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Insights: Alerts

European Patent Office COVID-19-Related Extension Period Ends Tuesday, June 2, 2020

JUNE 1, 2020 Written by Theodore G. Brown, III

Please note: The below information may require updating, including additional clarification, as the COVID-19 pandemic continues to develop. Please monitor our main COVID-19 Task Force page and/or your email for updates.

We previously published an alert that the European Patent Office (EPO), had issued a Notice that extended the times to file papers that could not be filed due to disruptions caused by the COVID-19 pandemic. The EPO extended most deadlines accruing after March 15, 2020 until April 17, 2020, including deadlines for international applications under the PCT.

We published an updated alert regarding these EPO extensions, which previously expired on April 17, 2020. The EPO issued a second Notice on April 16, 2020, extending the times to file papers to May 4, 2020. The EPO issued a third Notice on May 1 extending the deadline to June 2, 2020.

The EPO recently issued a new Notice on Thursday, May 27, 2020, that supersedes the EPO's previous Notices. Practitioners should note that the EPO has decided **not** to extend the extensions that were previously available for many if not most EPO deadlines due to disruptions caused by the COVID-19 pandemic. Practitioners relying on the EPO extensions to extend deadlines falling on or after March 15, 2020, will now have a deadline of Tuesday, June 2, 2020. There are still extensions available if it can be shown that there is a general dislocation of the mail in the applicant's or representative's EP place of business (Rule 134(2) EPC), and also on a case by case basis if there is an exceptional occurrence justifying the extension (*see, for example,* Rule 134(5) EPC and Rule 82quater.1 PCT) but we recommend that extensions available under these provisions ***should not be relied upon*** due to the "discretion" involved.

If you are not a qualified European patent attorney, we recommend you work very closely with one, especially if you want to consider discretionary extensions under these or similar provisions.

Related People



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