



22 March 2020

Ref: 871-99-2020-000416

Attn:

All Applicants, Lawyers and Patent Attorneys

From:

Ofir Alon

Director of the Israel Patent Office

Announcement

(Translation from Hebrew)

**Public announcement regarding ILPO operation
until the end of the Passover holiday**

From the initial corona epidemic outbreak, the ILPO has been functioning under its regular framework (with majority of its employees working from home).

On March 21st, 2020 the Israeli government approved an Emergency Regulation (expansion of the agreement of vacation leave for the public sector due to the new Corona virus) 2020-5780 and the Emergency Regulation (limiting the amount of employees in the workplace in order to minimize the spread of the new Corona virus) 2020-5780 (page 820, ordinance booklet 8405, 22.3.2020).

As a result of these regulations and according to the decision of the management of the Ministry of Justice, the ILPO workforce was reduced to approximately half. These regulations come into force starting today, 22.3.2020. They are to remain in effect, as of now, until 16.4.2020.

The ILPO would therefore like to clarify its activities until 1.5.2020, or until further notice, whichever is the later date:

- A. Despite the reduction in manpower, most of the services provided by the ILPO will continue, subject to the details of this announcement. The ILPO will do its utmost to fulfill the Patent, Trademark and Design commitments of the State of Israel under the various treaties and agreements of which it is a party to. In addition, special attention will be given to urgent requests, such as Requests for accelerated examination. Naturally, the reduction in manpower will lead to a substantial reduction in the amount of applications examined at the ILPO in the various fields.
- B. There will be no frontal reception hours at the ILPO. All departments have a call answering service. Inquiries can be made to the various departments of the

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ILPO as detailed in the following website,
<https://www.justice.gov.il/Units/RashamHaptentim/YetziratKeser/Pages/yeziratkesher.aspx>

- C. The online filing systems are functioning as usual. Documents may be submitted as usual, either by the online system, by email, or by leaving hard copies in the appropriate mailbox next to the security guard at the entrance of the ILPO.
- D. Patent, Trademark and Design Certificates will be produced as usual. However, due to irregularities in the postal system, we recommend printing the certificates from the ILPO website.
- E. The Patent, Trademark and Design journals will be published as usual.
- F. The following functions will be suspended until after Passover:
 - 1. Transfers of ownership, name changes or other changes in the register, aside from representatives and address change for correspondence.
 - 2. Licensing and qualification exams for Patent Attorneys, excluding complaints regarding Patent Attorneys;
 - 3. Notices regarding formal deficiencies in national phase patent applications;
 - 4. Daily digest regarding electronic correspondence sent to applicants.
- G. To clarify, the ILPO will close for the Passover holiday between 8.4.2020 through 15.4.2020 as it does every year.

Extensions and Deadline Delays

The ILPO is aware that as a result of the extenuating circumstances created by the Corona epidemic, applicants and their representatives in Israel and abroad are facing numerous challenges, including communication challenges and working efficiently from the applicant offices, and as a result applicants may be unable to meet the ILPO deadlines established by laws and regulations. The ILPO is striving to ease these challenges faced by the applicants and by their legal representation within the legal and legislative framework, as follows:

- A. An inability to meet the deadlines set by the ILPO resulting from circumstances relating to the Corona epidemic can likely be considered a "reasonable cause" and/or "circumstances over which the applicant and his representative had no control and which could not be prevented" as per Section 164 of The Patents Law, 5727-1967, And Section 100 of The Designs Law, 5777-2017. Also, said events can likely be considered to warrant deadline extensions in trademark and design matters as per Section 82 of The Trademarks Regulations 1940 and Section 54 of The Designs Regulations, 1925.



- B. Applicants who did not meet a deadline set by law or a deadline before the ILPO, or could not submit a necessary document in time due to the aforementioned circumstances may file a request for an extension providing reasons and details of events. Each request will be separately reviewed to determine whether the conditions for extensions are met (i.e. causal relationship between the situation and the failure of meeting the statutory time limit), and will be considered favorably in light of the circumstances. Requests for extensions can be submitted during the period to take an action or afterwards.
- C. In order to allow applicants to submit a request for an extension as described above, until 1.5.2020 or until another announcement is made, whichever is the later date, no files will be closed due to failure to answer correspondence from the ILPO, and notifications before closure will not be sent. In addition, trademark competition proceedings under section 29 of the Trademark Ordinance will not be initiated.
- D. Limitations set in Commissioner Circular 017/2012 – Trademarks regarding the maximum period for responding to ILPO correspondence during the examination period, and Chapter D of Commissioner Circular 035/2017- Patents will not apply until 1.5.2020 or until another announcement is made, whichever is the later date. Extensions granted during the period from this announcement until the end of said period will not be counted as extensions according to these circulars.
- E. Deadlines for submitting documents before the ILPO tribunal are hereby suspended until 1.5.2020. The tribunal will remain open as usual, with the exception of hearings.
- F. For avoidance of doubt, there are deadlines set in the legislation **which cannot be extended** including those enumerated in articles 18(b)(3) regarding submitting documents by third party, 30, 56, 57, 61, 64e(e)(2), 64f, 64m, 64o(a), 73(c) and 170(c) (submitting opposition, payment of renewal fees, submitting requests for Patent Term Extension) in the Patents Law 5727-1967, the deadline for submitting a trademark opposition according to article 24 of the Trade Marks Ordinance (New Version), 5732-1972, the deadline for submitting a renewal fee and for submitting a request to reinstate a trademark according to article 33 of the ordinance, requests to reinstate a design, to pay design renewal fees and requests to reconsider a design rejection, according to articles 40, 41, 43 and 30 of the Designs Law, 5777-2017. All applicants and legal representatives, please note these fixed deadlines.
- G. At this stage, the ILPO cannot waive fee payments or extend the deadlines for payment of fees as set by the laws and regulations regarding such fees, due to lack of legislative authority to do so and to the need to alter the ILPO computer systems to act without receiving prior payment. If any changes on this matter occur in the future, the ILPO will announce it accordingly.



At this point we would like to thank the hardworking employees of the ILPO that have and are continuing to do their utmost during this period to continue providing the public with the best service possible, and to prevent any damage to this public service.

We wish all applicants, lawyers and patent attorneys good health, and hope for a speedy end to the current crisis, with a return to normalcy.

Best Wishes,

Ofir Alon

Director of the Israel Patent Office