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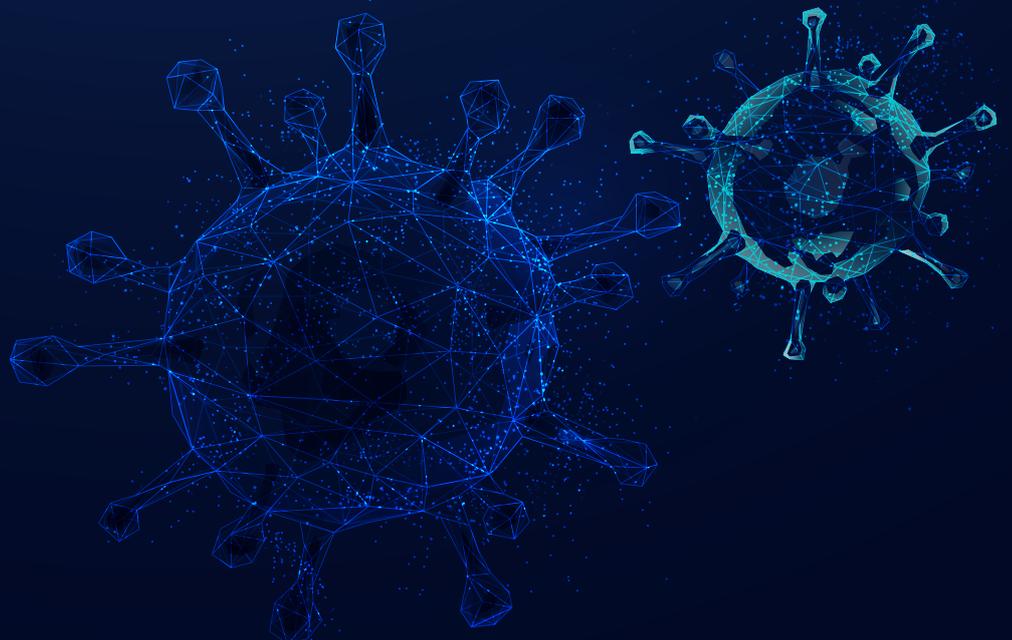
International Bar Association

Covid-19 pandemic

Impacts of Covid-19 on

intellectual property in

multiple jurisdictions



Impacts of Covid-19 on intellectual property in multiple jurisdictions

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Jurisdiction: Argentina



Martín Chajchir and Natali Sevillano

Marval, O'Farrell & Mairal

Has the intellectual property office/IP Registry of your jurisdiction taken any measures due to Covid-19 and government/state actions to prevent spread of the virus?

In the context of the Covid-19 pandemic, the Argentine Executive issued Decree No 297/2020 on 19 March 2020, providing for the 'social, preventive and mandatory isolation' from 20 March 2020 to 31 March 2020. Subsequent decrees have extended the term of the mandatory isolation, currently until 24 May 2020.

Following Decree No 297/2020, the Argentine Patent and Trademark Office (PTO) issued Regulation No 16 suspending all running deadlines from 12 March 2020 until 3 April 2020. This suspension was subsequently extended by Regulations Nos 22, 34, 37 and 42. Currently, terms are suspended until 24 May 2020 and will be resumed on 26 May 2020 (as 25 May is a national holiday), unless a new extension is ordered.

In any event, it should be noted that the PTO remains operative online.

Is it possible to file applications online with the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Yes, the PTO established an online system by Regulation No 266, issued on 23 October 2012, which ordered the respective areas to gradually incorporate its procedures to be performed online.

In this regard, Regulations No 305 of 14 August 2013, No 110 of 22 May 2014, and No 82 of 24 August 2016, issued by the Trademarks, Industrial Designs and Patents areas respectively, enabled different proceedings through the online system, such as filing of applications, renewals, response to office actions and payments.

Regarding trade marks, electronic filing became mandatory for application, renewal and opposition filings as of 15 November 2019, pursuant to Regulation No 288 of 21 October 2019.

