

COVID-19 ALERT

Patent and Trademark Extensions



The United States Patent and Trademark Office (USPTO) has recently taken steps to accommodate intellectual property owners affected by the coronavirus by extending certain patent and trademark-related deadlines. For certain types of patent and trademark due dates falling between March 27, 2020 and April 30, 2020, the USPTO is providing applicants and registrations with an extension of 30 days, providing the late filing or fee payment is accompanied by a statement that the delay in filing or payment was due to the coronavirus outbreak. If you or your company own pending trademark or patent applications or registrations and have upcoming deadlines, you will want to be aware of these measures.

These extensions could apply if the coronavirus outbreak materially interfered with the filing of a required document or the making of a required payment. The standard is fairly broad, and covers situations like office closures, cash flow interruptions, lack of access to files or other materials, travel delays, personal or family illness, or similar circumstances. To be applicable, the impact need not fall just on the

applicant or registrant; it can also be an affected lawyer handling the matters or any other person associated with the filing or fee.

Obtaining the extension requires no action to be taken before the original deadline passes. As long as the filing or fee payment is made before April 30, 2020, the submission need only be accompanied by a statement that the delay was due to the coronavirus outbreak. While a declaration or affidavit is not needed, statements made to the USPTO are still certifications and violations could result in sanctions.

The USPTO has enumerated several situations for which the extension is applicable. They have also indicated that they will be flexible in other areas as well upon request, so you should not hesitate to reach out for help if you need it. While April 30th is the latest set of deadlines for which the extension is applicable, the USPTO will continue to monitor the system and may extend this window if necessary.

We hope that everyone is staying safe and handling the present circumstances as well as possible. If you have any questions about whether these extensions are applicable to you or whether your situation would qualify for this extension, please don't hesitate to reach out to your attorney.

Please note that this article is current as of April 7, 2020.



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