

**MEASURES TAKEN BY INTELLECTUAL PROPERTY OFFICES WORLDWIDE TO
COUNTER THE IMPACT OF THE COVID-19 PANDEMIC**

The effects of the COVID-19 pandemic are being felt on a worldwide scale and across all industries. The legal services industry is no exception with many law firms throughout the world taking various measures to cope with the economic and social distancing effects of the pandemic. Furthermore, various government offices throughout the world are also having to cope with this situation, including various intellectual property offices. A major component involved in the protection of intellectual property rights throughout the world includes processing of applications for trademarks, patents and copyrights. Intellectual property offices are taking measures to counter the effects of the COVID-19 pandemic, including extension of deadlines for various patent and trademark filings, and also for some administrative proceedings, such as cancellation and opposition proceedings. Below are some examples of measures taken by various intellectual property offices to cope with the effects of the COVID-19 pandemic as well as to protect the safety of their employees and the community.

The European Intellectual Property Office (“EUIPO”), which is responsible for the approval and issuance of European Trademark registrations, has ordered all of its staff to work from home since March 16. However, EUIPO’s operations have continued as it is possible to file applications. Further, EUIPO’s team continues to examine these filings and communicate with applicants as it regularly does.

Orlando Office (Main)
255 South Orange Ave., Suite 1401
Orlando, FL 32801
Mail to: P.O. Box 3791
Orlando, FL 32802-3791

tel 407-841-2330
fax 407-841-2343

Winter Springs Office
1135 E. State Road 434, Suite 3001
Winter Springs, FL 32708

tel 407-796-5051
fax 407-796-5065

Miami Office
1221 Brickell Ave., Suite 2400
Miami, FL 33131

tel 305-374-8303
fax 305-374-8306

Jacksonville Office*
4720 Salisbury Road
Jacksonville, FL 32256

tel 904-398-7000
fax 904-398-7003

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However, all interim deadlines, for example on pending applications, have been extended until May 1, 2020. Such extensions are automatic and do not require a request by the applicant or its attorney. The European Patent Office (“EPO”), which is responsible for the approval and issuance of European Patent registrations, has suspended all oral proceedings as well as in-person examination interviews on its premises. Instead, such proceedings and interviews will be conducted via videoconferences. Similarly, the EPO has extended until April 17 certain deadlines. In Spain, the Spanish Trademark and Patent Office (“OEPM”), which is responsible for issuance of trademarks and patents in Spain, has suspended and interrupted administrative proceedings. However, electronic filings may continue in Spain.

The United States Patent and Trademark Office (“USPTO”) has taken similar measures and has closed its offices to the public until further notice. In-person meetings, including hearings, for example, as may be required in connection with administrative proceedings, are now being conducted via video conferences and telephonic conferences. Certain deadlines, including for trademark matters have been extended by 30 days, if the original deadline was between March 27 and April 30, and if the delay in meeting the deadline is due to the COVID-19 outbreak. Similarly, the U.S. Copyright Office has implemented a similar 30 day extension on deadlines, and further, has allowed applicants to provide deposit materials of their works online. Other measures taken by the USPTO include eliminating written signature requirements since the office is now accepting electronic signatures. In connection with certain patent applications, namely those filed in the U.S. pursuant to the Patent Cooperation Treaty (PCT), will no longer require the applicant to send paper documents. This is in line with similar measures taken by the World Intellectual Property Organization (“WIPO”), which has also done away with the paper filing requirement. In some cases, an inevitable consequence of the COVID-19

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pandemic will involve the expiration or abandonment of applications. This may occur for a failure to provide a timely response to the USPTO or to take another formal action by an established deadline. Even if this occurs, abandoned patents and trademarks at the USPTO may be “revived” under certain scenarios, but this generally requires the payment of revival fees, which often times may be costly. In light of the effects of COVID-19, the USPTO is also waiving such revival fees.

Other countries have taken seemingly stricter measures, at least temporarily. The Mexican Institute of Industrial Property (“IMPI”) has suspended all activities starting on March 27 and until April 19. This includes a closing of their intake window. In Venezuela, the Autonomous Service of Intellectual Property (“SAPI”) has suspended all procedural deadlines and has discontinued all in-person services at its offices. South Africa has implemented a 21-day national lock down, thus the South African Patents and Trademarks Office (“SAPTO”) will be closed from March 26 until April 30. However, all deadlines falling during this time frame are extended until the next business day after the lock down.

Even though the COVID-19 continues to cause a significant impact, various intellectual properties throughout the world have taken some measures to safeguard the rights of applicants and also to ensure that individuals have the ability to continue protecting their intellectual property. However, it is uncertain if these measures, or potentially others, will remain in place and for how much longer. Provided below is a summary chart with the measures the foregoing intellectual property offices have taken so far.

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Winter Springs, FL 32708

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fax 407-796-5065

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Miami, FL 33131

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fax 305-374-8306

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Jacksonville, FL 32256

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fax 904-398-7003

EUIPO (EU)	Ordered staff to work from home
	Possible to file applications online
	Deadlines on Applications Extended
EPO (EU)	Suspended all in-person proceedings and interviews
	Meetings to be conducted virtually
OEPM (Spain)	Interrupted Administrative Proceedings
	Possible to file applications online
USPTO (US)	Closed offices to the public until further notice
	Meetings to be conducted virtually
	30 day extension on trademark deadlines
	Signature requirement eliminated
	Eliminated Paper Filing Requirement
	Waived fees for revival of abandoned applications
WIPO (International)	Eliminated Paper Filing Requirement
US Copyright Office	30 day extension on deadlines
IMPI (Mexico)	All activities suspended
SAPI (Venezuela)	Suspended all procedural deadlines
	Discontinued all in-person services
SAPTO (South Africa)	Office closed from March 26 until April 30
	Deadlines extended until after closure

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 Jacksonville, FL 32256

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