

# legal insights ip & unfair commercial practices

## Intellectual Property: Status of IPOs in CEE

Due to the impact of COVID-19, several Intellectual Property Offices (IPOs) have announced adapted guidelines and information on the current status of proceedings and deadlines.

The following list aims to provide an updated overview on the current status and communication of IPOs in CEE (including the EUIPO, the EPO and the WIPO).

We are continuing to monitor the situation and will update the information when available.<sup>1</sup>

Please note that the list is for guidance purposes only. In view of the rapidly changing developments at the moment, please be aware that the information provided might not be entirely up-to-date or comprehensive. The list is not designed to substitute and cannot substitute legal advice tailored to your needs. It is made available strictly on a non-reliance basis.

Date of last update: 22 May 2020

Country / IPO	IPO Measures		Links
In alphabetical order.			
Austria AT IPO	procedural law / deadlines	hearings, meetings / further comments	communication
	<p>Administrative deadlines still pending on 16 March have been interrupted until 30 April and started anew on 1 May; the AT IPO may also set an appropriate new deadline (starting from 1 May) instead.</p> <p>Statutory deadlines (e.g. opposition or priority deadlines, except deadlines pursuant to the <a href="#">Patent Office Fees Act</a> thus for payment of annuity or renewal fees and deadlines pursuant to EU law) have been interrupted between 16 March and 30 April (i.e. such period is not included in the deadlines).</p> <p>Deadlines for appeals before the Higher Regional Court (OLG) Vienna and the Austrian Supreme Court (OGH) in proceedings originating from the AT IPO not lapsed by 22 March have been interrupted until 30 April and started anew on 1 May.</p>	<p>The customer service centre physically reopened for its clients on 18 May.</p> <p>Hearings are still postponed until further notice; meetings (e.g. for consultation purposes) are held by appointment.</p> <p>Services and consultations are also rendered via video-calls (e.g. Skype).</p> <p>The mailbox located at the entrance of the AT IPO remains closed until further notice.</p> <p>It is still recommended for entries to be submitted electronically (see <a href="#">here</a> for the AT IPO's online services) or, if not available (i.e. not feasible, appropriate or reasonable), by mail.</p>	<p><a href="#">regulation by the president of the AT IPO</a></p> <p><a href="#">Federal Act on Accompanying Measures for COVID-19 in the area of industrial property (part of 4th COVID-19 Act)</a></p> <p><a href="#">Federal Act on Accompanying Measures for COVID-19 in the Judiciary (part of 2nd COVID-19 Act)</a></p>

<sup>1</sup> The updates are published on a weekly basis every Friday.

<b>Bosnia &amp; Herzegovina</b> B&H IPI	<b>procedural law / deadlines</b>	<b>hearings, meetings / further comments</b>	<a href="#">notice</a>
	The B&H IPI is continuing its operations as usual, i.e. no deadline extension/suspension due to COVID-19 is implemented at the moment.	All hearings and meetings are postponed until further notice.  All communication with the B&H IPI is conducted by mail, telephone or e-mail.	
<b>Bulgaria</b> BG PTO	<b>procedural law / deadlines</b>	<b>hearings, meetings / further comments</b>	<a href="#">communication</a>
	From 17 April, all deadlines in proceedings before the BG PTO (including the ones initially interrupted due to the impact of COVID-19) will continue to run.  All deadlines in proceedings before the BG PTO to expire between 13 March and until the state of emergency is lifted, are extended by one month from the date of the lifting of the state of emergency (14 May), i.e. until 14 June.  All trademark, industrial design, patent and other IPR registrations which expire during the state of emergency are extended by one month from the date of the lifting of the state of emergency (14 May), i.e. until 14 June.  From 7 April (and until further notice), providing reports on express IPR inquiries will not be possible.	No communication from the BG PTO.	<a href="#">amendment to the Act on the measures and actions during the announced state of emergency</a>
<b>Croatia</b> HR IPO status: 14 May 2020	<b>procedural law / deadlines</b>	<b>hearings, meetings / further comments</b>	<a href="#">communication</a>
	Deadlines are not affected in relation to the procedures before the HR IPO.	As of 11 May, the HR IPO continues its regular operation and communication with clients in its official premises. However, communication by telephone or e-mail is still preferred.  Furthermore, for the purpose of health protection of clients and employees, each visit should be previously announced via e-mail or by telephone.  All actions in the process of registering IP rights, including subsequent submissions, may be filed to the HR IPO using <a href="#">e-Application</a> and via the website <a href="#">e-Citizen</a> .	

