

Publication

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Update: USPTO Trademark Relief Under the CARES Act

The United States Patent and Trademark Office (USPTO) is continuing to respond to the COVID-19 outbreak by offering relief to applicants and registrants. On May 27, 2020, the USPTO issued its most recent notice, confirming that the previously allowed extensions for trademark-related deadlines are no longer in effect as of May 31, 2020.

However, in an effort to aid stakeholders, the USPTO will continue to waive petition fees until June 30, 2020, for applications and registrations that abandoned or expired/cancelled because of the COVID-19 outbreak. The USPTO directs stakeholder to file the following:

- Petitions to revive an application if an applicant was unable to submit a timely response or fee in response to an Office communication regarding a pending application;
- Petitions to the Director for applicants who were unable to file a Statement of Use under the 36-month statutory deadline and whose applications were subsequently abandoned; or
- Petitions to the Director for registrants who either missed a statutory deadline which caused the registration to be canceled or expire, or who were unable to submit a timely response or fee in response to an Office communication regarding an existing registration.

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For a waiver of the petition fee, these petitions must be filed with a statement that the delay in payment or filing was due to the COVID-19 outbreak.

For matters before the TTAB which were affected by the COVID-19 outbreak, parties can make a request or motion for an extension or reopening of time.

If you have any questions regarding USPTO fee waivers for a trademark matter or other intellectual property issues, please contact Tom McDonough, Michael Kelber, Andrea Fuelleman, Abigail Flores, or your Neal Gerber Eisenberg attorney.

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