

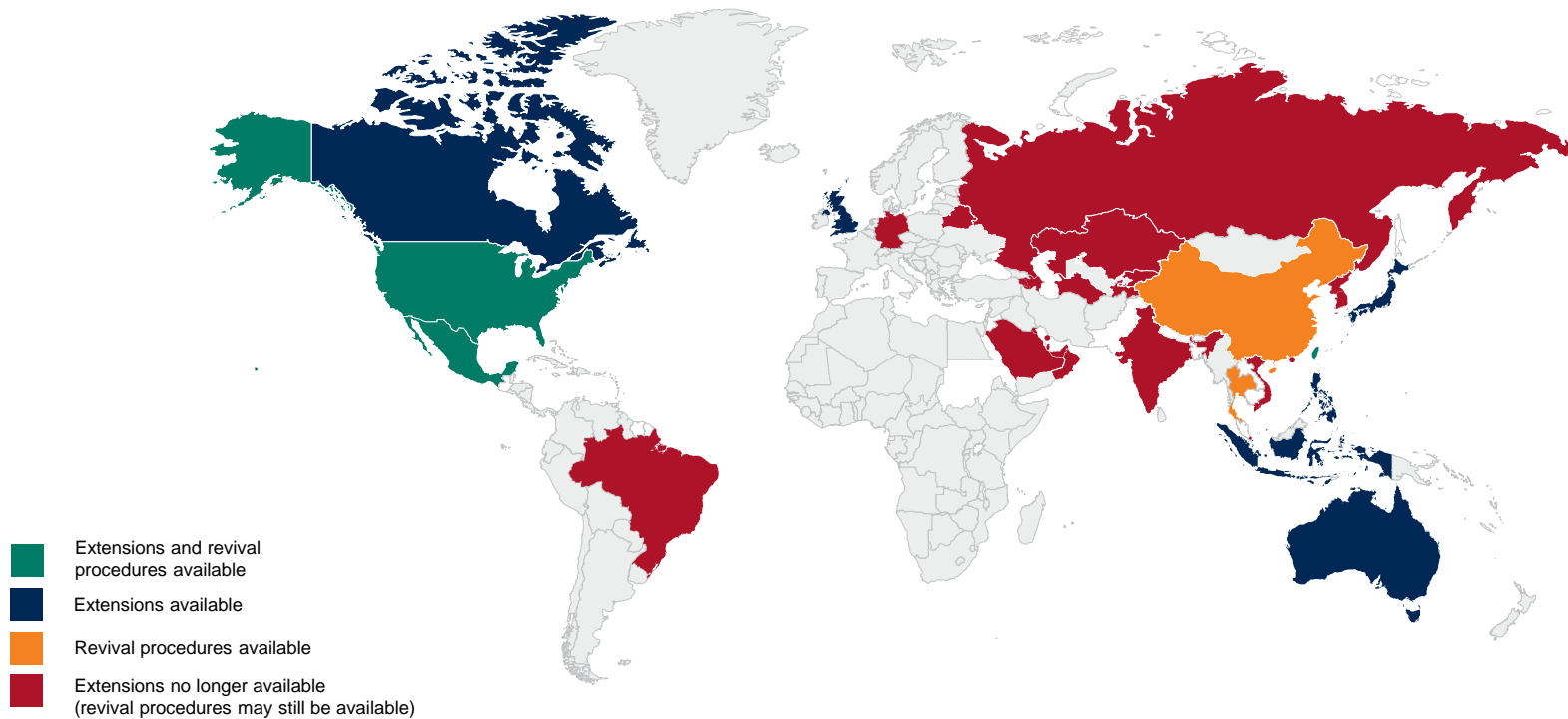
The image features the Baker McKenzie logo in the top left corner. The background is a dark blue gradient with a complex, abstract graphic of glowing blue lines and dots that form a wave-like pattern across the center and right side of the page.