Is it possible to make payments online direct to the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Yes. Please see reply to the question below.

Has the intellectual property office/IP Registry of your jurisdiction made changes to any deadlines/timelines provided for in the law/applicable regulation of your jurisdiction? If so, please provide full details.

No, the PTO has not made changes to deadlines, but terms have been suspended since 12 March 2020. Please see reply to the question above.

Are in-person/online searches possible of the registers/records maintained by the intellectual property office/IP Registry of your jurisdiction? Please provide details including of any changes due to Covid-19 and government/state actions to prevent spread of the virus.

In-person searches are currently not possible due to restrictions imposed by the mandatory isolation, but it is possible to access the PTO's online database to review records.

Is it possible for hearings which would normally have to be attended to in person to be conducted online? If so, since when?

There are no oral hearings held at the PTO.

Are there any other changes due to Covid-19 and government/state actions to prevent spread of the virus which persons dealing with IP in your jurisdiction should be aware of?

No.

Jurisdiction: Australia



Timothy Creek

Davies Collison Cave Law

Has the intellectual property office/IP Registry of your jurisdiction taken any measures due to Covid-19 and government/state actions to prevent spread of the virus?

On 22 April 2020, IP Australia – the Australian IP Office which handles patents, trade marks, designs and plant breeder's rights – announced that a three-month extension of time for the completion of necessary actions for IP applications and registrations and oppositions can be secured free of charge through a streamlined process using the IP Australia's eServices online platform, without the provision of any written explanation. Such applications will be automatically granted between at least 22 April 2020 and 31 May 2020. Where required by legislation, IP Australia will provide the other party in an opposition matter with the opportunity to comment (via written submissions) on the requested extension. These applications do not relate to the payment of renewal fees, where the normal six-month grace period for payment still applies.

Is it possible to file applications online with the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Applications and other documents can be filed online using IP Australia's eServices platform. IP Australia is not currently accepting hard copy documents sent to its normal address. The eServices platform has been available for several years.

Is it possible to make payments online direct to the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Payments can be made through IP Australia's eServices platform, consistent with IP Australia's usual policy.

Has the intellectual property office/IP Registry of your jurisdiction made changes to any deadlines/timelines provided for in the law/applicable regulation of your jurisdiction? If so, please provide full details.

The relevant prescribed deadlines remain the same. However, as per above, three-month extensions are available to complete necessary actions for IP applications and registrations or oppositions, without charge. This does not relate to the payment of renewal fees, where the normal six-month grace period for payment still applies.

Are in-person/online searches possible of the registers/records maintained by the intellectual property office/IP Registry of your jurisdiction? Please provide details including of any changes due to Covid-19 and government/state actions to prevent spread of the virus.

IP Australia's registers remain searchable online:

Searches for trade mark applications and registrations can be made through the Australian Trade Mark Search.

Searches for patent applications and registrations can be made through AusPat.

Searches for design applications and registrations can be made through the Australian Design Search.

Searches for plant breeders' rights can be made through the Australian Plant Breeder's Rights Search.

Is it possible for hearings which would normally have to be attended to in person to be conducted online? If so, since when?

On 1 April 2020, IP Australia announced that hearings will be conducted via videoconference, telephone, or written submissions, without in-person attendances. This policy applies indefinitely. All IP Australia services continue to operate as usual.

The arrangements for hearings of IP matters before the courts vary depending on the court. The Federal Court of Australia (which hears most IP proceedings in Australia, including most appeals from decisions of IP Australia) is conducting many hearings via telephone or remote access technology (primarily using Microsoft Teams).

Are there any other changes due to Covid-19 and government/state actions to prevent spread of the virus which persons dealing with IP in your jurisdiction should be aware of?

The Federal Court of Australia, which deals with the majority of IP court cases, has issued a Special Measures Information Note indicating that:

- to the extent possible, all documents are to be lodged electronically;
- the Court will temporarily allow documents to be signed electronically and will accept unsworn affidavits; and

- other than in exceptional circumstances, hearings will occur via telephone or remote access technology (primarily Microsoft Teams videoconference).

