03/24/2020 Information
COVID-19

Remedies Available in Case of Failure to Meet a Time Limit and Extension of Time Limits in Case of Closure

1. Mindful of the Coronavirus disease (COVID-19) pandemic the International Bureau of the World Intellectual Property Organization (WIPO) reminds users of the Hague System of remedies available under the Common Regulations under the 1999 Act and the 1960 Act of the Hague Agreement, including the automatic extension of time limits, in case the Office of a Contracting Party is not open to the public.

I. *Remedies Available in Case of Failure to Meet a Time Limit for a Communication Addressed to the International Bureau (Rule 5 of the Common Regulations)*

2. The COVID-19 pandemic or measures taken in connection with it, such as a lockdown, temporary closure of business, quarantine or self-isolation, may severely limit access to mail delivery services and electronic communication, or render impracticable their functioning.

3. In this regard, users of the Hague System who fail to meet a prescribed time limit for a communication addressed to the International Bureau may be excused if that communication is sent within five days after the mail or delivery service is resumed.

4. Similarly, a failure to meet a time limit for a communication addressed to the International Bureau due to an incident affecting the electronic communication with the International Bureau or the locality of the user will be excused if that communication is effected within five days after the electronic communication service is resumed.

5. In any case, users must provide satisfactory evidence of the reason why the International Bureau should excuse the above-mentioned failure. Evidence could be, for example, an official announcement, a verifiable news item or an attestation by a certified physician.

6. Moreover, the International Bureau must receive such evidence and the communication concerned no later than six months from the date on which the time limit concerned expired.

II. *Closure of the Office of a Contracting Party (Rule 4(4) of the Common Regulations)*

7. The aforementioned pandemic might cause the business closure of the Office of a Contracting Party for a certain period. If any prescribed period expires on a day on which the Office concerned is not open to the public, the said period is extended so as to expire on the page 2 first subsequent day on which that Office reopens to the public. All time limits under the Hague System that concern that Office (e.g., the time limit to send a refusal to the International Bureau), including those afforded by that Office to holders of international registrations (e.g., the time limit to respond to a refusal), would be extended accordingly.

8. In view of the above, Offices of Contracting Parties may inform the International Bureau of the fact that they are not open to the public and indicate the dates on which they will remain closed, either in the same communication or as soon as those dates are known, and specify the date on which they will reopen.

9. The International Bureau will make publicly available any such information formally communicated to it by Offices of Contracting Parties.

III. *Further Advice to Applicants and Holders*

10. Applicants, holders and their representatives are advised not to wait until the last minute to submit time-sensitive communication to the International Bureau or to the Offices of Contracting Parties.

11. For communication with the International Bureau, they are strongly encouraged to use WIPO electronic services, namely **eHague**, **ePay** and **eRenewal**. Documents and communications of a non-confidential nature may also be submitted to the International Bureau through **Contact Hague** using the **Upload Documents** function.

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