**Baker  
McKenzie.**

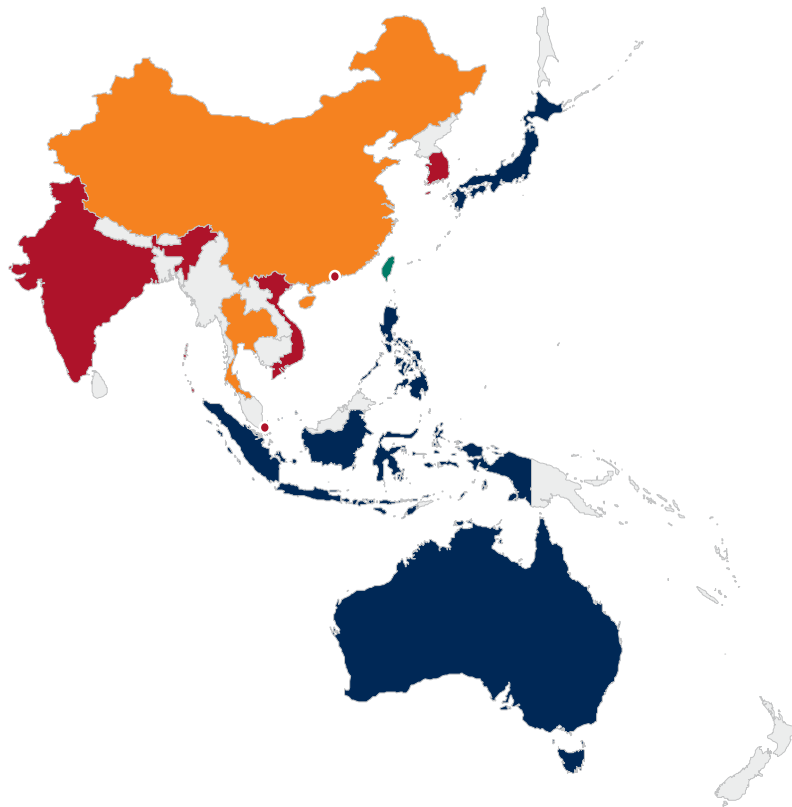
# **Patent Offices' Response to the Pandemic**

Updated on June 17, 2020





-  Extensions and revival procedures available
-  Extensions available
-  Revival procedures available
-  Extensions no longer available (revival procedures may still be available)



Patent  
Office



Extension of Deadlines Available Due to  
COVID-19 Outbreak



Revival Procedures if Application Goes  
Abandoned Due to COVID-19 Outbreak

WIPO

Yes (see [here](#))



"The International Bureau, in its role as Receiving Office, will defer the issuance of notifications declaring international applications as considered withdrawn for having failed to pay the appropriate fees within the prescribed time limit (Form PCT/RO/117) until June 30, 2020.

Yes (see [here](#))

"The International Bureau of WIPO, including in its role as receiving Office, will treat favorably any PCT Rule 82quater request [which excuses an applicant's inability to meet a time limit fixed for performing an action before the receiving Office on account of extenuating circumstances] made citing COVID-19 related issues and not require evidence to be provided that the virus affected the locality in which the interested party resides. The International Bureau of WIPO urges PCT Offices and Authorities to do likewise."

United  
States  
(USPTO)





Yes (see [here](#) and [here](#))



"Any...reply to an Office notice or action issued during examination; issue fee; notice of appeal ... due between, and inclusive of, both March 27, 2020 and May 31, 2020, will be considered timely if filed on or before June 1, 2020, provided that the filing or payment is accompanied by a statement that the delay in filing or payment was due to the COVID-19 outbreak...A delay in filing or payment is due to the COVID-19 outbreak ... if a practitioner, applicant, patent owner ...inventor, or other person associated with the filing or fee was personally affected by the COVID-19 outbreak, including, without limitation, through office

Yes (see [here](#) and [here](#))

"For patent applicants or patent owners who were unable to timely reply to an Office communication due to the effects of the coronavirus outbreak, which resulted in the application being held abandoned, ..., the USPTO will waive the [revival] petition fee in 37 CFR 1.17(m) when the patent applicant or patent owner files the reply with a petition under 37 CFR 1.137(a). See 35 U.S.C. § 41(a)(7)."

