

FUNCTIONING OF UPRP, EUIPO, EPO AND WIPO DURING COVID-19 PANDEMIC – AN OVERVIEW

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Summary. The purpose of this review is to present an overview of the various preventive measures introduced by the bodies dealing with intellectual property protection with the aim of maintaining the continuity of proceedings regarding industrial property during COVID-19 pandemic. Author presents actions taken by the Patent Office of the Republic of Poland (UPRP), the European Union Intellectual Property Office (EUIPO), European Patent Office (EPO) and World Intellectual Property Organization (WIPO). Legal status as of 29 April 2020.

Key words: Covid-19, intellectual property, UPRP, EUIPO, EPO, WIPO

INTRODUCTION

On 11th March 2020, the Director-General of the World Health Organization announced that COVID-19 could be characterized as a pandemic.¹ At the time of preparing this publication, a state of emergency had been declared in many countries, while social distancing measure were in place in many others. The scale of the global crisis, which we will face, is difficult to predict, what is certain is that it will also affect the legal system and state administration. The scope of changes is still difficult to summarize as various solutions to mitigate the impact of COVID-19 are being adopted in response to rapidly changing disease statistics.

The purpose of this review is to present an overview of the various preventive measures introduced by the bodies dealing with intellectual property protection with the aim of maintaining the continuity of proceedings regarding industrial property, and to “support innovation in making our world safer, smarter and more sustainable” [Campinos 2020], both in the short and long term.

¹ WHO, *WHO Director-General’s opening remarks at the media briefing on COVID-19 – 11 March 2020*, <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020> [accessed: 30.04.2020].

1. PATENT OFFICE OF THE REPUBLIC OF POLAND²

In Poland lockdown-type control measures started on 10th March 2020: school were closed, university classes and mass events cancelled. In order to contain the spread of the coronavirus, on 14th March 2020, the Polish Minister for Health published a decree declaring the state of epidemic emergency nationwide, which entered into force on the same day.³ The Patent Office of the Republic of Poland (UPRP) has not cease its activity but it closed to the public. Since 16th March it has limited all activities that require any direct contact with public. The applications of industrial property goods can be submitted using the Electronic Services Platform of the Patent Office (PUEUP). All correspondence is conducted electronically and all paper notifications have been suspended. E-notification of the expiration of the period of protection will be sent to the users who provided their electronic contact data (e-mail, SMS). All hearings before the Dispute Adjudication Panels of the Patent Office of the Republic of Poland scheduled after 16 March 2020 will not be held until further notice.⁴

As the COVID pandemic developed, the restrictions were tightened and on 20th March 2020 the state of epidemic was introduced.⁵ On 31st March 2020 the Polish parliament approved the so called “anti-crisis shield,” which became law on 1st April 2020. It covers a series of measures including an act amending the act on special solutions related to the prevention, counteracting and combating of COVID-19, other infectious diseases and crisis situations caused by them, as well as some other acts.⁶ It introduces key provisions for the functioning of courts and

² According to Art. 261 of the Act of 30 June 2000, the Industrial Property Law (Journal of Laws item 286) the Patent Office carries out tasks in industrial property matters arising from the Law, from separate regulations and from international agreements. They include in particular: a) accepting and examining applications for inventions, utility models, industrial designs, trade marks, geographical indications and topographies of integrated circuits, filed in order to obtain protection; b) adjudicating in cases concerning the grant of patents and supplementary protection for inventions, protection for utility models and trade marks, and also rights in registration of industrial designs, geographical indications and topographies of integrated circuits; c) deciding cases in adjudication proceedings in the scope specified in the Law; d) keeping the registers of industrial property goods; e) issuing the “Patent Office’s Official Gazette” and the “Patent Office Bulletin”; f) participating in the work of international authorities under international agreements concluded by the Republic of Poland in industrial property cases, particularly the Paris Convention for the Protection of Industrial Property; g) keeping a central collection of Polish and foreign patent specifications. When carrying out its tasks, particularly in cases relating to international co-operation and when drafting bills of laws on industrial property, the Patent Office acts in agreement and co-operation with interested government and local administrative authorities.

³ Regulation of the Minister of Health of 13 March 2020 regarding the announcement of the state of epidemic threat in the territory of the Republic of Poland, Journal of Laws item 433.

⁴ UPRP, *Funkcjonowanie Urzędu Patentowego RP w okresie zagrożenia epidemicznego*, <https://uprp.gov.pl/pl/funkcjonowanie-urzedu-patentowego-rp-w-okresie-zagrozenia-epidemicznego> [accessed: 30.04.2020].

