



FÉDÉRATION INTERNATIONALE DES CONSEILS  
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF  
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION  
VON PATENTANWÄLTEN

## Resolution of the World Congress and Executive Committee Cannes, France, 25 to 29 September 2022

### *“Flexible approach for missed deadlines and other mistakes”*

**FICPI**, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its World Congress and Executive Committee held in Cannes, France, 25 to 29 September 2022, passed the following resolution:

**NOTING** that during the Covid-19 pandemic, IP Offices granted extensions of time and/or reinstated IP rights more flexibly than before;

**OBSERVING** that the uncertainty created by the premature termination of IP rights reduces the incentive to use the IP system;

**BELIEVING** that termination of an IP right on the basis of unintentionally missing a deadline or any other unintentional mistake is a disproportionate penalty;

**FURTHER CONSIDERING** our previous resolutions urging more lenient rules and practice in this respect, such as “PLT Relief and Reinstatement Measures”<sup>1</sup>, “Standard for Re-establishment of Rights”<sup>2</sup>, “Reinstatement of Rights in Industrial Designs”<sup>3</sup>, “Restoration of priority rights”<sup>4</sup>, and “PCT National Phase Requirements”<sup>5</sup>;

**RECOGNISING** that provisions on re-establishment of rights are generally subject to conditions that safeguard the legitimate interests of third parties;

**URGES** IP Offices to adopt a comparable flexible approach as applied during the Covid-19 pandemic, and therefore apply the available legal provisions to the greatest possible extent in favour of the granting of extensions of time limits and re-establishment of rights, whilst

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<sup>1</sup> EXCO-DE10-RES-002

<sup>2</sup> EXCO- ZA11-RES-002

<sup>3</sup> EXCO- IT11-RES-003

<sup>4</sup> EXCO-IT13-RES-001

<sup>5</sup> EXCO-CA18-RES-002



## “Flexible approach for missed deadlines and other mistakes”

applying only reasonable sanctions and taking into account the legitimate interests of third parties;

**FURTHER URGES** that, if necessary, laws, regulations and guidelines are amended to implement such a comparable flexible approach, including by implementing the “unintentional standard” for re-establishment.