 Patent Office	 Extension of Deadlines Available Due to COVID-19 Outbreak	 Revival Procedures if Application Goes Abandoned Due to COVID-19 Outbreak
<p>United States (USPTO)</p> 	<p>closures, cash flow interruptions, inaccessibility of files or other materials, travel delays, personal or family illness, or similar circumstances, such that the outbreak materially interfered with timely filing or payment."</p> <p>"[T]he USPTO will again extend certain deadlines. Specifically, for small and micro entities, filings that would have been deemed timely filed, if filed by June 1, 2020 pursuant to the CARES Act Notice dated April 28, 2020, will now be deemed timely filed if filed by July 1, 2020.</p> <p>For large entities, after May 31, 2020, relief will be available to those who need it on a case-by-case basis. Such requests can be submitted through a petition for an extension of time or a petition to revive."</p> <p>The USPTO's notice does not extend application filing deadlines, e.g., non-provisional "conversion" deadlines, continuation application deadlines, national stage filing deadlines, etc., though applicants can petition restore benefits forfeited by missing such deadlines between March 27, 2020, and July 30, 2020, and the USPTO has waived the fee in respect of such petitions (see "Revival Procedures").</p>	<p>"For any nonprovisional application seeking priority of a prior-filed foreign application [or a prior-filed provisional application] for which the 12-month time period under 35 U.S.C. § 119(a) (or 6-month time period under 35 U.S.C. § 172) [or 35 U.S.C. § 119(a)] ended between, and inclusive of both, March 27, 2020, and July 30, 2020, the USPTO will [p]ermit the two-month time period...for restoring the benefit of a provisional application to run until the later of July 31, 2020 or the expiration of the two-month period...and [w]aive the petition fee...provided that the application seeking benefit of a prior-filed provisional application is accompanied by a petition under 37 CFR § 1.78(b) and a statement that the failure to timely file the application was due to the COVID-19 outbreak ...</p> <p>The USPTO will waive the petition fee in 37 CFR § 1.17(m) for a petition under 37 CFR § 1.452 to restore the right of priority for which the time period for filing the international application ended between, and inclusive of both, March 27, 2020, and July 30, 2020, provided that the application is filed within the two-month period set forth in 37 CFR § 1.452; and is accompanied by a petition under 37 CFR § 1.452 and a statement that failure to timely file the international application was due to the COVID-19 outbreak[.]"</p>

Patent  
Office



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Canada  
(CIPO)

Yes (see [here](#))

N/A



"On account of the continuing unforeseen disruption caused by the COVID-19 outbreak, and being satisfied that it is in the public interest to do so, the Commissioner of Patents, under subsection 78(2) of the Patent Act; the Registrar of Trademarks, under subsection 66(2) of the Trademarks Act; and the Minister, under subsection 21(2) of the Industrial Design Act, have designated for the purposes of subsection 78(1) of the Patent Act, subsection 66(1) of the Trademarks Act and subsection 21(1) of the Industrial Design Act all days in the period of time beginning on June 15, 2020, and ending on July 3, 2020. This designation is in addition to the previous designations of the days in the period beginning on March 16, 2020, and ending on June 12, 2020.

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Canada  
(CIPO)



The result of designating these days is that if a time period fixed under the Patent Act, Trademarks Act and Industrial Design Act in respect of any business before CIPO for doing anything ends on any of these designated days, that time period is extended to the next day that is not either a designated day or a day that has been prescribed under section 5 of the Patent Rules, section 1529 of the Trademarks Regulations and section 36 of the Industrial Design Regulations. This means that all such time limits ending on any of these designated days will now be extended until July 6, 2020."

N/A

Patent Office	 Extension of Deadlines Available Due to COVID-19 Outbreak	 Revival Procedures if Application Goes Abandoned Due to COVID-19 Outbreak
Mexico  	<p>Yes (see <a href="#">here</a> and <a href="#">here</a>)</p> <p>On March 23, 2020, the Mexican Institute of Industrial Property (IMPI) published in its Gazette an official communication informing that deadlines are suspended and there will be no legal terms in the IMPI from March 24 to April 19, 2020, regardless of the filing means (either in hardcopy or e-filing). Likewise, on March 27, 2020, IMPI published a second official communication, announcing its temporary shutdown from March 27 to April 19, 2020.</p> <p>Suspension of deadlines and activities was initially extended until May 30, 2020 and has been extended again until further notice. Notwithstanding the foregoing, starting on April 16, it is possible to file patent applications online.</p> <p>Any urgent diligence that is necessary to control the mitigation of the effects of the pandemic, lift provisional measures imposed within an infringement procedure, or order the suspension of the free movement of merchandise of foreign origin in customs, are exempt from the suspension of activities.</p>	N/A



Patent  
Office



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COVID-19 Outbreak



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Brazil




No longer available after June 1 (see [here](#) and [here](#))

N/A

The temporary suspension of all deadlines (previously covering the time period from March 16, 2020 to May 15, 2020) was extended until 31 May 2020.



