Intellectual Property Offices around the world extend deadlines due to the COVID-19 pandemic

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The COVID-19 pandemic has brought with it challenges for governments and public and private entities around the world. In the case of Intellectual Property Offices, measures are being implemented to minimize propagation of the coronavirus, such as remote work for their employees and suspension/extension of deadlines for users of the IP systems.

In Brazil, the National Institute of Industrial Property (INPI – *Instituto Nacional da Propriedade Industrial*) has transitioned all of its staff to home-based work and has suspended all time limits and in-person attendance from March 16 to April 30, 2020. All deadlines during that period, including publication deadlines, will begin to run, or begin running again, at the end of the suspension. Nonetheless, INPI's recommendation is to meet original deadlines whenever possible, so as to avoid overloading the system when the suspension ends.

Similar measures have been taken in other countries. In Europe, the European Union Intellectual Property Office (EUIPO) has extended until May 1st deadlines expiring in the period from March 9 to April 30, 2020. The European Patent Office (EPO) has extended deadlines expiring on or after March 15 until April 17, 2020. In the United States, the U.S. Patent and Trademark Office has made a 30-day extension available for time limits expiring in the period from March 27 to April 30. The extension is valid only for some time limits, and the delayed filing or payment must be accompanied by a statement that a person involved in the filing or payment was directly affected by COVID-19.

Various countries in South America have suspended time limits entirely. In Argentina, the period from March 12 to April 12, 2020 will not be counted in calculating time limits, while in Ecuador, the suspension is valid until April 12. In Chile, time limits expiring from March 17 to April 30 can be extended by 50% of the number of days in the original time period. In all countries, the Intellectual Property Offices will consider granting further extensions if necessary.

In China, where COVID-19 first broke out, all time limits expiring from January 23 to February 9 were automatically extended to February 10, 2020, except for deadlines for filing appeals against a final decision denying an application. Japan's Patent Office has adopted a mechanism similar to the United States', and will allow late filings if they are accompanied by a document stating the reasons for the delay, and the JPO finds that the reasons were related to the COVID-19 crisis. The JPO asks applicants to file within 14 days after filing becomes possible, and limits the extension to 2 to 12 months from the end of the original deadline, depending on the procedure.

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