Cooley

UKIPO Extends Deadlines in Response to COVID-19 Pandemic

March 30, 2020

In response to the disruption caused by COVID-19, the UK Intellectual Property Office (UKIPO), which is the official government body responsible for intellectual property rights in the UK, has declared 24 March 2020, and subsequent days until further notice, "interrupted days." This means that any deadlines for UK trade marks, designs, patents and supplementary protection certificates, as well as applications for these rights, that fall on an interrupted day will be extended until the UKIPO notifies the end of the interrupted days period. The UKIPO will provide a minimum of two weeks' notice before ending the interrupted days period.

The UKIPO intends to review the situation in three weeks' time (on 17 April 2020) and will either continue with the interrupted days period or announce that the period will end after a further two weeks (on 1 May 2020).

For the sake of clarity, the UKIPO's announcement covers:

- all non-statutory deadlines that have been specified by UKIPO staff; and
- all deadlines imposed directly by UK intellectual property law and rules, including the opposition period and a request for renewal.

The UKIPO's announcement does not apply to deadlines set out under the various international IP treaties, e.g., the Patent Cooperation Treaty, European Patent Convention, or the Madrid system, where the UKIPO may be acting as a Receiving Office.

The interrupted days period does not affect filing dates of new IP applications filed at the UKIPO. The filing date on record for a new application will remain the actual date that it was filed.

Cooley's trade mark and patent practitioners and prosecution staff continue to work, and it is our intention to docket deadlines as normal, i.e., with the original deadlines and, where possible, to meet these original deadlines. This will help us avoid bandwidth issues with the UKIPO, with our clients and within our team given that a number of deadlines will now be consolidated at the end of the interrupted days period.

However, as the situation with COVID-19 continues to develop, there may be practical reasons where we, or our clients, cannot meet the original deadlines – in which case we now have the security of the extension to the end of the interrupted days period.

The UKIPO's announcement follows similar measures taken by other intellectual property offices, such as the European Union Intellectual Property Office (EUIPO). The EUIPO had already extended all time limits expiring between 9 March 2020 and 30 April 2020 inclusive that affect all parties in proceedings before that office to **1 May 2020**.

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