However, on May 26, 2020, the BPTO announced that, as of 1 June 2020, all deadlines for processing administrative procedures will be resumed, without further extensions

<p>Patent Office</p>	 <p>Extension of Deadlines Available Due to COVID-19 Outbreak</p>	 <p>Revival Procedures if Application Goes Abandoned Due to COVID-19 Outbreak</p>
<p>Europe (EPO)</p> 	<p>No longer available after June 2 (see <a href="#">here</a> and <a href="#">here</a>)</p> <p>"Periods expiring on or after 15 March 2020 are further extended for all parties and their representatives to 2 June 2020."</p> <p>"The present Notice replaces the previous Notice dated 16 April 2020 (OJ EPO 2020, A43) and, with the exception of the date, reproduces its content."</p> <p>(Note: The EPO has however decided to suspend the application of provisions on the late payment of renewal fees. This means that any renewal fee falling due on or after 15 March 2020 can be validly paid until 31 August 2020 with no additional fee for late payment.)</p>	<p>Yes (see <a href="#">here</a>)</p> <p>"Pursuant to Rule 134(5) EPC, any document received late will be deemed to have been received in due time if the person concerned offers evidence that on any of the ten days preceding the day of expiry of a period, it was not possible to observe the time limit due to this exceptional occurrence and that the mailing or the transmission was effected at the latest on the fifth day after the end of the disruption.</p> <p>As for time limits and conditions applicable under the PCT, applicants are referred to Rule 82quater.1 PCT. In particular, where the interested party offers satisfactory evidence that a time limit under the PCT was not met due to natural calamity or other like reason in the locality where the interested party resides, has his place of business or is staying, and that the relevant action was taken as soon as reasonably possible (and no later than six months after expiry of the time limit in question), the delay in meeting the time limit is excused. This provision applies to international applications pending in the international phase, but not to the priority period."</p>

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Office



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United  
Kingdom

Yes (see [here](#))




N/A



"We have decided to declare 24 March, and subsequent days until further notice, interrupted days. An 'interrupted day' is a day in which the normal course of business at the IPO is not possible. This means that most deadlines for patents, supplementary protection certificates, trademarks, designs, and applications for these rights, which fall on an interrupted day will be extended. To help rights holders, businesses and IP professionals plan ahead, we will provide a minimum of 2 weeks' notice before ending the interrupted days period.

We reviewed interrupted days on 29 May. Although changes to lockdown regulations has enabled some businesses to resume more normal operations there continues to be disruption and impact for many. We have decided to continue with the period of interruption. We will review and update again on 22 June.

We will give customers advance notice (at least 2 weeks) to plan prior to the end of interrupted days."

Patent Office	 Extension of Deadlines Available Due to COVID-19 Outbreak	 Revival Procedures if Application Goes Abandoned Due to COVID-19 Outbreak
Germany  	<p>No longer available after May 4 (see <a href="#">here</a>)</p> <p>"With regard to all pending IP procedures, time limits granted by the German Patent and Trade Mark Office are extended, [e.g., deadlines set by an examiner to answer to a communication], and no decision will be made because of the expiration of any time limit, until <b>4th May 2020</b>. <b>Separate notices concerning the extensions of time limits will not be issued.</b></p> <p>The German Patent and Trade Mark Office is not authorized to extend time limits provided for by law [e.g., deadlines for filing an appeal or deadlines relating to payments]. In this respect, reference is made to the option of re-establishment of rights (see also Notice of the German Patent and Trade Mark Office of 3rd March 2020)."</p>	<p>Yes (see <a href="#">here</a>)</p> <p>"The German Patent and Trade Mark Office cannot extend time limits specified by law. However, the German Patent and Trade Mark Office draws attention to the option of re-establishment of rights. Any person who, owing to the current situation, has not observed a time limit imposed by law without any fault on his part can subsequently have their procedures re-established upon request. They will then be in the same position as if they had observed the time limit. The unit in charge will check in the individual case whether the conditions are met."</p>

Patent  
Office



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Revival Procedures if Application Goes  
Abandoned Due to COVID-19 Outbreak

Gulf  
Cooperation  
Council





No longer available after May 31 (see [here](#) and [here](#))

N/A

"Extension of time-limits connecting to patent applications set out in the GCC patent law and its implementing bylaw, which expire during the work suspension period, and such extension is deemed void on the first working day following the work suspension period"

"The extension of time-Limits related to patent applications stipulated in the GCC patent law and its implementing bylaw will expire by the end of Sunday 31 May 2020 based on paragraph 3 of Article 6 of the Implementing Bylaws of the GCC Patent Regulation."

