

CLIENT ALERT

Monitoring the Operations of Patent and Trademark Offices Worldwide in Light of the Coronavirus Outbreak

Updated April 27, 2020

Across the globe, countries scramble to enforce social distancing and other emergency safety measures in attempts to reduce the spread of COVID-19. During this uncertain time, it is important for those who hold worldwide intellectual property portfolios to be aware that the impact of the pandemic on the operations of patent and trademark offices worldwide has varied substantially. While some offices have offered relief to those impacted by the outbreak by automatically extending deadlines, other offices have closed and postponed all operations indefinitely for the duration of the outbreak. Below is a summary of how intellectual property offices around the world will operate amidst the pandemic. This information will be updated to reflect any updates from the intellectual property offices and can be found at Crowell & Moring's [Coronavirus Resource Center](#).

For information on the U.S. Patent and Trademark Office (USPTO) response to the COVID-19 public health emergency, please see [this alert](#).

Updated Information for below patent offices as of April 23, 2020

Africa:

- The African IP Office (OAPI) announced that most IP-related deadlines that fall between March 18 and April 30 have been extended until May 31. The OAPI further noted that its headquarters will be open for reduced hours.

Algeria:

- The Intellectual Property Office of Algeria (INPAI) remains operational with limited working hours until April 10, 2020. In addition, a one month grace period for missed deadlines will be granted once working hours return to normal.

Andorra:

- **The Andorran Patent and Trademark Office (OMPA)** is closed until further notice. All deadlines are postponed until the office reopens.

Argentina:

- The Argentina National Institute of Industrial Property announced that all deadlines have been extended to April 27, 2020.

Australia:

- The Australian Patent and Trade Marks Office (IP Australia) recently announced that while there are no automatic extensions of time, beginning April 22, customers impacted by COVID-19 can submit a request for an extension of time up to three months, free of charge.

Brazil:

- The Brazil Patent and Trademark Office (BPTO) has suspended all deadlines between March 16 – April 30, 2020. Deadlines that fall during this time will not begin to run until May 1, 2020.

Belgium, Netherlands, and Luxembourg

- The Benelux Trademarks Office (BOIP) stated that from March 16, 2020 until the emergency restrictions in the countries of Benelux are lifted, no case will lapse because the term expired during that period. Once the restrictions are lifted, requests and proceedings that lapsed during that period will have one month to respond.

Canada:

- The Canadian Intellectual Property Office (CIPO) announced that it remains open and in operation at this time, but that “clients should expect significant delays in all CIPO services.” Any deadlines set in the Patent Act, Trademarks Act, and Industrial Design Act that fall between March 16 and April 30, 2020 now fall on May 1, 2020. For deadlines falling after May 1, the Registrar will consider the disruption caused by COVID-19 a sufficient circumstance to obtain an extension of time upon request.

Chile:

- The Chilean IP Office (INAPI) has not extended any deadlines.

China:

- Patent: no extensions provided.
- Trademarks: The China National Intellectual Property Administration (CNIPA) will extend deadlines for any trademark applicant or registrant beginning on the date when the individual has been hospitalized or isolated due to infection of coronavirus, or when trademark business could not be handled normally due to official prevention measures. An application detailing the above must be submitted prior to the original deadline.

Colombia:

- Patent and trademark filing deadlines have been suspended until at least May 1, 2020

European Patent Office (EPO):

- **Oral Proceedings:** The Boards of Appeal announced that no oral proceedings will be held until April 30, 2020. The Boards of Appeal will continue to issue written decisions, communications and summonses to oral proceedings. The EPO

confirmed that all oral proceedings in examination and opposition proceedings scheduled until April 30, 2020 (previously April 17) are postponed until further notice, unless they have already been confirmed to take place by means of videoconferencing. Search, examining and opposition divisions will continue with their other activities.

- **Extensions:** Timing deadlines expiring on or after March 15, 2020 are extended until May 4, 2020. This extension applies to parties and representatives in proceedings under the EPC and the PCT. The extension of time limits also applies to periods for paying fees, including renewal fees. Note, however, that the extensions do not apply to procedural acts which must be performed under specific conditions (e.g. the filing of a divisional application under Article 76 EPC) or by a specific date (e.g. the final date for making written submission in preparation for oral proceedings under Rule 116 EPC).