⁵ Regulation of the Minister of Health of 20 March 2020 regarding the announcement of the state of epidemic in the territory of the Republic of Poland, Journal of Laws item 491.

⁶ Journal of Laws item 568 [henceforth cited as: Act of 31 March 2020].

state administration, especially in the scope of time limits under substantive and procedural laws. They are not without significance for the actions relating to intellectual property. In the light of Art. 15zrz, para. 1 of the Act of 31 March 2020 during the state of epidemic emergency or the state of epidemic announced due to outbreak of COVID-19, the following statutory periods stipulated by administrative law shall not commence and, if commenced, shall be suspended: 1) periods relevant for obtainment of legal protection before the court or authority; 2) periods for taking an action by a party that shapes its rights and obligations; 3) statutory periods of limitation of claims periods which, if not complied with, result in the expiration or modification of property rights and claims and debts, or cause falling into delay; 4) statutory deadlines, which if not complied with, entail negative consequences for the party time limits for the entities or organizational units subject to registration in a relevant register for making registration in such a relevant register, as well as time limits for these entities' performance of obligations under statutory provisions that regulate their activities.

However, according to Art. 15zrz, para. 5 of the Act of 31 March 2020 legal actions taken in exercise of the one's rights or obligations during the period of suspension of the commencement or suspension of the duration of statutory periods, shall be effective.

In addition, as stated in Art. 15zrs, para. 1 of the Act of 31 March 2020, during the state of epidemic emergency or the state of epidemic announced due to outbreak of COVID-19 – the civil and procedural timeliness shall not commence, and if commenced, shall be suspended in the proceedings listed in this provision, among other: court proceedings, including administrative court proceedings, administrative proceedings, any other proceedings on the basis of law in force. These material and procedural deadlines will either continue after the suspension period or will start running after rescission of the state of epidemic emergency or state of epidemic. Considering the above regulations, the UPRP in the statement issued on 8 April 2020, encouraged applicants and right holders to take action also during the suspension period, because – in the Office's assessment – this will allow more efficient and faster operation of the Patent Office after the pandemic.⁷

Art. 15zrs, para. 6 of the Act of 31 March 2020 provides that during the period of suspension of commencement or suspension of the statutory periods, no open hearings or court sessions shall be held. The actions taken during the aforementioned period shall be effective. Moreover according to Art. 15zrs, para. 10 and Art. 11 of the Act of 31 March 2020 during this period: provisions relating to the authorities' inactivity and the authorities' obligation to notify a party or a participant to the proceedings of the failure to timely handle a matter shall not apply. The authorities conducting proceedings shall not be subject to penalties or fines, nor shall they be ordered to pay compensatory amounts to those who made

⁷ UPRP, *Informacja Urzędu Patentowego dotycząca regulacji wprowadzonych tarczą antykryzysową*, <https://uprp.gov.pl/sites/default/files/inline-files/Tarcza%20antykryzowa%20-%20terminy%20UPRP.pdf> [accessed: 30.04.2020].

complaints for a failure to issue adjudications within the time limits prescribed by law. The cessation of activities in the period indicated by an authority conducting the proceedings cannot be a basis for deriving legal measures concerning inactivity, lengthiness or violation of the party's right to have the case reviewed without unjustified delay.

The Act of 31 March 2020 contains also provisions concerning in detail industrial property matters. The provision that is of utmost importance in the context of new and pending proceedings is Art. 31j. Pursuant to these regulation, from 8 March until 30 June 2020 a period for: 1) filing an opposition against a trade mark application;⁸ 2) submitting a translation of a European patent into Polish at the Patent Office of the Republic of Poland; 3) filing of a translation into Polish of a limited or modified European patent⁹ shall not commence, and if commenced, shall run anew. Time limits shall run again from 1 July 2020. However, activities undertaken in this period will be valid. It should be highlighted that para. 1 of this provision does not apply to oppositions in case of other types of intellectual property rights, i.e. industrial design, utility model, geographical indications or patent applications. However, this does not change the assessment that the introduced changes are important because the ineffective expiry of the deadline for filing an objection to a trade mark application excludes the possibility of defending earlier rights in this mode.

