

Concerns: Compliance with deadlines during the period of public health restrictions caused by the corona virus.

Date: 20 March 2020

Following the restrictive measures announced by the Dutch Government in connection with the corona virus, BOIP will continue to operate with an extremely reduced staffing level. BOIP is aware that this also applies to all IP professionals and companies who currently have pending requests and procedures at BOIP. Under these circumstances, BOIP has decided the following:

1. From 16 March 2020 until such time as it is reasonably possible for IP professionals and entrepreneurs in the Benelux countries to work normally again, BOIP will not withdraw any requests or procedures because a given deadline has not been met. This also applies to opposition proceedings not submitted on time or payments not received on time.
2. On the basis of the experience gained since 16 March 2020 and social developments, BOIP will determine when it is reasonable for IP professionals and other entrepreneurs in the Benelux countries to be able to work normally again. BOIP will set a date ("BAU date") for this in due course and communicate it via a new communication from the Director General.
3. An additional period of one month will be given for all requests and procedures for which current deadlines have expired between 16 March 2020 and BAU date, or for which deadlines are less than one month on BAU date. This month will be counted from BAU date.
4. As a result of the above provisions, the register may not reflect the accurate status of certain trademarks. This is caused by the fact that the IT systems of BOIP apply articles 2.8(1) and 2.14(1) BCIP automatically and BOIP will not intervene in these circumstances. For instance, it could happen that registrations of trademarks of which the opposition period has expired between 16 March 2020 and BAU date, are still cancelled.
5. BOIP emphasizes that this communication has no consequences for the assessment of actions before the Benelux Court of Justice. The question whether an appeal pursuant to article 1.15bis(1) BCIP has been lodged timely is not to be answered by BOIP. This is the competence of the Benelux Court of Justice.
6. BOIP is not able to communicate a new time limit for all individual requests and proceedings. This communication therefore replaces communications on a case-by-case basis.
7. This communication replaces the communication of 16 March 2020 on this subject.