

Privacy statement on processing personal data in eSearch Plus

Protecting 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 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 purpose of the processing operation?

The Office is required to maintain a public register with all the relevant information related to the European Union trade marks (EUTMs) and Registered Community designs (RCDs), including the personal data of owners, representatives, appeals, recordals and oppositions (if applicable) to allow third parties and public authorities to exercise the rights conferred on them by the European Union trade mark regulation (EUTMR) and the Community Design regulation (CDR). This information is considered to be of public interest.

2. What personal data do we process?

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

- **Mandatory personal data** — processed and made available to the public due to the Office's legal obligation to maintain a public register. This includes:
 - ID Number;
 - first name / middle name/ last name;
 - organisation;
 - type;
 - address country code;
 - address state / country;
 - address town;
 - address post code;
 - address;
 - correspondence address.

- **Non-mandatory personal data** — processed on the basis of consent only. This includes:
 - telephone number
 - fax number
 - email address.

Please note that not all categories are available for all cases.

3. Who is responsible for processing the data?

Personal data processing is the responsibility of the director of the Digital Transformation Department (DTD), acting as the delegated EUIPO data controller.

For the purposes of including the information in eSearch Plus, personal data is processed by DTD staff in charge of IT Operations, supported by their external service provider IECISA-ALTIA.

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

The personal data to be included in eSearch Plus is only disclosed to DTD staff in charge of IT Operations, supported by their external service provider, IECISA-ALTIA, for technical reasons related to the maintenance, updating and improvement of the tool. This information will be shared only 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(s).

That said, the general public have access to data that is considered to be of public interest, and the Office has a legal obligation to make it accessible to any third party (Register data).

However, the Office will not make available to the public any personal data other than that available in the Register, unless the party concerned has given his or her express consent. Therefore, certain personal data provided by you as an applicant, proprietor or representative, for which publication is not a legal obligation, such as phone/fax numbers or e-mail addresses, can only be made accessible to the public if consent is given via the User Area and provided that the Office's IT systems can support this. Consent can be revoked at any time.

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, unauthorised disclosure or access.

All personal data available via eSearch Plus is stored in secure IT applications according to the Office's security standards. Appropriate levels of access are granted individually only to authorised recipients.

Regardless of stage, everybody dealing with personal data in the context of eSearch Plus 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 to 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, the DTD director.

The right to rectification only applies to inaccurate or incomplete factual data processed in the context of the eSearch Plus tool.

Your request will be answered without undue delay, and in any event within 1 month of receipt of the 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.

You can also modify your personal data or change your settings at any time via your User Area in the 'Options' section.

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

The personal data to be included in eSearch Plus is processed in accordance with 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:

- Article 111(8)(9) of Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark;
- Article 1 and Article 6 of the Decision EX-14-3 of the President of OHIM;
- Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs;
- Rule 69 Commission Regulation (EC) No 2245/2002 of 21 October 2002 implementing Council Regulation (EC) No 6/2002 on Community designs.

The personal data indicated above does not include data that can be used to contact you (telephone/fax numbers and e-mail addresses). Processing of this kind of personal data is based on Article 5(1)(d) of Regulation (EU) 2018/1725, which states that it can only be included in eSearch Plus with your explicit consent (via the User Area) and can be revoked at any time.

8. How long can data be kept?

The Office will keep personal data that is mandatory to enter in the Register for an indefinite period of time.

Other personal data stored in the database will also be kept indefinitely, though its removal from the database can be requested 18 months from the expiry of the related EU trade mark or the closure of the relevant *inter partes* procedure. This does not apply to personal data stored in the Register.

In the event of a formal appeal, all data held at the time of the formal appeal will 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 at the following email address:
DPOexternalusers@euipo.europa.eu

You may consult the EUIPO Data Protection Officer 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.