<b>Czech Republic</b> CZ IPO	<b>procedural law / deadlines</b>	<b>hearings, meetings / further comments</b>	<a href="#">communication</a>
	<p>On 12 March, the government declared a state of emergency that ended on 17 May. Deadlines were not extended during the state of emergency, but failure to act can be excused, unless it is expressly excluded by law.</p> <p>In proceedings before the CZ IPO, waivers are often explicitly excluded. If the participant in proceedings has a data mailbox for electronic communication with public authorities, the state of emergency is not a sufficient reason for a waiver without further evidence.</p>	<p>In line with current emergency measures, contact is preferred in writing, by electronic means or via telephone.</p>	<a href="#">opinion</a>
<b>EPO</b> European Patent Office	<b>procedural law / deadlines</b>	<b>hearings, meetings / further comments</b>	<a href="#">communication</a>
	<p>Deadlines expiring on or after 15 March are extended until 2 June.</p> <p>As regards deadlines expiring before 15 March, the EPO has facilitated the use of legal remedies for users located in areas directly affected by disruptions due to the COVID-19 outbreak.</p> <p>The extension of deadlines also applies to periods for paying fees, including renewal fees.</p>	<p>Oral proceedings in opposition scheduled until 14 September are postponed until further notice, unless they are confirmed (i.a. also with the consent of parties concerned) to take place by means of video-conferencing. Oral proceedings in examination will continue to be held by video-conference.</p> <p>As of 18 May, oral proceedings before the Boards of Appeal will be held – to a limited extent – at their premises in Haar/Germany. However, such hearings may also be conducted by video-conferencing technology if agreed by the parties concerned.</p> <p>Documents filed during telephone consultations and during interviews and oral proceedings held by video-conference must be filed by email (i.e. the possibility of filing by fax during video-conferences is again removed).</p>	<p><a href="#">notice of 1 May concerning the disruptions due to the COVID-19 outbreak</a></p> <p><a href="#">notice concerning the extension of periods for the payment of fees</a></p> <p><a href="#">information on oral proceedings before examination and opposition divisions as from 3 June</a></p> <p><a href="#">decision of the president of the EPO dated 1 April concerning oral proceedings by videoconference before examining divisions</a></p> <p><a href="#">decision of the president of the EPO dated 13 May concerning the filing of documents during telephone consultations and during interviews and oral proceedings held by videoconference</a></p> <p><a href="#">communication of 15 May on oral</a></p>

			<a href="#">proceeding before the Boards of Appeal – restrictions due to the coronavirus (COVID-19) pandemic and introduction of video-conferencing technology in appeal proceeding</a>
<b>EUIPO</b> European Union Intellectual Property Office	<b>procedural law / deadlines</b>	<b>hearings, meetings / further comments</b>	<a href="#">communication</a>
	<p>All pending deadlines expiring between 9 March and 30 April were extended until 18 May.</p> <p>As the exceptional extensions of deadlines came to an end on 18 May, a <a href="#">Guidance Note</a> on i.a. the extension of deadlines and the suspension as well as continuation of proceedings has been published by the EUIPO.</p>	<p>In general, hearings and meetings are postponed until further notice.</p> <p>The EUIPO headquarters remain closed until further notice.</p>	<p><a href="#">communication on the extension of time limits due to COVID-19 of 19 March</a></p> <p><a href="#">decision no. EX-20-3 of the Executive Director of the EUIPO</a></p> <p><a href="#">communication on information and guidance on further extension of deadlines of 29 April</a></p> <p><a href="#">decision no. EX-20-4 of the Executive Director of the EUIPO</a></p>
<b>Hungary</b> HIPO	<b>procedural law / deadlines</b>	<b>hearings, meetings / further comments</b>	<a href="#">communication</a>
	<p>All deadlines before the HIPO that expire on 31 March or after, are automatically extended until 2 June. The HIPO may decide on the grant of further extension (if the circumstances necessitate it) at a later stage.</p> <p>Judicial (court) deadlines are not extended anymore.</p>	<p>Hearings at the HIPO are not affected.</p> <p>Court hearings will be conducted by means of audio-visual technology, or if this is not possible, the required statements may be collected by the court in written form.</p> <p>In-person consultations with case handlers and access to case files are suspended until further notice. Case handlers remain available by e-mail and/or phone.</p> <p>Submission of documents in person is possible in a limited timeframe between 10 and 12 am on working days.</p> <p>Voluntary registration of copyright is possible only by electronic means.</p>	