2. EUROPEAN UNION INTELLECTUAL PROPERTY OFFICE¹⁰

All actions taken by the Patent Office of the Republic of Poland are consistent with the measures introduced by the European Union Intellectual Property Office (EUIPO). EUIPO has its headquarter in Spain, where a "state of alarm" due to the spread of COVID-19 was introduced on 14th March 2020 on the basis of the Royal Decree 463/2020.¹¹ As a consequence, the Executive Director of the EUIPO authorized the activation of the Office's business continuity protocol, with the effect that from 16th March all EUIPO staff work from home. The Office's headquarters is to remain closed until further notice. Trade mark and design applications will continue to be received, examined and published, and the Office will continue to send communications and set deadlines. Official bulletins will con-

⁸ Referred to the Act of 30 June 2000, the Industrial Property Law, Journal of Laws of 2020, item 286.

⁹ Referred to the Act of 14 March 2003 on filing of European patent applications and the effects of the European patent in the Republic of Poland, Journal of Laws 2016, item 2.

¹⁰ The regulation establishing the EUIPO was adopted by the Council of the European Union in December 1993. EUIPO (former Office for Harmonization in the Internal Market – OHIM) is the European Union Agency responsible for the registration of the European Union Trade mark (EUTM) and the registered Community design (RCD).

¹¹ *Real Decreto 463/2020, de 14 de marzo, por el que se declara el estado de alarma para la gestión de la situación de crisis sanitaria ocasionada por el COVID-19*, <https://www.boe.es/buscar/doc.php?id=BOE-A-2020-3692> [accessed: 30.04.2020].

tinue to be published as usual.¹² The next step taken the same date was the Director's decision regarding the extension of time limits.¹³ As stated in its Art. 1, in accordance with art. 101, sect. 4 EUTMR¹⁴ and Art. 58, sect. 4 CDIR,¹⁵ all time limits expiring between 9th March 2020 and 30th April 2020 inclusive that affect all parties in proceedings before the Office are extended until 1st May 2020. However, it should be noted, that in practice it results in extending the deadlines until Monday 4th May, given that Friday 1 May is a public holiday. The decision entered into force one day following its adoption. It was accompanied by an explanation that the expression "proceedings before the Office" relates only to trade mark and design matters, while the reference to "all time limits" is to be read literally as it encompasses all procedural deadlines, irrespective of whether they have been set by the Office or are statutory in nature (i.e. are stipulated directly in the Regulations). They cover time limits set by any instance of the Office, in any proceeding before the EUIPO, including its Boards of Appeal and time limits imposed directly by the acts that govern the EU trade mark¹⁶ and community design¹⁷ system including those originating from the Paris Convention or other

¹² EUIPO, COVID 19 Update: measures in place after activation of "state of alarm" in Spain, <https://euiipo.europa.eu/ohimportal/en/news/-/action/view/564469> [accessed: 30.04.2020].

¹³ Decision No EX-20-3 of the Executive Director of the Office of 16 March 2020 considering the extension of time limits, https://euiipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/decisions_president/EX-20-03_en.pdf [accessed: 30.04.2020].

¹⁴ Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark, OJ L 154, 16.06.2017 [henceforth cited as: EUTMR]: "if an exceptional occurrence, such as a natural disaster or strike, interrupts or interferes with proper communication from the parties to the proceedings to the Office or vice-versa, the Executive Director may determine that for parties to the proceedings having their residence or registered office in the Member State concerned or who have appointed a representative with a place of business in the Member State concerned all time limits that otherwise would expire on or after the date of commencement of such occurrence, as determined by him, shall extend until a date to be determined by him. When determining that date, he shall assess when the exceptional occurrence comes to an end. If the occurrence affects the seat of the Office, such determination of the Executive Director shall specify that it applies in respect of all parties to the proceedings."

¹⁵ Commission Regulation (EC) No. 2245/2002 of 21 October 2002 implementing Council Regulation (EC) No. 6/2002 on Community designs, OJ EC No. L 341 of 17.12.2002 with amendments [henceforth cited as: CDIR]. "If an exceptional occurrence such as natural disaster or strike interrupts or dislocates the proper functioning of the Office so that any communication from the Office to parties concerning the expiry of a time limit is delayed, acts to be completed within such a time limit may still be validly completed within one month of the notification of the delayed communication. The date of commencement and the end of any such interruption or dislocation shall be as determined by the President of the Office."

¹⁶ EUTMR, Commission Implementing Regulation (EU) 2018/626 of 5 March 2018 laying down detailed rules for implementing certain provisions of Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark, and repealing Implementing Regulation (EU) 2017/1431, OJ L 104, 24.04.2018 [henceforth cited as: EUTMIR], Commission Delegated Regulation (EU) 2018/625 of 5 March 2018 supplementing Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark, and repealing Delegated Regulation (EU) 2017/1430, OJ L 104, 24.04.2018 [henceforth cited as: EUTMDR].

