

Privacy Statement on the processing of personal data in the context of compliance with EU Regulations on restrictive measures

The protection of your privacy is of the utmost importance to the European Union Intellectual Property Office ('EUIPO' or 'us' or 'the controller'). The Office is committed to respecting and protecting your personal data and ensuring your rights as a data subject. All data of a personal nature, namely data that can identify you directly or indirectly, will be handled fairly, lawfully and with due care.

This processing operation is subject to 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

The information in this communication is provided pursuant to Articles 15 and 16 of Regulation (EU) 2018/1725.

1. What is the nature and the purpose of the processing operation?

The purpose of the present processing activity is to ensure compliance with EU legal instruments (Council Regulations concerning restrictive measures against natural or legal persons, entities, bodies or groups. Council Regulations, as EU legal acts of general application, are binding on any person or entity under EU jurisdiction.

Specifically, in the context of this processing activity, the EUIPO will verify whether a party to the proceedings before the Office is listed in Annex I of Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, and any amendment thereto, in order to take the necessary measures under Article 2 of that Regulation.

2. What personal data do we process?

Processing concerns identification data that have been published in EU legal instruments as content of a 'List of natural or legal persons, entities or bodies' in the annex to a Regulation.

As regards the information on natural persons published for this purpose, processing concerns the following personal data which is necessary to allow the identification of the person.

As an example, the categories/types of personal data processed may include the following:

- surname and given names, including alias names and titles, if any;
- date and place of birth;
- nationality;
- passport and ID card numbers;
- fiscal and social security numbers;
- gender;
- address or other information on whereabouts;
- function or profession;
- names of parents;
- the date of designation by the UN Security Council, the Council of the EU or the Commission.

In principle, only personal data that has been made available publicly in the abovementioned legal instruments is subject to the processing activity. Additional personal data may be provided by the data subject, for example, in the course of clarifying the identity of an individual. In those cases, any additional personal data provided by the data subject will be treated as confidential by the authorised EUIPO staff.

Any other processing of personal data of individuals involved in this processing is performed as set out in the [EUIPO Data Protection Notice](#).

3. Who is responsible for processing the data?

The processing of the personal data for the purpose set out in point 1 is carried out under the responsibility of the Director of the Institutional and Cooperation Department, acting as delegated EUIPO data controller, and, where relevant, in cooperation with the Directors of the Digital Transformation Department (DTD), Legal Department (LD) and Operations Department (OD).

Personal data may be processed by authorised personnel of the Office.

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

The personal data processed for the purpose set out in point 1 is disclosed to authorised staff of the Office's departments who have access to the data on a need to know basis. The personal data are disclosed in particular to:

- Authorised staff members in ICD in charge of the overall coordination of the application of the restrictive measures;
- Authorised staff members in LD monitoring and interpreting the relevant legislation;
- Authorised staff members in DTD responsible for managing the technical platform;
- Authorised staff in OD responsible for register operations. A limited number of OD examiners in charge of 'owners and representatives' data have editing rights.

The personal data that are part of the file within the meaning of Regulation (EU) 2017/1001 and Regulation (EC) No 6/2002 may be accessed as set out in the [EUIPO Data Protection Notice](#).

The personal data processed will not be communicated to third parties, except where necessary for ensuring compliance with the restrictive measures outlined above. In particular, this may include transmitting the personal data to authorised staff of the competent EU institutions or to national or regional IP Offices.

Personal data are not intended to be transferred to any third country.

5. 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 compliance procedures are stored in secure IT applications 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.

The database is password protected under single sign-on system and automatically connected to the user ID. No anonymous access is allowed. The e-records are held securely so as to safeguard the confidentiality and privacy of the data therein.

6. How can you obtain access to information concerning you and, if necessary, rectify it? How can you receive your data? How can you request that your personal data be erased, or restriction or object to its processing?

You have the right to access, rectify, erase, and receive your personal data, as well as to restrict the processing of your data, in the cases foreseen by Articles 17 to 21 of the Regulation (EU) 2018/1725.

If you would like to exercise any of these rights, please send a written query explicitly stating your request to the delegated data controller as indicated in section 9 below.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the processing procedure.

Concerning personal data which form part of the file within the meaning of Regulation (EU) 2017/1001 and Regulation (EC) No 6/2002, you can exercise your rights as set out in the [EUIPO Data Protection Notice](#).

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 Regulation (EU) 2018/1725 that period may be extended by two further months where necessary, taking into 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.

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

Processing is based on Article 5(1)(b) of the Regulation (EU) 2018/1725 (processing is necessary for compliance with a legal obligation to which the controller is subject).

The personal data are collected and processed in accordance with Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, and any amendment thereto.

The legal basis for the verification is established in Article 8(1)(b) of Council Regulation No 269/2014, which states that the person shall cooperate with the competent authority in any verification of information in compliance with the Regulation.

8. How long do we store your data?

Your personal data will be kept only for the time necessary to achieve the purposes for which they will be processed.

In accordance with Article 112(5) of Regulation (EU) 2017/1001, the party concerned may request the removal from the database of personal data provided by the data subject 18 months after the expiry of the relevant EU trade mark or the closure of the relevant inter partes procedure.

The data will be only retained for a maximum period of 10 years after delisting.

In the event of a formal appeal, all data held at the time of the formal appeal should be retained until the completion of the appeal procedures.

9. Contact information

Should you have any queries on the processing of your personal data, please address them to the data controller at the following email address: DPOexternalusers@euipo.europa.eu.

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

Form of 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 the following address: edps@edps.europa.eu.