

## Important Announcement from the United States Patent and Trademark Office

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### PRACTICE AREAS

- Intellectual Property

### An McV Intellectual Property Alert

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The United States Patent and Trademark Office (“USPTO”) announced it will consider the effects of the COVID-19 outbreak to be an “extraordinary situation” for affected trademark applicants and trademark owners.

In its announcement, the USPTO said that:

- For trademark applications and registrations that were abandoned, canceled or expired due to inability to timely respond to a trademark-related Office communication as a result of the outbreak, the USPTO will waive the petition fee (set by regulation, rather than statute) to revive the abandoned application or reinstate the canceled or expired registration.
- For abandoned applications, the Trademark Electronic Application System (TEAS) “Petition to Revive Abandoned Application” form should be used. For canceled or expired registrations, the TEAS “Petition to the Director” form should be used. In all cases, the petition must include a statement explaining how the failure to respond to the Office communication was due to the effects of the Coronavirus outbreak. The petition must be filed not later than two months of the issue date of the notice of abandonment or cancellation. If the applicant or registrant did not receive a notice of abandonment or cancellation, the petition must be filed not later than six months after the date the trademark electronic records system indicates that the application is abandoned or the registration is canceled or expired.
- The following statutory trademark-related time periods **are not** extended and statutory fees **will not** be waived:
  - the 36-month period within which a statement of use for intended use applications must be filed and the associated fee(s)
  - the periods to file affidavits of continued use or excusable nonuse and the associated fee(s)
  - the period for filing a renewal and the associated fee(s); and (4) the periods set forth for filing an opposition or cancellation proceeding at the Trademark Trial and Appeal Board

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