

The Executive Director

**DECISION No EX-20-4 of the
Executive Director of the Office of 29
April 2020 concerning the extension
of time limits**

The Executive Director of the European Union Intellectual Property Office (the Office),

Having regard to Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark⁽¹⁾ (EUTMR) and in particular Article 157(4)(a) thereof, pursuant to which the Executive Director of the Office must take all necessary steps, including the adoption of internal administrative instructions and the publication of notices, to ensure the functioning of the Office,

Having regard to Article 101(4) EUTMR, stating that

[i]f an exceptional occurrence, such as a natural disaster or strike, interrupts or interferes with proper communication from the parties to the proceedings to the Office or vice-versa, the Executive Director may determine that for parties to the proceedings having their residence or registered office in the Member State concerned or who have appointed a representative with a place of business in the Member State concerned all time limits that otherwise would expire on or after the date of commencement of such occurrence, as determined by him, shall extend until a date to be determined by him. When determining that date, he shall assess when the exceptional occurrence comes to an end. If the occurrence affects the seat of the Office, such determination of the Executive Director shall specify that it applies in respect of all parties to the proceedings,

Having regard to Council Regulation (EC) No 6/2002 of 12 December 2001 on Community Designs, as amended⁽²⁾ (CDR) and in particular Article 100 thereof concerning the supplementary powers of the Executive Director, and to Commission Regulation (EC) No 2245/02 of 21 October 2002 implementing the Council Regulation, as amended⁽³⁾, (CDIR), in particular Article 58(4) thereof,

Whereas:

- (1) On 11/03/2020 the Director-General of the World Health Organization announced that the outbreak of *coronavirus disease (COVID-19)* can be characterised as a pandemic⁽⁴⁾. The outbreak has significantly affected worldwide communications.

⁽¹⁾ OJ L 154, 16.6.2017, p. 1.

⁽²⁾ OJ L 386, 29.12.2006, p. 14.

⁽³⁾ OJ L 193, 25.7.2007, p. 13.

⁽⁴⁾ According to *WHO Director-General's opening remarks at the media briefing on COVID-19 - 11 March 2020* (available online at <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>).

- (2) On 16/03/2020 the Executive Director of the EUIPO adopted Decision No EX-20-3, by which all time limits expiring between 9 March 2020 and 30 April 2020 inclusive that affected all parties in proceedings before the Office, were extended until 1 May 2020.
- (3) The extent and the status of the *coronavirus disease (COVID-19)* outbreak continues to constitute an exceptional occurrence, which has disrupted proper communication between parties worldwide and the Office.
- (4) The disruption extends to all time limits,

HAS ADOPTED THE FOLLOWING DECISION:

Article 1

Purpose and scope

- (1) In accordance with Article 101(4) EUTMR and Article 58(4) CDIR, all time limits expiring between 1 May 2020 and 17 May 2020 inclusive that affect all parties in proceedings before the Office are extended until 18 May 2020.
- (2) In the event parties to proceedings before the Office choose to discharge their procedural obligations before the expiry of the extended time limit, by submitting observations, documents or performing any other procedural act, the relevant time limit will be considered exhausted and the proceedings will continue without awaiting its expiration pursuant to Article 1.

Article 2

Entry into force

This Decision will enter into force on the day following its adoption and will be published in the Official Journal of the Office.

Done at Alicante, 29 April 2020.



Christian Archambeau
Executive Director