Following similar measures from the EUIPO and other national registries (see here), the UK Intellectual Property Office (the UKIPO), has declared 24 March 2020, and subsequent days until further notice, “interrupted days”. This means that any deadlines for patents, supplementary protection certificates, trade marks, designs, and applications for these rights, which fall on an interrupted day will be extended until the UKIPO notifies the end of the interrupted days period.

Importantly the UKIPO has clarified that the extension will cover:

- all non-statutory deadlines that have been specified by UKIPO staff (eg deadlines to respond to office actions communicated by examiners or steps in an existing opposition or cancellation proceedings communicated by hearing officers or the Tribunal section of the UKIPO); and

- all deadlines imposed directly by UK intellectual property law and rules, including the opposition period and a request for renewal.

The interrupted days period does not, however, 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. Additionally, the UKIPO’s declaration does not apply to deadlines set out under the various international IP treaties, eg, the Patent Cooperation Treaty, European Patent Convention, or the Madrid system, where the UKIPO may be acting as a Receiving Office.

In order to facilitate smooth operations and allow parties to plan ahead, the UKIPO has stated that it will provide a minimum of 2 weeks’ notice before ending the interrupted days period (and that it is next due to be reviewed on 17 April 2020). In effect, this means that UKIPO deadlines have been extended for at least five weeks.

Despite the interrupted days declaration, the UKIPO remains open for business and in order to manage workflow the UKIPO has requested that parties, where possible, work towards the existing deadlines. For new deadlines to be set by the UKIPO, where the period is not statutorily mandated, the UKIPO has updated its policies to effectively double what would have usually been the period in which to respond (eg 4 months instead of 2 months to file evidence in a trade mark opposition proceeding).

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