<b>Moldova</b> AGEPI	<b>procedural law / deadlines</b>	<b>hearings, meetings / further comments</b>	<a href="#">communication on prolongation of the special activity regime at the AGEPI</a>
	All deadlines, including administrative deadlines, deadlines for submission in bilateral proceedings, and statutory deadlines are applicable, taking into consideration however, the suspension of such for the period of the state of emergency (17 March – 15 May).	<p>Applications, replies and other documents can still be submitted at the AGEPI.</p> <p>Online submission services are available.</p> <p>During the period of the state of emergency, i.e. between 17 March and 15 May</p> <ul style="list-style-type: none"> <li>no consultancy is provided at the AGEPI's premises; however, contact is granted via phone;</li> <li>no hearings are held involving the participation of persons from outside the AGEPI.</li> </ul>	<a href="#">communication on deadlines related to procedures before the AGEPI</a>  <a href="#">communication on a special work regime during the state of emergency</a>  <a href="#">communication referring to the organisation of meetings and other events</a>
<b>Montenegro</b> ME IPO	<b>procedural law / deadlines</b>	<b>hearings, meetings / further comments</b>	<a href="#">notice</a>
	Deadlines are not extended.	<p>The ME IPO is closed until further notice.</p> <p>Communication is possible via telephone or e-mail; all submissions and applications must be filed via mail.</p>	
<b>North Macedonia</b> MK IPO	<b>procedural law / deadlines</b>	<b>hearings, meetings / further comments</b>	<a href="#">communication</a>
	Deadlines of general administrative procedures (including those before the MK IPO) that expire during the state of emergency are interrupted for the duration of the state of emergency. The deadlines are continued after the state of emergency is lifted but will not start anew.	No official measures are taken by the MK IPO regarding postponing hearings/meetings. However, the general governmental recommendation is to keep hearings/meetings to a minimum.	
<b>Poland</b> PL IPO	<b>procedural law / deadlines</b>	<b>hearings, meetings / further comments</b>	<a href="#">communication</a>
	<p>Between 8 March and 30 June, opposition periods of trademark applications as well as deadlines for the submission of translations (with regard to patents) to the PL IPO are not initiated. Already initiated opposition periods are interrupted. The periods will start anew on 1 July.</p> <p>All deadlines that have been suspended, are re-suspended from 24 May.</p>	<p>Hearings before the PL IPO shall take place again starting from the second half of June. Hearings before adjudicating bodies are resumed.</p> <p>The point of direct meetings with the PL IPO's customers, the point of sale of publications and the cash register office are closed.</p>	<a href="#">Anti-crisis act</a>

