

Notice from the European Patent Office dated 16 April 2020 concerning the disruptions due to the COVID-19 outbreak

URL

<https://www.epo.org/law-practice/legal-texts/official-journal/information-epo/archive/20200416.html>

Location

Home > Law & practice > Legal texts > Official Journal > Information from the EPO > Archive >
16 April 2020

This text is intended for publication in the Official Journal (OJ) of the EPO. It is made available in advance on the EPO website merely as a courtesy to the public. Only the text subsequently published in the officially certified PDF file of the OJ is authentic. It cannot be guaranteed that this advance version accurately replicates that text.

1. The European Patent Office published a Notice^[1] dated 15 March 2020 concerning the disruptions due to the COVID-19 outbreak and drawing attention to the legal remedies provided for under the European Patent Convention (EPC) and under the Patent Cooperation Treaty (PCT) in cases of non-observance of time limits. In particular, under [Rule 134\(2\) EPC](#) it provided for an extension of periods expiring on or after 15 March 2020 for all parties and their representatives to 17 April 2020, and referred to the application of [Rule 134\(5\) EPC](#) and [Rule 82quater.1 PCT](#). Since the general dislocation due to the pandemic continues in the Federal Republic of Germany, there is a need to further extend the periods. Therefore, the present Notice replaces the previous Notice dated 15 March 2020 ([OJ EPO 2020, A29](#)) and, with the exception of the date, reproduces its content.

2. As the state in which the European Patent Office is located, the Federal Republic of Germany, like many other Contracting States, is experiencing restrictions on the movement and circulation of persons, as well as on certain services, exchanges and public life in general, which can be qualified as 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 to 4 May 2020^[2]. In accordance with [Article 150\(2\) EPC](#) this applies also for international applications under the PCT. The above period may be further extended by the publication of another notice if the dislocation extends beyond the aforementioned date.

3. Without prejudice to paragraph 2 of this Notice and in respect of cases not covered by it, [Rule 134\(5\) EPC](#) offers a safeguard in the case of non-observance of a time limit as a result of a dislocation in the delivery or transmission of mail caused by an exceptional occurrence affecting the locality where an applicant, a party or their representative resides or has his place of business. This provision applies to cases where the failure to observe time limits is the result of exceptional circumstances beyond the applicant's control and may therefore be invoked by any applicants, parties to proceedings or their representatives affected by the disruption in the areas affected by the outbreak^[3].

4. Pursuant to [Rule 134\(5\) EPC](#), any document received late will be deemed to have been received in due time if the person concerned offers evidence that on any of the ten days preceding the day of expiry of a period, it was not possible to observe the time limit due to this exceptional occurrence and that the mailing or the transmission was effected at the latest on the fifth day after the end of the disruption.

5. Without prejudice to paragraph 2 of this Notice, applicants are referred to [Rule 82quater.1 PCT](#) as regards time limits and conditions applicable under the PCT. In particular, where the interested party offers satisfactory evidence that a time limit under the PCT was not met due to natural calamity or other like reason in the locality where the interested party resides, has his place of business or is staying, and that the relevant action was taken as soon as reasonably possible (and no later than six months after expiry of the time limit in question), the delay in meeting the time limit is excused. This provision applies to international applications pending in the international phase, but not to the priority period.

[1] Notice from the European Patent Office dated 15 March 2020 concerning the disruptions due to the COVID-19 outbreak, [OJ EPO 2020, A29](#).

[2] 4 May 2020 being the first day following the end of the interval of dislocation within the meaning of [Rule 134\(2\) EPC](#).

[3] As of 15 March 2020 the list of high-risk areas contained: Austria, federal state of Tyrol; China, Hubei province (incl. the city of Wuhan); France, region of Grand Est (this region includes Alsace, Lorraine and Champagne-Ardenne); Germany: the Landkreis Heinsberg in North Rhine-Westphalia; Iran; Italy; South Korea, Gyeongsangbuk-do province (north Gyeongsang); Spain, Madrid.

As of 10 April 2020 countries and regions are no longer classified as international risk areas. Due to pandemic spread, there is a global risk of acquiring COVID-19.

Please note that the definition of areas affected by the spread of COVID-19 are subject to change. Please refer to the [EPO website](#) for regular updates.