¹⁷ Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs, OJ EC No. L 3 of 05.01.2002 with amendments [henceforth cited as: CDR] and CDIR.

International Treaties, and regardless of whether they are excluded from *restitutio in integrum* within the meaning of Art. 104, sect. 5 EUTMR and Art. 67, sect. 5 CDR. In particular, the following statutory time limits applies to: 1) Opposition Period (Art. 46, sect. 1 EUTMR); 2) Request for Renewal (Art. 53, sect. 3 EUTMR and Art. 13 CDR); 3) Filing of an Appeal and of the Statement of Grounds (Art. 68, sect. 1 EUTMR and Art. 57 CDR); 4) Conversion (Art. 139 EUTMR); 5) Deferment of Publication of Design (Art. 50 CDR); 6) Right of Priority (Art. 34, sect. 1 EUTMR and Art. 41 CDR), Exhibition Priority (Art. 38, sect. 1 EUTMR and Art. 44 CDR); 7) Payment of: the Application Fee (Art. 32 EUTMR), the Opposition Fee (Art. 46, sect. 3 EUTMR), the Appeal Fee (Art. 68, sect. 1 EUTMR and Art. 57 CDR).¹⁸

It was noted, that the time limits that relate to proceedings before other authorities are not covered by this extension. This is in particular the case with regard to the time limit for bringing an action before the General Court against decisions of the Boards of Appeal (Art. 72, sect. 5 EUTMR and Art. 61 CDR).¹⁹ It was also highlighted, that the extension of time limits has an immediate effect of preventing the deadlines concerned from lapsing when they were originally due, and of setting a new expiry date applicable to all, namely the 1 May 2020. This effect is automatic and derives directly from the Decision of the Executive Director. Accordingly, the affected parties are not required to file an individual request. Parties to ongoing proceedings are advised not to lodge unnecessary requests for extension. It should be noted, however, that in case the parties are in a position to meet either the original or the extended deadline, and choose to discharge their procedural obligations during that period, the procedure will take its usual course and any documents filed will be examined in the regular manner. At the same time the Office informed that because the effect of the extension is automatic, users subject to relevant time limits will not be informed individually about their deadline being extended.²⁰

On 29th April 2020 all the time limits were prolonged for the second time. On 29 April 2020 the Office's Executive Director extended until 18 May all time limits expiring between 1 May 2020 and 17 May 2020. Although, this time it was emphasized in the decision itself that, in the event parties to proceedings before the Office choose to discharge 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 its expiration.²¹

¹⁸ EUIPO, Extension of time limits COVID 19: time limits affected, nature of extension and communications to users, <https://euipo.europa.eu/ohimportal/en/news/-/action/view/5657728> [accessed: 30.04.2020].

¹⁹ Ibid.

²⁰ Ibid.

²¹ Decision No EX-20-4 of the Executive Director of the Office of 29 April 2020 considering the extension of time limits, https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/decisions_president/EX-20-04_en.pdf [accessed: 30.04.2020].

3. EUROPEAN PATENT OFFICE²²

Similar preventive measures were introduced in European Patent Office (EPO). Compliant with the Austrian regulations the staff of the EPO's Vienna office have been instructed to work from home. The Office fully remains at the service of users,²³ who were recommended to make further use of online services, namely: activate the electronic Mailbox service to receive communications, use online filing and web-form filing instead of fax for filing all procedures with the exception of opposition, revocation, limitation and appeal proceedings, consult the European patent register to follow-up on public patent granting communications issued by the EPO. Similar to the two previously described offices, the EPO has taken actions to safeguard users' rights and adopted remedies in case of non-observance of time limits. All time limits expiring on or after 15 March 2020 were extended until 4th May 2020. The extensions and remedies apply to parties and representatives in proceedings under the EPC and the PCT. The extension of time limits also applies to periods for paying fees, including renewal fees.²⁴ Pursuant to the decision of the President dated 1st April 2020 concerning oral proceedings held by videoconference before examining divisions,²⁵ they are to be held remotely and would be equivalent to oral proceedings held on the premises of the EPO. So far the Office has decided twice to postpone all oral proceedings in examination and opposition proceedings scheduled until 30 April 2020 (previously until 17 April 2020) unless they have already been confirmed to take place by means of videoconferencing. Separate notifications about this postponement will be sent to the parties. Equally, Oral Proceedings before the Boards of Appeal will not be held in the premises of the Boards of Appeal until 15th May 2020.²⁶

²² EPO is one of the two organs of the European Patent Organisation. It was set up on 7 October 1977 on the basis of the Convention on the Grant of European Patents of 5 October 1973 (Journal of Laws of 2004, No. 79, item 737). The Office's core activity is the search and examination of patent applications and the grant of European patents.

