

appellant's control, directly resulted in the appellant being unable to observe the time limit for payment of the renewal fee.

### 5.3.3 Complex transfers of company ownership

In T 469/93 the board found that even if all due care required by the circumstances were to be exercised, the occasional error during complex transfers of company ownership could not entirely be avoided. The error in this case being an exceptional one, the causes of which were remedied, the appellant's request for re-establishment of rights was allowed.

### 5.3.4 Monitoring or computer systems matters

In J 21/92 and J 24/92 the applicant and his representative (both Americans) had each changed their fee-monitoring system, independently of each other. The situation was further complicated by the fact that the representative was no longer responsible for paying the appellant's renewal fees.

In T 369/91 (OJ 1993, 561) the relevant circumstances involved moving from a manual to a computerised time-limit monitoring system. Here "due care" meant ensuring that during the changeover period the representatives handling the various kinds of cases were told which system – manual or computerised – had generated the reminder in question. Only then could they reliably know if and when a further reminder was likely.

In T 489/04 the board did not recognise the installation of a new computer system as an extraordinary circumstance. On the contrary, it considered the resulting burden on employees as foreseeable and containable, had appropriate measures been taken in good time. In J 14/16 the Legal Board was not convinced that a computer-system breakdown and the ensuing substantial data loss and organisational disruption, qualified as exceptional circumstances.

In J 6/18 a technical error occurred in server migration, which affected the US attorney's docketing database and email communication. This could be considered as an isolated mistake in a system which apparently had operated efficiently for several years. There was in the Legal Board's view no necessity for more redundancy in the attorney's system for monitoring time limits.

### 5.3.5 Sudden serious illness and severe psychological stress

In T 525/91 of 25 March 1992 the board found it credible that the sudden and unforeseen diagnosis of illness and the announcement of the urgent need for a major operation caused the appellant's representative not only great physical weakness but also severe psychological stress. In those circumstances, and in view of the short period between diagnosis and hospital admission (two working days) and the proven absence of the secretary on one of those working days, it had to be acknowledged that even on the days between diagnosis and admission the representative had been in an exceptional situation which impeded him from devoting the necessary attention to the imminent time limit and from taking the precautions needed to ensure that it was observed. In the circumstances