Patent Office	 Extension of Deadlines Available Due to COVID-19 Outbreak	 Revival Procedures if Application Goes Abandoned Due to COVID-19 Outbreak
Eurasia (EAPO)	<p>No longer available after May 12 (see <a href="#">here</a>)</p> <p>"Regarding the deadlines for the applicants, patent owners or their representatives to carry out procedural actions in respect of Eurasian applications or Eurasian patents, the last day of which falls on the dates from March 28 to May 11, 2020 inclusive, the day of the end of such terms in accordance with the fourth paragraph of the rule 38 (3) of the Patent Instructions under the Eurasian Patent Convention (hereinafter referred to as the Patent Instructions) shall be the next working day..., i.e., May 12, 2020."</p>	<p>Yes (see <a href="#">here</a>)</p> <p>"This rule will apply to all procedural terms provided by the Eurasian Patent Convention, Patent Instructions, the Regulation on Fees of the Eurasian Patent Organization and the EAPO normative legal acts, including deadlines for payment of fees, including fees for maintaining a Eurasian patent in force, terms for entry international applications to the EAPO regional stage, deadlines for submitting a request for substantive examination, the deadlines for providing answers to Office Actions, the deadlines for submission of requests, including <b>requests for restoration of rights in respect of a Eurasian application or Eurasian patent</b>, requests for continuation of proceedings and the request for term extensions."</p>

Patent  
Office



Extension of Deadlines Available Due to  
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India

No longer available after June 1 (see [here](#) and [here](#))

Yes (see [here](#))

Deadlines falling between March 25 and May 17, 2020 for carrying out activities or payment of fees have been extended to at least June 1, 2020.




"As per sub-rule (6) of Rule 6 of the Patents Rules, the delay in transmitting or resubmitting documents to the Patent Office may be condoned/timeline be extended by the Controller on a petition for such condonation of delay/extension of time made not later than one month from the date when such situation ceased to exist."



"In view of above, the due dates, with respect to the timelines/periods prescribed under the IP Acts and Rules administered by O/o CGPDTM towards completion of various acts/proceedings, filing of any reply/document, payment of fees, etc. in the matters of any IP applications filed with the offices under the administrative control of O/o CGPDTM, falling due from 15-03-2020 to 17-05-2020, shall be 01-06-2020. "

Patent Office	 Extension of Deadlines Available Due to COVID-19 Outbreak	 Revival Procedures if Application Goes Abandoned Due to COVID-19 Outbreak
China (CNIPA) (no update) 	N/A	Yes (see <a href="#">here</a> )  "If a party delays the time limit stipulated in the Patent Law and its Implementing Rules or the time limit specified by the State Intellectual Property Office due to epidemic-related reasons, resulting in the loss of its rights, the provisions of Article 6.1, of the Implementing Rules of the Patent Law shall apply. The parties may request the restoration of their rights <b>within 2 months from the date of removal of the obstacle</b> and at the latest within 2 years from the date of expiry of the period. If you request to restore the right, you do not need to pay the restoration right request fee, but you need to submit a request for restoration of the right, explain the reason, attach the corresponding certification materials, and go through the corresponding formalities before the loss of rights."



Patent Office	 Extension of Deadlines Available Due to COVID-19 Outbreak	 Revival Procedures if Application Goes Abandoned Due to COVID-19 Outbreak
Taiwan  	Yes (see <a href="#">here</a> )  "Any patent or trademark applicant who fails to comply within a deadline pointed by Taiwan Intellectual Properties Office (TIPO) due to the COVID-19 may act before the decision is made by TIPO."  "Any patent or trademark applicant who is affected by the COVID-19 may file a request for deadline extension accompanied by the documents of proof. In principle, such cases will be determined leniently on a case-by-case basis."	Yes (see <a href="#">here</a> )  "Any patent or trademark applicant who fails to comply within a statutory time period due to the COVID-19 may file a request for reinstatement accompanied by the documents of proof. In principle, such cases will be determined leniently on a case-by-case basis."
Hong Kong  	No longer available after April 27 (see <a href="#">here</a> )  "The Department has published Notices of Interruption in the Operations of the Patents Registry, Designs Registry and Trade Marks Registry in the Hong Kong Intellectual Property Journal on 22 and 28 March and 4, 9 and 17 April 2020. Such notices have the effect of deferring deadlines falling on any date from 23 March to 24 April for filing any document with the Registries to 27 April 2020. Please note that the above arrangement will not be further extended."	N/A