	However, all actions and measures taken are valid and effective.	Documents and other correspondence shall be submitted electronically.  E-Notifications about the expiry of the protection period will be sent to persons who have indicated electronic data (e-mail, SMS), while sending notifications in paper form is suspended.	
<b>Romania</b> SOIT Romanian State Office for Inventions and Trademarks status: 15 April 2020	<b>procedural law / deadlines</b>	<b>hearings, meetings / further comments</b>	<a href="#">notice</a> <a href="#">on affected deadlines</a>  Decree <a href="#">no. 195/2020</a> by the <a href="#">Romanian president</a> on <a href="#">16 March</a>  Decision <a href="#">no. 53</a> , <a href="#">18 March</a>  Decree <a href="#">no. 240/2020</a> by the <a href="#">Romanian president</a> on <a href="#">14 April</a>
	Pending procedures before the SOIT are suspended for the entire period of the state of emergency (as declared by the President of Romania on 16 March for a 30-day period, now extended for an additional 30 days as of 15 April).  During the entire state of emergency period, IP litigation cases (i.e. cancellations, revocations, infringements, appeals against the SOIT's decisions), with the exclusion of preliminary injunctions, are suspended.	All hearings are postponed.	
<b>Serbia</b> RS IPO	<b>procedural law / deadlines</b>	<b>hearings, meetings / further comments</b>	<a href="#">notice</a>  <a href="#">decree</a> <a href="#">on deadline application in the administrative proceedings during the state of emergency</a>
	Deadlines that would expire during the state of emergency are prolonged for an additional 30 days starting from the end of the state of emergency.  Deadlines for filling a lawsuit in administrative disputes and deadlines for filling remedies, legal means or other process actions are interrupted during the state of emergency.  The delivery of submissions in the administrative procedure and notification actions by the RS IPO, (only applicable for non-extendable deadlines), which will be delivered to the parties during the state of emergency, shall be considered as delivered 15 days after the end of the state of emergency.	In general, all work with parties is suspended, i.e. all hearings and meetings are postponed until further notice.  Communication is possible via telephone or e-mail; all submissions and applications shall be filed via mail.	

<b>Slovakia</b> SK IPO	<b>procedural law / deadlines</b>	<b>hearings, meetings / further comments</b>	<a href="#">communication</a>
	<p>No general impact on deadlines, but extensions of deadlines due to the situation might be granted.</p>	<p>In general, the SK IPO is continuing its operations as usual, but contact is only possible electronically or by mail.</p> <p>The SK IPO is closed for the public (no possibility of personal meeting or hearings).</p>	
<b>Slovenia</b> SIPO	<b>procedural law / deadlines</b>	<b>hearings, meetings / further comments</b>	<a href="#">communication</a>
	<p>Suspension of deadlines in non-urgent administrative matters until further notice (hard stop: 1 July).</p> <p>No suspension in urgent matters (including request for supplementing patent/trademark/design applications with the most essential components and issue of priority certificates).</p>	<p>In general and with the exception of urgent matters, all (court) hearings and meetings are postponed until further notice (hard stop: 1 July).</p> <p>However, (court) hearings and meetings in non-urgent matters may take place on condition that procedural activities are carried out complying with the epidemic-related safety measures.</p> <p>No personal service of documents until further notice (hard stop: 1 July), except in urgent matters.</p> <p>Documents, in non-urgent matters, requiring personal service and assistance can be served by way of serving into mailbox, p.o. box or, under some conditions, via e-mail.</p>	<a href="#">Act _____ on provisional measures for judicial, administrative and other public matters to cope with the spread of the infectious disease SARS-Cov-2 (COVID-19)</a>
<b>Turkey</b> TPTO status: 7 May 2020	<b>procedural law / deadlines</b>	<b>hearings, meetings / further comments</b>	<a href="#">communication</a>
	<p>All deadlines in legal proceedings before Turkish courts and the TPTO regarding IP rights are suspended between 13 March and 15 June. Deadlines expiring in 15 days or less as of 13 March will be extended to 30 June.</p> <p>This includes deadlines regarding the origination, exercise and termination of rights, other requests concerning IP rights as well as oppositions and appeals.</p> <p>However, these extensions can be revoked at any time and an earlier final date can be announced, in case the pandemic is under control sooner than currently expected.</p>	<p>In general, all hearings are postponed until 15 June.</p> <p>The TPTO remains open.</p>	<a href="#">information on IP deadlines of 8 April</a>  <a href="#">Presidential decree regarding the suspension of deadlines</a>  <a href="#">information on IP deadlines of 5 May</a>

