

COVID-19. EXTENSION OF TIME LIMITS BY THE RUSSIAN PATENT AND TRADEMARK OFFICE

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The Russian Patent and Trademark Office (Rospatent) announced on its official site the extension of deadlines for filing documents and payment of official fees.

The Rospatent considered that the COVID-19 pandemic and specific restrictions imposed in Russia and other affected countries can prevent both Russian and foreign applicants from filing documents as well as effecting timely payment of official fees required for registration and maintenance of IP rights.

The period from 30 March till 30 April 2020 is officially non-working in Russia. In accordance with general rules, if a deadline falls on a non-working day, it is extended automatically till the next following working day. Therefore, deadlines for any correspondence or actions falling on 28 March 2020 or later are moved to the first subsequent working day, which currently is 06 May 2020. If non-working days in Russia are extended, the relevant first working day and time limit will be further delayed.

However, the Rospatent continues to work, and accepts and handles incoming correspondence and applications. The main facilities that can be used for interaction with the Rospatent are the electronic systems of the Rospatent and the official state service system “gosuslugi”. Besides, the Office accepts correspondence received by postal service and e-mail. Documents submitted by e-mail are deemed filed in paper form and shall be sent to the Rospatent by post service in hard copy accordingly. (see our article “Changes in the operations of the Rospatent and IP courts caused by COVID-19 in Russia” in Lexology at <https://www.lexology.com/library/detail.aspx?g=2aa91142-df92-4aad-899d-12a22f273f7b>)

The Rospatent recommends the adoption of amendments to the current legislation to provide for additional extension of timelines for payment of official fees. We will keep track of any amendments and provide updates upon release of the new information.

Besides, the Rospatent announced that it will follow the WIPO interpretation of Rule 82-quater.1 of the Regulation under the Patent Cooperation Treaty (PCT) and the recommendations of the International Bureau of the WIPO in connection therewith. The Rospatent will accept COVID-19 as an excuse for delays in meeting PCT time limits for performing actions cited in the relevant requests by applicants based on Rule 82-quater.1. This should be possible also thanks to the

WIPO delay policy in issuing notifications declaring applications withdrawn till 31 May 2020. The Rospatent will finally renounce charging late payment fees under Rule 16-bis.2 of the Regulation under the PCT, likewise following the WIPO recommendations.

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Il presente articolo ha esclusivamente finalità informative e non costituisce parere legale.

This article is exclusively for information purposes, and should not be considered as legal advice.



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