decisions, notifications, etc.</p> <p>If the relevant party cannot meet the deadline for a trade mark matter, when submitting the response, arguments or evidence when possible, a written explanation should be submitted along with supporting evidence to prove the local emergency measures. The CNIPA will accept such submission</p>	<p>http://sbi.cnipa.gov.cn/gzdt/202002/t20200206_311115.html</p>
HKIPD (Hong Kong IP Department)	<p>The HK Registries resume normal from 7 September 2020</p> <p>Interruption of operations will not be further extended. Therefore, all deadlines falling on any date from 20 July to 28 August will be due on 31 August 2020.</p>	<p>All online procedures continue to operate normally.</p> <p>The Public Service Counter will be opened on 31 Aug, 2 Sep & 4 Sep (Mon, Wed & Fri) for the whole day. Drop-box will be available on Tues and Thurs for paper filing.</p>	<p>https://www.ipd.gov.hk/eng/whats_new/2020notice.htm</p>

Simmons & Simmons LLP

21 September 2020