	<p>Deadlines for interim measures and criminal proceedings against trademark infringements are not extended.</p> <p>The announcement on deadlines issued by the authority regarding IP rights includes the following measures:</p> <ul style="list-style-type: none"> <li>• Deadlines that expired before 12 March will not be extended and thus will not be changed.</li> <li>• Deadlines initially expiring between 13 March and 27 March (including mentioned dates) are extended until 30 June.</li> <li>• Deadlines initially expiring between 28 March and 15 June (including mentioned dates) are interrupted until 16 June (i.e. such period is not included in the deadlines).</li> <li>• Deadlines before 13 March and ending on or after 16 June are extended by adding 95 days as of the initial expiration date.</li> <li>• Deadlines initially starting between 13 March and 15 June (including mentioned dates) will start from 16 June.</li> </ul>		
<b>WIPO</b> World Intellectual Property Organization	<b>procedural law / deadlines</b>	<b>hearings, meetings / further comments</b>	<a href="#">communication</a>  <a href="#">notice on WIPO meetings and events</a>
	<p>In general, the WIPO is continuing its operations as usual.</p>	<p>The WIPO offices remain physically closed for non-essential staff and third parties. Thus, all events and meetings are cancelled or postponed until the end of May and until further notice.</p> <p>The WIPO is not able to send or receive communications by mail until further notice.</p> <p>Users are strongly advised to use electronic communications as well as respective WIPO's e-services.</p> <p>The WIPO has released a COVID-19 IP Policy Tracker providing information on measures adopted by IP offices in member states worldwide.</p>	



	Additional information on trademarks:		<a href="#">communication notice no. 11/2020 on the suspension of postal communication with the International Bureau</a>  <a href="#">notice no. 12/2020 temporary measures concerning certified documents and extracts services</a>  <a href="#">notice no. 7/2020 on remedies available against failure to meet a time limit under the Madrid System and extension of time limits in case of closure</a>  <a href="#">notice no. 27/2020 against failure to meet a time limit due to the COVID 19 disease outbreak as a natural calamity</a>
	<p>The WIPO provided a special notice on remedies available against failure to meet a deadline (especially with respect to deadlines in case of closure of IPOs of contracting parties).</p> <p>A special notice further waives the submission of evidence required under <a href="#">Rule 5 of the Regulation</a> under the Protocol relating to the Madrid Agreement concerning the International Registration of marks. This includes communication in which an applicant, a holder or an IPO remedies an irregularity in an international application or in a request of recording.</p> <p>The WIPO explicitly reminds applicants, holders and IPOs of the six-month limitation under Rule 5 of the Regulation that i.a. also applies to deadlines to pay any fee to the WIPO. The WIPO encourages to thus take prompt action by sending such communication of failure to meet a deadline, instruction (to e.g. debit from a current WIPO account) or payment no later than six months from the expiry of the deadline concerned.</p>	<p>Until further notice, the WIPO will only deliver electronic versions (in PDF) of certified copies and certificates of IRs and renewals, attestations, and detailed certified extracts. Paper copies will be forwarded as soon as possible.</p> <p>Furthermore and until further notice, the WIPO has suspended the issuance of simple certified extracts, the legalization of documents and expedited services.</p>	
	Additional information on patents:		
	<p>The WIPO summarised a special information on possible remedies for deadlines and extensions.</p> <p>The WIPO is interpreting the COVID-19 pandemic as falling under the excuse of delay provision under PCT <a href="#">Rule 82quater.1</a>. Thus, it will treat any PCT <a href="#">Rule 82quater</a> requests that cite COVID-19 related issues favourably (i.a. no evidence that the virus affected the locality in which the interested party resides/is staying or has a place of business, has to be provided).</p> <p>Furthermore, the WIPO delays the issuance of any notifications pursuant to PCT <a href="#">Rule 82quater.1</a>, until 31 May.</p>	<p>Until further notice, the WIPO will only transmit documents and notifications electronically. Due to a reduction of scanning operations, users should communicate exclusively by electronic means (e.g. through <a href="#">ePCT</a>).</p>	
		<a href="#">communication on the effect of the COVID-19 pandemic on the processing of PCT applications at the International Bureau</a>  <a href="#">PCT newsletter no. 03/2020</a>  <a href="#">communication on excuse of delays under PCT</a>  <a href="#">communication on the interpretation of the COVID-19 pandemic by the International Bureau</a>  <a href="#">PCT newsletter no. 04/2020</a>	

			PCT newsletter no. 05/2020
	See detailed information provided by the WIPO on <a href="#">trademarks</a> , <a href="#">patents</a> , <a href="#">industrial designs</a> , <a href="#">geographical indications</a> as well as its <a href="#">Arbitration and Mediation Centre</a> and on <a href="#">domain names</a> .		

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