

Privacy Statement on processing personal data in the EUIPO User Area

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 User Area is the Office's principal means of electronic communication through its website. The User Area enables users to submit applications, to upload and send electronic documents and to manage all their personal information and current accounts within the Office.

The purposes of processing this data are:

- to identify the holder of the account and provide him or her with the services available through the EUIPO User Area;
- to promote the European Union trade mark and the European Union design systems.

2. What personal data do we process?

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

- Identification data:
 - username
 - owner ID
 - email address
 - first name and last name
 - nationality
 - address
 - correspondence address
 - post code
 - town/city
 - country
 - telephone number

- fax number
- Other data:
 - login history
 - communications with the Office

3. Who is responsible for processing the data?

The processing of personal data is carried out under the responsibility of the Customer Department director and the Operations Department director acting as delegated EUIPO data controllers. Personal data is processed internally by the Digital Transformation Department and by the external service provider IECISA-ALTIA.

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

Personal data is disclosed to the following recipients:

- the DTD operations service provider (EUIPO IT services) for the administration and management of the EUIPO systems;
- the EUIPO IP examiners in the Operations Department (OD) who are in charge of updating users' data through back office tools such as the PER Database.

The User Area is not available to the general public. Access to the User Area is restricted to the EUIPO staff dealing with IT maintenance and the management of user interactions. Personal data is not intended to be transferred to third parties.

5. How do we protect and safeguard your information?

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

All personal data related to the EUIPO User Area 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. 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.

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 new functionality provides the user with the 'Change Privacy Configuration' section where you can choose:

- to opt in to making non-mandatory data publicly available in the eSearch Plus database;
- to opt out of receiving IP-related information (possibility for the user to unsubscribe from the newsletter).

The right of rectification only applies to inaccurate or incomplete factual data processed within the EUIPO User Area.

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

Your request will be answered free of charge and without undue delay, and usually within 1 month of receipt of your 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 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.

- Decision No EX-17-4 of the Executive Director of the Office of 16 August 2017 concerning communication by electronic means;
- 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 only be kept for the time necessary to achieve the purpose for which it is processed.

The time limits for storing data are indefinite (for reasons of legal certainty), as foreseen by Article 111(9) EUTMR and Article 7(1) of Decision No EX-14-3 of the President of the Office.

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.

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 the following email address: DPOexternalusers@euipo.europa.eu.

You may also consult the EUIPO data protection officer by sending an email to: 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