April 2, 2020

USPTO Continuing Remote Operation Amid Worldwide IPO Closures Related to COVID-19 Pandemic

Government intellectual property offices around the world are curtailing operations and extending deadlines because of the COVID-19 pandemic. It is essential for businesses with active trademark matters to keep apprised of any delayed deadlines, waived fees, or reduced operations that may affect the status of their trademarks across the globe. The United States Patent and Trademark Office (USPTO) continues to operate with no service interruptions. However, in accordance with the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the USPTO will offer extensions of certain deadlines only when practitioners and/or clients are personally affected by the COVID-19 pandemic.

USPTO Filing Deadline Extensions May Be Available

On March 31, the USPTO announced that certain trademark-related documents and fees that otherwise would have been due between March 27 and April 30 have been extended 30 days from their initial due date. This includes, but is not limited to, office action responses, statement of use submissions, notices of opposition, and requests for extension of time. All delayed filings must be accompanied by a statement that the delay was due to a personal or family illness, office closure, cash flow interruption, or other similar circumstance caused by COVID-19. For more information on the USPTO's announcement, please see Notice of Waiver of Trademark-Related Timing Deadlines under the CARES Act. Similar extensions were granted by the USPTO for patent-related filing deadlines. According to the Office's Notice of Waiver of Patent-Related Timing Deadlines under the CARES Act, the due date for various documents and fees, such as office notice replies, office action replies, and issue fees, have been delayed for 30 days if originally due between March 27 and April 30. The USPTO also recently stated that all interviews, oral hearings, and meetings will be conducted by video or telephone, and that its physical offices will be closed to the public until further notice.

Federal and State Court Deadlines May Be Subject to Separate Closures and Extensions

For those with intellectual property lawsuits pending in the U.S. federal or state courts, it is important to note that local courts across the country have been forced to undertake protective measures to restrict access and/or close temporarily, with some trials and deadlines being delayed until further notice. Litigants should remain vigilant and inquire with any courts in which they have pending actions. *Legal extern Adam Weisman, University of New Hampshire School of Law 2020, contributed to this alert.*

For more Day Pitney alerts and articles related to the impact of COVID-19, as well as information from other reliable sources, please visit our COVID-19 Resource Center.

COVID-19 DISCLAIMER: As you are aware, as a result of the COVID-19 pandemic, things are changing quickly and the effect, enforceability and interpretation of laws may be affected by future events. The material set forth in this document is not an unequivocal statement of law, but instead represents our best interpretation of where things stand as of the date of first publication. We have not attempted to address the potential impacts of all local, state and federal orders that may have been issued in response to the COVID-19 pandemic.

Authors



Carrie Webb Olson

Partner

Boston, MA | (617) 345-4767

colson@daypitney.com