EUIPO
EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE

The Executive Director

DECISION No EX-24-7 of the Executive Director of the Office of 11 September 2024 concerning the extension of time limits for parties having their residence or registered office in Ukraine

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, as well as Article 101(3) and (4) EUTMR, that empower the Executive Director, in case of an interruption of communication from the parties to their representatives or the Office or vice versa, to determine the duration of this interruption and grant an extension of deadlines in proceedings concerning EU trade marks until a date determined by him,

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 admitted 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

([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.

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 24 February 2022 the Russian Federation launched an invasion of Ukraine ([4]).

(4) The Russian Federation's unprovoked and unjustified military aggression against Ukraine constitutes an exceptional occurrence that has severely hindered or interrupted communications between Ukraine and the EEA as a whole.

(5) On 08/03/2022 the Executive Director of the EUIPO adopted Decision No EX-22-2, by which all time limits expiring between 24 February 2022 and 31 March 2022 inclusive, that affected all parties in proceedings before the Office having their residence or registered office in Ukraine, were extended until 1 April 2022.

(6) Subsequently, the Executive Director of the EUIPO adopted the following consecutive Decisions extending the time limits for affected parties.

Decision No EX-22-4 of 30/03/2022	time limits expiring between 1 April 2022 and 1 June 2022 inclusive were extended until 2 June 2022.
Decision No EX-22-5 of 31/05/2022	time limits expiring between 2 June 2022 and 1 September 2022 inclusive were extended until 2 September 2022.
Decision No EX-22-8 of 29/08/2022	time limits expiring between 2 September 2022 and 1 November 2022 inclusive were extended until 2 November 2022.
Decision No EX-22-9 of 31/10/2022	time limits expiring between 2 November 2022 and 1 February 2023 inclusive were extended until 2 February 2023.
Decision No EX-23-1 of 30/01/2023	time limits expiring between 2 February 2023 and 2 April 2023 inclusive were extended until 3 April 2023.
Decision No EX-23-5 of 27/03/2023	time limits expiring between 3 April 2023 and 4 June 2023 inclusive were extended until 5 June 2023.
Decision No EX-23-6 of 24/05/2023	time limits expiring between 5 June 2023 and 14 September 2023 inclusive were extended until 15 September 2023.
Decision No EX-23-7 of 07/09/2023	time limits expiring between 15 September 2023 and 15 November 2023 inclusive were extended until 16 November 2023.
Decision No EX-23-10 of 13/11/2023	time limits expiring between 16 November 2023 and 14 March 2024 inclusive were extended until 15 March 2024.

([4]) See press statement of President Charles Michel of the European Council and President Ursula von der Leyen of the European Commission: https://ec.europa.eu/commission/presscorner/api/files/document/print/en/statement_22_1321/STATEMENT_22_1321_EN.pdf.

Decision No EX-24-3 of 12/03/2024	time limits expiring between 15 March 2024 and 15 June 2024 inclusive were extended until 16 June 2024.
Decision No EX-24-5 of 11/06/2024	time limits expiring between 16 June 2024 and 15 September 2024 inclusive were extended until 16 September 2024.

(7) The exceptional occurrence continues to prevent parties having their residence or registered office in Ukraine from accessing the Office's electronic systems and continues to render proper communication with the Office very problematic or impossible.

(8) In addition, communication between parties having their residence or registered office in Ukraine with their representatives in the EEA continues to be obstructed or entirely interrupted.

(9) The disruption extends to all time limits concerning parties having their residence or registered office in Ukraine.

HAS ADOPTED THE FOLLOWING DECISION:

Article 1
Extension of deadlines

(1) All time limits expiring between 16 September 2024 and 16 March 2025 inclusive that affect parties in proceedings before the Office having their residence or registered office in Ukraine are extended until 17 March 2025.

(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).

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, 11 September 2024.

João Negrão
Executive Director