²³ EPO, Coronavirus (COVID-19) – continually updated information, <https://www.epo.org/news-issues/covid-19.html> [accessed: 30.04.2020].

²⁴ Ibid.

²⁵ Decision of the President of the European Patent Office dated 1 April 2020 concerning oral proceedings by videoconference before examining divisions, <https://www.epo.org/law-practice/legal-texts/official-journal/president-notice/archive/20200401.html> [accessed: 30.04.2020].

²⁶ EPO, Coronavirus (COVID-19) – continually updated information.

4. WORLD INTELLECTUAL PROPERTY ORGANIZATION²⁷

The Covid-19's impact on the intellectual property system is also recognized and monitored by the World Intellectual Property Organization (WIPO). During the pandemic, WIPO maintains continuity in of proceedings under: 1) the Madrid System for the International Registration of Marks; 2) the Hague System for the International Registration of Industrial Designs; 3) the Patent Cooperation Treaty for filing patent applications; 4) the Lisbon System for the International Registration of Geographical Indications.

WIPO's Arbitration and Mediation Center also processing domain name disputes under the Uniform Domain Name Dispute Resolution Policy and other alternative dispute resolution cases.

WIPO has introduced the necessary organizational measures to ensure safe and smooth operation during the period of epidemic risk. On 17th March 2020 its business continuity protocol was activated. The Office moved to an almost entirely virtual work presence. Its offices are closed to all individuals except for essential personnel.²⁸ However, the International Bureau and the International Bureau as receiving Office remains open for the purposes of filing and processing PCT applications.²⁹ All meetings have been postponed or canceled until the end of April, with updates to follow.³⁰

The Office has been affected by the suspension of postal services in Switzerland caused by the COVID-19 outbreak. WIPO is not able to send or receive communications by mail until further notice. It asked EUIPO to provide dedicated e-mail addresses for the applicants who based their International Application on a European Union Trade Mark.³¹ The International Bureau has suspended the transmission of paper PCT documents and notifications, and until further notice will only transmit them electronically. Due to the reduction of scanning operations at the International Bureau, all PCT users should communicate with the Internatio-

²⁷ WIPO established under Convention Establishing the World Intellectual Property Organization signed at Stockholm on 14 July 1967 (Journal of Laws of 1975, No. 9, item 49) was created to promote and protect intellectual property across the world by cooperating with countries as well as international organizations. Is a self-funding agency of the United Nations, with 193 member states. It is a global forum for intellectual property services, policies and information. It provides business services for obtaining IP rights in multiple countries, administers global systems for the registration of trade marks, industrial designs, patents and geographical indications and provides resolve disputes services in relation to intellectual property and domain names.

²⁸ WIPO, Update on Covid-19, https://www.wipo.int/portal/en/news/2020/article_0011.html [accessed: 30.04.2020].

²⁹ WIPO, International Bureau Interprets COVID-19 Pandemic as Falling under PCT Excuse of Delays Provision, https://www.wipo.int/pct/en/newslett/2020/article_0001.html [accessed: 30.04.2020].

³⁰ WIPO, Covid-19 Update: WIPO's IP Services, https://www.wipo.int/portal/en/news/2020/article_0015.html [accessed: 30.04.2020].

³¹ EUIPO, Latest updates, <https://euipo.europa.eu/ohimportal/pl/covid-19-information> [accessed: 30.04.2020].

nal Bureau only electronically, preferably through ePCT.³² Similar restrictions apply to certified documents and extracts services in the Madrid System for the International Registration of Trade Marks.³³