Patent  
Office



Extension of Deadlines Available Due to  
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Korea

No longer available after May 31 (see [here](#), [here](#), and [here](#))

NA



"Joining a nationwide effort to limit the spread and impact of the Covid-19, the Korean Intellectual Property Office (KIPO) announced measures to support its applicants and users in South Korea affected by Covid-19.

According to the announcement, the measures include a grant of deadline **extension** for applicants who have failed to comply with the statutory time limits for submitting documents or paying fees to KIPO, for any reasons relating to the coronavirus. Affected applicants will be asked to submit a relief measure request or a statement of payment, together with an explanatory statement and evidentiary materials."

Patent  
Office



Extension of Deadlines Available Due to  
COVID-19 Outbreak



Revival Procedures if Application Goes  
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Korea



"Official Notice of ex-officio extension for designated periods due to the effects of the COVID-19 ... As such, if the designated periods, enumerated in the appendix, end on a date between March 31, 2020 – April 29, 2020, the deadline of such periods according to Article 15(2) of the Patent Act, Article 3 of the Utility Model Act(Article 15(2) of the Patent Act shall apply mutatis mutandis), Article 17(2) of the Design Protection Act and Article 17(2) of the Trademark Act will be ex-officio extended until April 30, 2020."

"Official Notice of 2nd ex-officio extension for designated periods due to the effects of the COVID-19 ... As such, if the designated periods, enumerated in the appendix, ends on a date between April 30, 2020 - May 30, 2020, the deadline of such periods according to Article 15(2) of the Patent Act, Article 3 of the Utility Model Act (Article 15(2) of the Patent Act shall apply mutatis mutandis), Article 17(2) of the Design Protection Act and Article 17(2) of the Trademark Act will be ex-officio extended until May 31, 2020."

NA

Patent Office	 Extension of Deadlines Available Due to COVID-19 Outbreak	 Revival Procedures if Application Goes Abandoned Due to COVID-19 Outbreak
Singapore  	<p>No longer available after 4 June, but Registrar has discretion to grant extensions in special circumstances (see <a href="#">here</a> and <a href="#">here</a>)</p> <p>"In view of the further extension to the nation-wide circuit breaker efforts, we are extending all filing deadlines to 5 June 2020, for those required to respond between 7 April 2020 to 4 June 2020. The extended deadline also applies to cases under our Hearings and Mediation Department."</p> <p>"[Amendments to the IP Subsidiary Legislation] have been made to provide the Registrar with the power to unilaterally grant an extension of time to pending deadlines where the Registrar is of the opinion that there are special circumstances (e.g., circuit breaker period), without the need for applicants to lodge the extension of time forms prescribed under the respective IP Subsidiary Legislation."</p>	N/A

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Office



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Japan

Yes (see [here](#))

N/A



If you are not able to carry out procedures within the time limits designated by the Japan Patent Office (JPO) due to the Novel Coronavirus Disease (COVID-19), please carry out the prescribed procedures in accordance with the following instructions. The procedures will be considered to be valid even after the designated time limits expired.

When it comes to procedures to respond to orders or notices for formality examinations by the JPO (except those for trials/appeals pending at the JPO), the procedures will be considered to be valid for an additional time period, such as the prescribed period for filing "the requests for extension of the duration" plus two months\*, even after the designated time limits expired, without "the requests for extension of the duration"

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Office



Extension of Deadlines Available Due to  
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Revival Procedures if Application Goes  
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Japan

In regard to applicants' response to notices of reasons for refusal, if they request for remedies either in the following ways, the JPO will take flexible approaches to allow the procedures even after the designated time limits expired:

N/A



1. File requests within the designated periods: Describe reasons in column "Details of statement" in written statements.
2. File requests within a certain period of time after the designated periods expired, such as the prescribed period for filing "the requests for extension of the duration", with explaining the circumstances that prevented you from carrying out prescribed procedures: Add an "Others" column in written opinions etc. and describe on the column reasons for not having been able to implement the procedures.

