

Circular

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## Information for clients

### Official time limits and dates for court hearings during the COVID-19 pandemic

Dear Sirs/Mesdames,

We are writing to you today to inform you that various IP Offices before which we represent you in respect of applications for, and protection of IP rights have currently arranged for current deadlines to be automatically postponed in response to the Corona crisis. IP Offices and courts have also cancelled numerous hearings.

Our basic recommendation is to comply with official deadlines as they were originally set, and we will continue to manage your affairs accordingly, after due coordination and consultation with you, of course.

**In particular, we recommend that priority deadlines and deadlines for initiating national/regional phases of PCT applications be met, as these are relevant for many countries and because extensions of deadlines may be handled differently from one country to another.**

Wherever relevant, we will inform you by separate individual mail about any cancellations of oral proceedings or hearings.

Below, we summarise the information available today regarding various key Offices and courts.

#### European Patent Office

Due to a “general dislocation” within the meaning of Rule 134(2) EPC, periods expiring on or after 15 March 2020 are extended for all parties and their representatives until **17 April 2020**. According to Article 150(2) EPC, this also applies to international applications filed under the PCT.

The above period may be further extended by publication of another Notice from the EPO if the dislocation extends beyond the aforementioned date. The text of the Notice is [here](#).

### **European Union Intellectual Property Office (EUIPO)**

Due to an “exceptional occurrence” within the meaning of Article 101(4) EUTMR, time limits expiring between 9 March 2020 and 30 April 2020 are extended until 1 May 2020 for all parties and their representatives. This is effectively an extension until **4 May 2020**. The relevant announcement by the EUIPO can be found [here](#).

### **German Patent and Trademark Office (GPTO)**

Time limits set in all IP proceedings by the German Patent and Trademark Office are extended – without further notice – until **4 May 2020**, and no decision shall be handed down before that date on account of a time limit expiring.

**On the other hand, the German Patent and Trade Mark Office is unable to extend time limits that are stipulated by law.** Further information can be found in the Notice of 10 March 2020, [here](#).

Until further notice, hearings and oral proceedings will no longer be held, and no further summonses will be issued. **Hearings and oral proceedings that have already been scheduled will be cancelled ex officio.** Notice of cancellation will be given in writing.

Further, continually updated announcements by the GPTO can be found [here](#).

### **German civil courts**

The German civil courts are handling the Corona crisis in different ways. Hearings will be cancelled, where possible. The decision will generally be made on a case-by-case basis. We will keep you individually informed in the weeks ahead about any changes in scheduled dates.

### **Federal Patent Court (BPatG)**

The BPatG has set up an emergency service. Oral proceedings in the period between now and **19 April 2020** have been cancelled. Applications, actions and submissions can nevertheless be filed in the usual manner. Safeguards are in place to ensure they are processed. Up-to-date information can be found [here](#) (only available in German).

### **World Intellectual Property Organization (WIPO)**

WIPO is continuing operations and does not generally grant blanket extensions of time limits. Below, we summarise the information released by WIPO on various types of IP rights. Up-to-date general information from WIPO can be found [here](#).

### Patents (PCT)

WIPO has taken precautions to ensure that PCT applications can continue to be filed and processed at the International Bureau. In the event of other IP Offices closing which serve as a Receiving Office, International Searching Authority or International Preliminary Examining Authority, time limits shall be extended to the date on which that Office or authority reopens for business (PCT Rule 80.5(i)).

### Trademarks (Madrid System) and Designs (Hague System)

Up-to-date information on remedies available in the event of a failure to meet a time limit under the Madrid System can be found [here](#). Information on remedies available in the event of a failure to meet a time limit under the Hague System can be found [here](#). Please feel free to contact us if you have any questions.

### Foreign national Offices

The list of measures implemented by foreign national Offices in response to the global Corona crisis is long and would exceed the scope of this circular.

As a basic principle, we will continue to work with you to meet the time limits originally set, as far as possible. However, if you have any questions in this regard, please do not hesitate to contact your contact at Eisenführ Speiser.

Your usual contacts at Eisenführ Speiser will be pleased to answer any queries you may have.

We wish you, your staff and your families good health and strength to get through the current crisis! We stand by your side and will gladly support your business in these difficult times, should you need assistance of any kind in handling your IP affairs.

Yours sincerely,

**Eisenführ Speiser**