During the Coronavirus pandemic WIPO cooperates closely with the World Health Organization (WHO), that coordinates all activities related to the creation of a patent pool enabling wider access to patented drugs and medical supplies that could be useful for the detection, prevention, control and treatment of the COVID-19. This idea was proposed by the President and the Ministry of Health of Costa Rica, who – in their letter sent to WHO on 23th March 2020) – proposed to create a pool of rights to tests, medicines and vaccines, with free access or licensing on reasonable and affordable terms for all countries. In their opinion this pool, which will involve voluntary assignments, should include the existing and future rights to patented inventions and designs, as well rights to regulatory test data, knowhow, cell lines, copyrights and blueprints for manufacturing diagnostic tests, devices, drugs or vaccines. It should provide for free access or licensing on reasonable and affordable terms, in every member country.³⁴ The proposed WHO pool has been endorsed by the Director-General of WHO, “who called on all countries, companies and research institutions to support open data, open science and open collaboration so that all people can enjoy the benefits of science and research.”³⁵ In the spirit of this initiative The Open COVID Coalition, an international group of scientists and attorneys called upon organizations worldwide to make their patents and copyrights freely available to support fight against the COVID-19 pandemic. In the group of adopters and supports of this idea are: Microsoft, Facebook, IBM, Intel and Amazon.³⁶ It has been separately reported that leading universities, i.e.: Cambridge,³⁷ Stanford,³⁸ Harvard,³⁹ the Massachusetts Institute of Technology⁴⁰ have agreed to let their intellectual property be used to fight COVID-19 and minimize the impact of the disease.

³² WIPO, COVID-19 update: PCT System, https://www.wipo.int/pct/en/covid_19/covid_update.html [accessed: 30.04.2020].

³³ WIPO, COVID-19 Update: Madrid System, https://www.wipo.int/madrid/en/news/2020/news_0009.html#accordion__collapse__02 [accessed: 30.04.2020].

³⁴ Letter to WHO Director-General Tedros Adhanom Ghebreyesus, <https://www.keionline.org/wp-content/uploads/President-MoH-Costa-Rica-Dr-Tedros-WHO24March2020.pdf> [accessed: 30.04.2020].

³⁵ WHO Director-General’s opening remarks at the media briefing on COVID-19 – 6 April 2020, <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19--6-april-2020> [accessed: 30.04.2020].

³⁶ OpenCovid Pledge, <https://opencovidpledge.org/> [accessed: 30.04.2020].

³⁷ University of Cambridge, 150 scientists from new institute join Cambridge fight against COVID-19, <https://www.cam.ac.uk/research/news/150-scientists-from-new-institute-join-cambridge-fight-against-covid-19> [accessed: 30.04.2020].

³⁸ Stanford Medicine, Covid-19 update, <https://med.stanford.edu/covid19.html> [accessed: 30.04.2020].

³⁹ Harvard University, Coronavirus (COVID-19), <https://www.harvard.edu/coronavirus> [accessed: 30.04.2020].

⁴⁰ MIT, MIT’s Covid-19 Info Center, <https://covid19.mit.edu/two-new-funds-to-support-MIT%E2%80%99s-Covid-19-response/> [accessed: 30.04.2020].

CONCLUSIONS

As demonstrated, the relevant bodies have quickly adapted to the new reality. The remote work system and electronic management of industrial property rights allow them to function without interruption. The applications for industrial property rights are being processed, and thus the date of obtaining a priority date that is of key importance for the further enforcement of intellectual property rights, do not need to be delayed until the end of the pandemic. On the contrary, the offices encourage users to protect their intangible assets and not postpone these aspects of the company's strategy "for better times." However, only time will tell if suspension of time limits in other proceedings (including contradictory and opposition proceedings) to protect the interests of the parties will delay application processing times and prolong the uncertainty related to judgments on the use of intellectual property rights. Therefore, the duration of the pandemic remains the worst enemy of the initiatives of the national and international intellectual property protection bodies discussed in this review. Time plays also a key role in the race for the COVID-19 treatments. One hopes that any newly discovered remedies will be given to the world for free use as soon as possible without patent office proceedings to obtain an exclusive right or be made available under an open licence.

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FUNKCJONOWANIE UPRP, EUIPO, EPO I WIPO W CZASACH PANDEMII COVID-19 – PRZEGLĄD DZIAŁAŃ

Streszczenie. Celem artykułu jest przedstawienie działań realizowanych przez organy ds. własności intelektualnej, mających na celu utrzymanie ciągłości postępowań w sprawach z zakresu własności przemysłowej w okresie pandemii Covid-19. Autorka przedstawia środki podjęte przez Urząd Patentowy Rzeczypospolitej Polskiej (UPRP), Europejski Urząd ds. Własności Intelektualnej (EUIPO), Europejski Urząd Patentowy (EPO) i Światową Organizację Własności Intelektualnej (WIPO). Stan prawny na dzień 29 kwietnia 2020 r.

Słowa kluczowe: Covid-19, własność intelektualna, UPRP, EUIPO, EPO, WIPO

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