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News Alert

Intellectual Property department

Impact of the state of alarm declared by virtue of Royal Decree 463/2020, of 14 March, for the management of the health crisis caused by COVID-19, in the field of Industrial Property.

The measures adopted in compliance with Royal Decree 463/2020, of 14 March, declaring the state of alarm for the management of the health crisis situation caused by COVID-19, relating to the suspension of administrative and procedural deadlines, apply to all formalities of administrative procedures, under the terms defined in Law 39/2015, of 1 October on the Common Administrative Procedure of Public Administrations; this therefore includes Industrial Property procedures conducted before the Oficina Española de Patentes y Marcas [Spanish Patent and Trademark Office] (OEPM).

This has been confirmed by the OEPM in the resolution issued by its Director.

In this regard, the Director of the OEPM issued a resolution on 16 March, suspending, for all purposes, any ongoing deadline while the state of alarm lasts, which equates to a period of fifteen calendar days.

In this resolution, the OEPM reports that it is studying the possibility of agreeing measures to allow some procedures to continue, provided that serious harm to the interested party is avoided and that it has their agreement, pursuant to the provisions of the Third Additional Provision, in which case the Director of the OEPM would publish a new resolution.

For his part, the Director of the EUIPO issued a decision, No. EX-20-03, published in the Office's Official Journal on 16 March, according to which all the deadlines that take place before the EUIPO itself and that expire between 9 March and 30 April 2020 would be extended until 1 May, automatically expiring on 4 May 2020, which is the first business day after the 1 May holiday. It should be noted that these measures adopted by EUIPO refer exclusively to trademark and design procedures, as is clear from the [communiqué](#) published on 19 March on the EUIPO website.

This would exclude from the aforementioned extension the procedures that take place with another authority, as the EUIPO clarifies in the aforementioned publication of 19 March.

Both organisations agree on the adoption of measures to continue providing, as far as possible, a normal service to their users, through electronic means. In particular, the OEPM confirms in the [communiqué](#) published on its website on 12 March that (i) it will prioritise telephone and electronic service, (ii) it will temporarily cease to provide face-to-face user service, and (iii) any procedure may be carried out through the OEPM electronic office; while the EUIPO is committed to providing a better service to its users during this period and to keeping its website and social networks updated.