European Union:

- The European Union Intellectual Property Office (EUIPO) has extended all deadlines expiring between March 9, 2020 and April 30, 2020 until May 4, 2020.

Egypt:

- The Egypt Patent and Trademark Office is closed until April 23, 2020. Any deadlines are automatically extended to the first working day. Online services will still be possible for electronic payments, official notifications and copies of any documents through email and the extension of all deadlines of submitting original documents and new patent applications.

Germany:

- The German Patent and Trademark Office (DPMA) explained that the office is “fully able to work” but as a precaution, they have extended the time limits set by us in pending IP procedures until May 4, 2020.

India:

- The Intellectual Property Office of India is closed until May 3, 2020. All hearings scheduled between March 23 and May 3, 2020 in the Patent Office through video conference have been adjourned and new dates of hearing will be communicated to parties. All due dates by the office of the Controller General of Patents, Designs and Trademarks (CGPDTM) are extended until May 3, 2020.

Iran:

- Working hours temporarily reduced, but no otherwise disruptions to office actions.

Israel:

- The Israel Patent Office (ILPO) workforce has been significantly reduced effective until April 16, 2020. At this time, all deadlines remain in effect. If a request for an extension is filed, the coronavirus outbreak qualifies as a sufficient reason for any delay so long as the proper documents have been submitted. The ILPO will not close any files due to a failure to

respond until May 1, 2020, or until further notice, whichever is later. Note that certain legislative deadlines cannot be extended.

Italy:

- The Italian Patent and Trademark Office (IPTO) has suspended every deadline and activity in Courts proceedings and IPTO procedures until May 15, 2020.

Japan:

- The Japan Patent Office (JPO) remains open for all procedures, including electronic filings. It has not provided for any extensions or procedural changes at this time.

Libya:

- The Patent and Trademark Office in Libya has suspended all deadlines until further notice.

Malaysia:

- The Malaysian IP Office (MyIPO) announced that due dates for filings and submissions, including for patent renewals (due between March 18 and April 28, 2020), trademark renewals (due between December 27, 2019 and May 14, 2020), and appeals, opposition, and payments are extended until May 15, 2020. Manual filings related to Priority Date Claims for patent, trademark, and industrial designs are extended to May 4, 2020, but “it is highly recommended that these applications are filed on April 29, 2020).

Mexico:

- All deadlines falling between March 24 and April 30 are extended to **May 1, 2020**.

New Zealand:

- The Intellectual Property Offices of New Zealand (IPONZ) may change the due dates for a number of cases and tasks, and will notify you if it does. The office noted that “If circumstances related to COVID-19 have affected you or are affecting your ability to respond by a deadline please apply for an extension of time. Such requests will be treated favorably by IPONZ.”

Norway:

- No automatic extensions. However, a two-month extension for non-statutory deadlines may be available if requested before the deadline expires.

Philippines:

- The Philippines Intellectual Property Office has automatically extended all deadlines until the office resumes normal operating status on May 4, 2020.

Russia:

- The Russian Patent and Trademark Office (Rospatent) has automatically extended all deadlines until May 6, 2020.

Spain:

- All deadlines in administrative proceedings currently pending before the Spanish Patent & Trademark Office (SPTO) are suspended until the state of emergency is over.

South Africa:

- All deadlines are extended to May 1, 2020.

South Korea:

- The Korean Intellectual Property Office (KIPO) has extended all due dates between March 31 and April 29, 2020 designated by KIPO for patent, utility model, design or trademark applications have been extended to April 30, 2020. This extension does not apply to statutorily designated due dates, including the due dates for filing a request for examination of a patent application.

Syria:

- The Patent and Trademark Office in Syria has suspended operations until further notice, and any deadlines are automatically extended to the first working day that the office reopens.

Tunisia:

- The Tunisia Patent and Trademark Office (INNORPI) has extended its temporary suspension of work for most employees, and requests that clients “postpone transactions and administrative services which require direct contact and which are not urgent, until a return to normal activity after the end of the general quarantine period.”

United Kingdom:

- All deadlines are extended until further notice. No in-person hearings will be scheduled or take place until at least June 1, 2020 .

Venezuela:

- All current deadlines are automatically extended indefinitely until normal operation is resumed.

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