If you are unable to carry out certain procedures due to the COVID-19 within the **procedural periods specified by laws or governmental and ministerial ordinances**, you can carry out the procedures only within the relief period. In conducting the procedures, please attach a document explaining the circumstances that prevented you from conducting the procedures due to the COVID-19. When the JPO recognizes the necessity, the procedures will be considered to be valid.

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Office



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Japan

Please carry out procedures within 14 days from the time it becomes possible (this is within two months for overseas residents; regarding (7), this is within one month for overseas residents)...Please note, however, that this is limited to within six months after the lapse of the prescribed period.

N/A



Patent Office	 Extension of Deadlines Available Due to COVID-19 Outbreak	 Revival Procedures if Application Goes Abandoned Due to COVID-19 Outbreak
Vietnam  	<p>No longer available after May 30 (see <a href="#">here</a>)</p> <p>"All procedures for registration of industrial property rights which are due in the period from 30 March 2020 to 30 April 2020, namely requests for claiming priority rights, provision of supplement documents, responses to decisions/notifications of the IP Viet Nam, requests for annuities/renewal of the validity of protection titles, payment of all types of fees and charges, lodgement of appeals/oppositions, shall be automatically extended to 30 May 2020.</p> <p>In other cases, applicants who are still suffering from impacts of Covid-19 in perusing their applications for establishment of the industrial property rights with IP Viet Nam, can request for the application of regulations on objective obstacles, force majeure provided for in Points 9.4, 9.5 of Circular No.01/2007/TT-BKHCHN amended by Circular No. 16/2016/TT-BKHCHN."</p>	N/A



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Thailand

N/A

Yes



The Department of Intellectual Property (DIP) issued a notification allowing the submission of requests for extensions of time for filing applications and other submissions (e.g., appeals, oppositions, responses to office actions, renewals, etc.) to the DIP after the deadline has already passed. The requests must include valid reasons for the extension if citing COVID-19 (e.g., being treated for infection of the virus, under lockdown, or unable to return to one's home country) and be supported by documentation. The extension request must be filed within 15 days of the COVID-19 event which prevented the initial submission

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Indonesia

Yes




N/A



All patent related deadlines such as (i) submission of patent formality documents; (ii) response to substantive examination result of a patent; and (iii) patent annuity payment, that are due during the closure period (which currently extends until June 4, 2020) can be extended. However, due to recent procedural changes including the IP Office's adoption of a new online filing system, the length of the extensions and their availability for any given deadline are not clear.

Additionally, the IP Office recently introduced a Virtual Counter service to support the electronic submission of procedural documents for patent and design applications filed before August 19, 2019. We recommend using the Virtual Counter where possible to continue filing documents as they become due, despite the extension. However, for patent and design applications filed through the e-filing system on or after August 19, 2019, submissions will need to be done manually once the IP Office resumes normal operation.

(As for trademark related deadlines, we can also use the IP Office's online system to lodge documents during the closure period.)

Patent Office	 Extension of Deadlines Available Due to COVID-19 Outbreak	 Revival Procedures if Application Goes Abandoned Due to COVID-19 Outbreak
Australia (IP Australia)  	<p>Yes (see <a href="#">here</a>)</p> <p>"From 22 April 2020, customers impacted by COVID-19 can submit a request for <b>extension of time</b> through eServices.</p> <p>An extension of time of up to three months is available and is free of charge.</p> <p>These arrangements will be in place until 31 July 2020.</p> <p>We are regularly reviewing these temporary arrangements and assessing whether they will be continued beyond 31 July 2020. We will provide at least one week's notice before they cease."</p>	<p>N/A</p>

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Office



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Abandoned Due to COVID-19 Outbreak

Philippines

Yes (see [here](#))

N/A

"The deadlines for submission of papers/replies/documents including payment of fees shall be as follows:

1. Deadlines falling from 16 March 2020 to 31 March 2020 initially extended until 31 May 2020, are further extended until 30 June 2020;
2. Deadlines falling from 01 April 2020 to 30 April 2020, initially extended for sixty (60) days, are further extended until 30 June 2020;
3. Deadlines falling from 01 May 2020 to 30 June 2020 will be extended until 30 July 2020."



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# Baker McKenzie.

An abstract graphic consisting of multiple overlapping, wavy lines of varying thickness and opacity, rendered in shades of cyan and blue. The lines create a sense of motion and depth, resembling a digital signal or a network of data paths. The background is a dark, solid blue.

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