

Privacy Statement on processing personal data in the Pro Bono and Effective Dispute Resolution services

Protecting your privacy is of the utmost importance to the European Union Intellectual Property Office ('EUIPO' or 'Office' 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 identifies 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 given pursuant to Articles 15 and 16 of Regulation (EU) 2018/1725.

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

In the context of the COVID-19 crisis, the EUIPO intends to provide European Union (EU) SMEs with a quick and effective answer to their pressing needs via two different services: the Pro Bono and Effective Resolution Dispute (EDR) services.

EU SMEs (meaning companies from the European Union fulfilling the conditions of the European Commission's definition of SMEs) are invited to complete a form to request help. The EUIPO will assess the request, including the eligibility to use the services, and decide whether it must be processed by an IP specialist in the framework of the Pro Bono service or by an EDR case handler in the framework of the EDR service.

IP specialists are invited to complete another form to offer their help free of charge as part of the Pro Bono service.

Your personal data is processed for the following purposes:

- to assess your request and suggest the best service to help you;
- to assess your eligibility for the services, namely being an EU SME;
- to put EU SMEs and IP specialists in contact with each other
- to provide the EDR service;
- to obtain feedback on the service and the level of satisfaction with it;
- to publish statistics on the service;
- to publish, anonymously, the results of the level of satisfaction;
- to promote the EU trade mark and RCD systems, including EUIPO services.

DATA PROTECTION/PRIVACY STATEMENT

2. What personal data do we process?

The categories/types of personal data processed are as follows:

- Data concerning EU SMEs

Company name / sole trader name, address, contact person, first name, family name, email, telephone number, feedback, IP address.

For the eligibility check to be considered as an EU SME, the personal data processed is as follows: size and annual turnover of the company.

If the EUIPO needs more information to ensure that the SME is legally an SME with regard to the European Commission definition, the following financial information can be requested and collected.

- A copy of the profit and loss accounts and balance sheets for the last three years for which accounts have been closed from each involved entity. The most recent year must have been closed within the last 18 months.
- Proof of enrolment in a relevant trade or professional register.
- The company's incorporation papers or the last tax receipt to confirm that it belongs to the EU.

- Data concerning IP specialists offering their help free of charge in the Pro Bono service:

First name (contact person), family name (contact person), email (contact person), telephone number (contact person), company name / IP law firm, work telephone number (if applicable), name of the National Bar / Law society or IP Association the company belongs to, feedback, IP address.

In order to improve our services, SMEs and IP specialists are invited to complete a survey. Only their email addresses and survey answers are collected. The Office's LimeSurvey tool is used for this survey. For further information, please consult the [LimeSurvey privacy statement](#). In some circumstances, feedback may be collected over the phone by our external providers. In this case, please refer to the [immediate feedback privacy statement](#).

- Data concerning EUIPO EDR case handlers (mediators):

The EDR service is carried out by the Alternative Dispute Resolution (ADR) service within the Boards of Appeal. If you use this service the Boards of Appeal will provide you with the relevant privacy statement.

Please be informed that all personal data provided in the forms may be accessible to our external provider used in this processing. The external provider is legally bound to confidentiality. It processes all personal data you send using the Pro Bono and EDR services and it also collects data concerning activity within the platform or services.

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3. Who is responsible for processing the data?

Personal data processing is the responsibility of the Customer Department director, acting as the delegated EUIPO data controller.

The Pro Bono and EDR services are part of the SME service that is operated with the joint cooperation of our external provider, which acts on behalf of the EUIPO as data processor. The EDR service is also part of the Office's ADR service in the Boards of Appeal.

4. Who has access to your personal data and to whom is it disclosed?

Information concerning the Pro Bono and EDR services will only be shared with those required to implement such measures on a need to know basis. Personal data is not used for any other purposes or disclosed to any other recipient.

The personal data is disclosed to the EUIPO authorised staff and employees of the EUIPO provider in the framework of the provision of the services to the EUIPO necessary for processing the data or the maintenance of the EUIPO systems on which the data is stored and according to the specific contract.

The EUIPO authorised staff and external service providers are:

- for both the Pro Bono and EDR services: Customer Department: CD first line staff, CD second line staff and CD SME Programme staff;
- for the EDR service: Boards of Appeal: the ADR service staff and the EDR case handlers.

Your personal data is also accessible by the employees of the external provider we use to provide you with the forms. Your personal data may be transferred to its sub-processors for instance to track security incidents and solve problems with the services or platform, or to other service providers in order to carry out statistical analysis.

The recipients to which the external provider transfers the personal data are mainly based in the countries of the European Economic Area (EEA). However, some of them are based outside of the EEA.

The external provider ensures that its providers located outside of the EEA only receive the data strictly necessary for the provision of the service and guarantee a sufficient level of protection by adopting one of the mechanism for the transfer of data outside of the EEA, either by implementing the Standard Contractual Clauses pursuant to the Commission Decision 2010/87/EU, or by being located in one of the countries for which the European Commission has taken an adequacy decision.

5. How do we protect and safeguard your information?

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

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All personal data related to the Pro Bono and EDR services is stored in secure IT applications according to the Office's security standards, as well as in specific electronic folders accessible to authorised recipients only. Appropriate levels of access are granted individually only to the abovementioned recipients.

The database is password-protected under a single sign-on system and connected automatically to the user's ID. E-records are held securely to safeguard the confidentiality and privacy of the data therein.

Regardless of the stage, everybody dealing with personal data in the context of the Pro Bono and EDR services must sign a confidentiality declaration.

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

You have the right to access, rectify, erase and receive your personal data, as well as restrict its processing or object to the same, as provided in Articles 17 to 24 of 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 specified in point 9 of this document.

Your request will be answered without undue delay, and in any event within 1 month of receipt of your request. However, according to Article 14(3) of Regulation (EU) 2018/1725, this period may be extended by up to 2 months where necessary, taking into account the complexity and number of requests. The Office will inform you of any such extension within 1 month of receipt of the request, together with the reasons for the delay.

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

Personal data is processed on the basis of:

- Article 5(1)(a) of Regulation (EU) 2018/1725, which states that 'processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body', and;
- Article 5(1)(d) of Regulation (EU) 2018/1725, which states that 'the data subject has given consent to the processing of his or her personal data for one or more specific purposes'.

Your personal data is collected and processed in accordance with the following legal instruments:

- Article 2 of Decision No ADM-20-31 on the Internal Structure of the Office
- Article 151(1)(a) of Regulation (EU) 2017/1001
- Article 151(1)(b) of Regulation (EU) 2017/1001

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8. How long do we store your data?

Personal data will be kept only for the time needed to achieve the purposes for which it is processed.

The information processed through the customer relationship management tools is part of the register of the Office and the retention is kept indefinite as part of the user interaction records, unless a user requests us to remove it, which can be performed manually.

Your personal contact details will be kept in the internal document management database for the purposes mentioned above (question 1) for 2 years.

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

Our external provider stores the personal data of its customers (namely the EUIPO and therefore the EUIPO's users) during the time they have an account. It stores the data for 60 days after the customer deactivates the account. Personal data is then deleted, and in the next 120 days the data is encrypted and stored in backup copies only. The said 120-day period is required to delete the Personal data completely due to the specifics of the backup copy operations.

9. Contact information

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

You may also consult the EUIPO's data protection officer (DPO) at: DataProtectionOfficer@euipo.europa.eu.

Forms 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: edps@edps.europa.eu.