

Privacy Statement on the processing of personal data relating to the EUIPO eRegister beta version

The protection of your privacy is of high importance to the European Union Intellectual Property Office ('EUIPO' or 'us' or 'the controller') and we feel responsible for the personal data that we process on your behalf. Therefore, we are committed to respecting and protecting your personal data and ensuring the efficient exercising of your data subject's rights. All the data of personal nature, namely data that can identify you directly or indirectly, will be handled fairly and lawfully with the necessary due care.

This processing operation is subject to the Regulation (EU) 2018/1725 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data. The information in this communication is given pursuant to Articles 15 and 16 of the Regulation (EU) 2018/1725.

1. What are the nature and the purposes of the processing operation?

The Office shall keep a Register of EU trade marks (Article 111 EUTMR) and shall keep a register to be known as the register of Community designs (Article 72 CDR).

It is an official record of every entry made in the Register in relation to an EUTM or RCD application or registration, where the entry is required by the EUTMR, CDR or related texts.

All entries made in the Register are made into an electronic register ('eRegister beta version' until the final version is launched).

The eRegister beta version allows for one single repository of all entries in the Register of a specific IP right. The eRegister beta version is composed of two main features: a back-office tool which allows for the technical storage and compilation of all the entries, and a front-office feature which offers a publicly accessible user interface to access and visualise the information contained therein.

The purpose of the eRegister beta version:

- a) administering the applications and registrations as described in the EUTMR and CDR Regulations and acts adopted pursuant to them, see in particular Article 111(8) EUTMR, Article 69 and 71 CDR;
- b) maintaining a public register for inspection by, and the information of, public authorities and economic operators, in order to enable them to exercise the rights conferred on them by these Regulations and be informed about the existence of prior rights belonging to third parties; and
- c) producing reports and statistics enabling the Office to optimise its operations and improve the functioning of the system

as foreseen, for trademarks, in Article 111(8) EUTMR and for designs in Recital 7 and Article 6 of the Decision No EX-14-3 of the President of the OHIM.

What personal data do we process?

EUIPO's eRegister beta version will contain all the entries into the Register, and particulars provided for by the regulations, namely each individual item listed in the subparagraphs of Article 111(2), (3) and (4) EUTMR, Article 69(2), (3) and (4) CDR and Article 4 (2) of the Decision No. EX-14-03 of the President of the Office, which include some personal data, in particular the following:

- Name, nationality and address of the trade mark or design applicant/owner/holder, including later changes thereof.
- Name of the designers of an RCD.

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- Name and business address of the representative (when it is a natural person), and changes thereof.
- Name and address of the beneficiaries and their representatives (when they are natural persons), in cases of transfers of ownership, rights in rem, licenses and levies .
- Name and address of the liquidator (when it is a natural person), in cases of insolvency proceedings.

2. Who is responsible for processing the data?

The processing of the personal data is carried out under the responsibility of the Directors of the Operations Department data controller. OD examiners are in charge of updating the particulars contained in the PER database that feeds the personal data fields of the eRegister beta version.

4. Who has access to your personal data and to whom are they disclosed?

In view mode only, all internet users connecting to EUIPO's website, be it individuals or public and private entities, either EU or non-EU sited, in application of Articles 111(5) and (9) EUTMR and 71(1) and (2) CDIR.

The eRegister beta version is accessed through 'eSearch plus' on EUIPO's Website. Upon finding a specific EUTM or RCD application or registration in 'eSearch plus', the user is presented with the option of viewing the eRegister beta version repository for this specific IP right in a separate interface.

There is public access to view the eRegister beta version of any IP right, however the user must be logged into the User Area to download extracts of the eRegister beta version.

In the case of deferred designs, only the registered RCD holder and appointed representative are able to view the details of the RCD in the eRegister beta version.

4. How do we protect and safeguard your information?

We implement appropriate technical and organisational measures in order to safeguard and protect your personal data from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to them.

All personal data related to the eRegister beta version are stored in a secure IT application (PER database) according to the security standards of the Office as well as in specific electronic folders accessible only to the authorised recipients. Appropriate levels of access are granted individually only to the above recipients, and on a need to know basis.

5. How can you obtain access to information concerning you and, if necessary, rectify it? How can you receive your data? How can you request the erasure of your personal data or restriction of processing or object processing?

You have the right to access, rectify, erase, and receive your personal data, as well as to restrict and object to the processing of your data, in the cases foreseen by Articles 17 to 24 of the Regulation (EU) 2018/1725.

If you would like to exercise any of these rights, please send a written request explicitly specifying your query to the delegated data controller, the Director of the Operations Department.

The right of rectification can only apply to inaccurate or incomplete factual data processed.

Your request will be answered free of charge and without undue delay, and in any event within one month of receipt of the request. However, according to article 14 (3) of the Regulation (EU) 2018/1725, that period may be extended by two further months where necessary, taking into

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account the complexity and number of the requests. We shall inform you of any such extension within one month of receipt of the request, together with the reasons for the delay.

6. What is the legal basis for processing your data?

- Article 5 (1) (a) (processing in the exercise of an official authority vested in the EUIPO) and Article 5 (1) (c) of the Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data
- Articles 111 (9), 112 and 115 EUTMR
- Article 2 (1) (b) EUTMIR
- Article 72 CDR
- Article 69 and 71 CDIR
- Article 8(1) of the Decision No EX-14-3 of The President of the OHIM concerning publicly available particulars of CTM and RCD applications and registrations

7. How long do we store your data?

Your data will be kept for an indefinite period (for reasons of legal certainty), as foreseen by Article 111(9) EUTMR and Article 7(1) of the Decision No EX-14 -3 of the Executive Director of the Office.

8. Whom should you contact if you have questions/queries concerning the processing of your personal data?

Should you have any queries/questions concerning the processing of your personal data, please address them to the data controllers, the Director of the Operations Department under the following mailbox: ODDPC@euipo.europa.eu.

You may consult EUIPO Data Protection Officer: DataProtectionOfficer@euipo.europa.eu.

Recourse:

If your request has not been responded to adequately by the data controller and/or DPO, you can lodge a complaint with the European Data Protection Supervisor at: edps@edps.europa.eu.