

DECISION No EX-23-4 of the Executive Director of the Office of 10 February 2023 concerning the extension of time limits for parties having their residence or registered office in Türkiye or Syria

The Executive Director of the European Union Intellectual Property Office (the Office),

Having regard to Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark⁽¹⁾ (EUTMR) and in particular Article 157(4)(a) thereof, pursuant to which the Executive Director of the Office must take all necessary steps, including the adoption of internal administrative instructions and the publication of notices, to ensure the functioning of the Office,

Having regard to Council Regulation (EC) No 6/2002 of 12 December 2001 on Community Designs, as amended⁽²⁾ (CDR), and to Commission Regulation (EC) No 2245/02 of 21 October 2002 implementing the Council Regulation, as amended⁽³⁾, (CDIR), in particular Article 58(2) and (4) thereof, that empower the Executive Director to determine the duration of the period of interruption of communication between the parties and the Office or their representatives, with the consequence that affected deadlines in proceedings concerning Community designs are extended until the first day following the end of the period of interruption,

Whereas:

- (1) Article 101(3) and (4) EUTMR and Article 58(2) and (4) CDIR ensure the proper functioning of the Office in situations of *force majeure* by mitigating the effects of an interruption of communication capable of affecting proceedings before the Office:
 - either when there is an actual interruption of the Office's connection to accepted electronic means of communication, so that the Office is unable to directly communicate with the parties, irrespective of their place of residence or registered office;
 - or where an exceptional occurrence interrupts proper communication from the parties to a representative having their place of business in a Member State or to the Office.
- (2) Pursuant to Articles 119(2) and 120(1) and (2) EUTMR and Articles 77(2) and 78(1) and (2) CDR, parties having their residence or registered office outside the European Economic Area (EEA) shall be represented in all proceedings before the Office, other than the filing of an application for an EU trade mark or a Community design, by a legal practitioner or professional representative having their place of business in the EEA.
- (3) On 6 February 2023, an earthquake with a magnitude of 7.8 on the Richter scale occurred in Türkiye and Syria followed by at least two other major earthquakes.

⁽¹⁾ OJ L 154, 16.6.2017, p. 1.

⁽²⁾ OJ L 386, 29.12.2006, p. 14.

⁽³⁾ OJ L 193, 25.7.2007, p. 13.

- (4) This natural disaster of unusual and exceptional magnitude has hindered or interrupted communications between Türkiye and Syria and the EEA as a whole.
- (5) The exceptional occurrence prevents parties having their residence or registered office in Türkiye and Syria from accessing the Office's electronic systems and has rendered proper communication with the Office very problematic or impossible.
- (6) Communication between parties having their residence or registered office in Türkiye or Syria with their representatives in the EEA is also very problematic or impossible.
- (7) The disruption extends to all time limits concerning parties having their residence or registered office in Türkiye or Syria.

HAS ADOPTED THE FOLLOWING DECISION:

Article 1
Extension of deadlines

- (1) In accordance with Article 101(4) EUTMR and Article 58(4) CDIR, all time limits expiring between 6 February 2023 and 15 March 2023, inclusive, that affect parties in proceedings before the Office having their residence or registered office in Türkiye or Syria are extended until 16 March 2023.
- (2) In the event the parties to proceedings before the Office choose to meet their procedural obligations before the expiry of the extended time limit by submitting observations, documents or performing any other procedural act, the relevant time limit will be considered exhausted, and the proceedings will continue without awaiting the expiry of the extension provided for under Article 1(1) of this decision.

Article 2
Entry into force

This Decision will enter into force on the day following its adoption and will be published in the Official Journal of the Office.

Done at Alicante, 10 February 2023.



Christian Archambeau
Executive Director