

Privacy Statement on processing personal data in statistics, publications and communication of users' data

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 purpose of the processing operation?

The Office generates and publicly communicates statistics related to trade marks and designs owners and representatives (users) for internal use and external communication, including users' suggestions. (For example: TOP 100 representatives, TOP 25 e-users, statistics on paper filings).

Your personal data is processed for the purpose of producing communications and publications of statistics for internal and external reporting to encourage 'clean' files, which allows the office to provide a better service and users with high quality applications and translations and a clear scope of protection. The publication of the TOP 25 e-users and statistics on paper filings will contribute to promote the e-communication strategy, increase e-communication and further reduce paper usage.

Your personal data is not intended to be used for any automated decision making, including profiling.

2. What personal data do we process?

The categories/types of personal data processed are the following:

- First name
- Last name
- Company name
- Country
- Number, type and means (electronically or not) of EUTM/RCD related proceedings filed
- Percentage of EUTM/RCD fast track applications
- Percentage of EUTM/RCD applications auto-classified
- Percentage of HDB expressions used

DATA PROTECTION/PRIVACY STATEMENT

- Timings on classification handling
- User Area usage (user e-com status)
- User suggestions/feedback (natural persons)
- Email address of the suggestion/feedback contributor (natural persons)

3. Who is responsible for processing the data?

The processing of personal data is carried out under the responsibility of the Customer Department director, acting as delegated EUIPO data controller.

Personal data is processed by the Head of Service of the Customer Management Service. Personal data is not intended to be transferred to third country.

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

Personal data is disclosed to the following recipients:

- Outside the Office: all internet users connecting to the Office or ETMDN websites, including IP rights owners, representatives, IP information providers, National IP Offices, etc., from both inside and outside the EU.
- Inside the Office: Customer Department and Corporate Governance Service management.

5. How do we protect and safeguard your information?

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

All personal data related to statistics, publications and communication of users' data is 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 mentioned above. Appropriate levels of access are granted individually only to the abovementioned recipients.

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

Detailed data delivered with the web services may only be accessed internally and is not exposed to the wider internet. In addition, access to these systems is monitored by mechanisms that block suspicious requests.

DATA PROTECTION/PRIVACY STATEMENT

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 restrict / object to its 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 Regulation (EU) 2018/1725.

The right of rectification only applies to inaccurate or incomplete factual data processed in relation to the statistics, publications and communication of users' data.

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

Your request will be answered free of charge and without undue delay, and usually within 1 month of receipt of the request. However, according to Article 14.3 of Regulation (EU) 2018/1725, that period may be extended by 2 months where necessary, taking into account the complexity and number of the requests. We 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'.

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

- EUIPO Strategic Plan 2020: Line of Action 5 'Enhance customer-driven quality services', especially Objective 5.1 'Further integrate user perspective in delivery of products and services';
- Article 151(1)(a) of Regulation (EU) 2017/1001;
- Article 151(1)(b) of Regulation (EU) 2017/1001.

8. How long do we store your data?

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

The data will be updated regularly (at least quarterly) and will only be retained for a maximum period of 5 years in accordance with the duration of the EUIPO Strategic Plan.

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 process.

DATA PROTECTION/PRIVACY STATEMENT

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.

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.