

Mr António Campinos
President
The European Patent Office
80298 München
Germany

By email: [REDACTED]

Copied: [REDACTED]; [REDACTED]

9 June 2020

Dear President Campinos

Coronavirus extensions of time

During the disruption caused by the current coronavirus pandemic, CIPA members have been extremely grateful for the EPO's general extension of time limits under Rule 134(2) EPC. [Footnote 1]

However, since 2nd June, this general extension has been discontinued, apparently because the situation in Germany has improved. Instead, the EPO is now recommending the use of Rule 134(5) EPC. This is not a general extension, but requires applicants to provide particular evidence in each case of a mail interruption in the ten days prior to a specific deadline. [Footnote 2]

We would like to ask the EPO to take notice of the fact that the disruption caused by the coronavirus situation in a number of EPC member states (including the UK) is significantly worse than in Germany. For example, the official UK government instruction continues to be that anyone able to work from home should do so. [Footnote 3] Most UK patent attorneys have therefore closed their offices and continue to work from their individual homes, resulting in disruption to their receipt of mail.

We note that this is a general dislocation in an EPC Contracting State. In these circumstances, we urge that Rule 134(2) EPC should continue to provide a general extension; the rule is not restricted to dislocations occurring in Germany. We therefore ask you to publish urgently a notice to that effect, at least for the UK and possibly also other member states.

If you require further information or evidence about the coronavirus situation in the UK, we would be pleased to assist.

Yours sincerely



Richard Mair
President

Footnote 1: <https://www.epo.org/law-practice/legal-texts/official-journal/2020/05/a60.html>

Footnote 2: <https://www.epo.org/law-practice/legal-texts/official-journal/information-epo/archive/20200527.html>

Footnote 3: <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/offices-and-contact-centres> section 2: "Objective: That everyone should work from home, unless they cannot work from home."