The Federal Government has issued a directive providing that documents (including documents relevant to IP rights, such as assignments and licences) can be executed on behalf of companies by using electronic signatures, provided that this execution is in accordance with the requirements set out in the Electronic Transactions Act 1999 (Cth). Certain States and Territories have also made regulations providing that documents that must ordinarily be witnessed in person (including documents that may be relevant to IP rights, such as powers of attorney) can be witnessed using remote audiovisual link.

The Australian Federal Government and State and Territory Governments have announced various financial support initiatives and grants which may be applicable to IP rights holders.

Jurisdiction: Belgium



Christophe Ronse

ALTIUS

Has the intellectual property office/IP Registry of your jurisdiction taken any measures due to Covid-19 and government/state actions to prevent spread of the virus?

Yes, the Belgian Office for Intellectual Property (OPRI) has circulated three online communications in which some measures are announced (see below).

Is it possible to file applications online with the intellectual property office/IP Registry of your jurisdiction? If so, since when?

The OPRI works with a system developed jointly with the intellectual property offices of the Netherlands and Luxembourg to speed up the processing of patent applications in the Benelux. This system is called 'Benelux Patent Platform' (BPP) and is supported by the Benelux Office for Intellectual Property (BOIP). Via the BPP, one can therefore file an online patent – and SPC application. The BPP already existed before the Covid-19 pandemic.

Is it possible to make payments online direct to the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Yes, the BPP created a 'MyPage' service offering secure electronic access for Belgian patent applications filed with the OPRI. Through this service it is also possible to pay fees due.

Has the intellectual property office/IP Registry of your jurisdiction made changes to any deadlines/timelines provided for in the law/applicable regulation of your jurisdiction? If so, please provide full details.

In two communications regarding Covid-19 which were circulated on 23 and 30 March 2020, the OPRI informed the parties involved in procedures before it with regard to patents, supplementary protection certificates and plant variety rights that, where the legislation allows it, it is prepared to consider any requests for extension of time limits as favourably as possible. Time limits before the

OPRI are thus not extended automatically; individual requests for extension will be considered on a case-by-case basis.

The OPRI stated furthermore that it is aware that the parties involved in procedures before it may not be able to react to legal notifications during the containment period, so that it has decided not to send, as far as possible, any legal notifications that would have the effect of setting a new binding deadline that would be sanctioned by a loss of rights in the event of non-compliance. However, an exception to this principle will be made, in the parties' advantage, when failure to send the legal notification that sets a new binding deadline could have a negative impact on the case or work against any of the parties (eg, if the OPRI finds an irregularity that results in the filing date of an application not being established, the applicant will still be notified as soon as possible to avoid a detrimental delay of that filing date). In such cases, the OPRI will try as far as possible to send by email a copy of the legal notification sent by registered post, provided the OPRI has the contact data.

The OPRI invites its users to give preference, where possible, to electronic communication channels, that is, eOLF and fax (+32 2 277 52 62), as well as, insofar as it does not concern formal acts, email.

In its latest communication (thus far) dated 14 May 2020, the OPRI announced that it shall maintain the continuity of its services for the users of the industrial property systems it manages.

In addition, the OPRI stated that once the lockdown measures are partially lifted, they will again send notifications which will result in new binding deadlines starting to run and which will be sanctioned from 25 May 2020 onwards by a loss of rights if these deadlines are not met.

They ask all those to whom it applies to carefully follow up such notifications in view of their legal consequences. As far as possible, the OPRI will provide the parties concerned with a courtesy copy of these notifications by email. This is an exceptional and temporary practice that is planned until 30 June 2020, after which it will be reassessed. The documents and deeds required by law to respond to such notifications must be submitted by one of the authorised means of communication (post, fax, electronic submission via eOLF or, if indispensable, in person).

[Are in-person/online searches possible of the registers/records maintained by the intellectual property office/IP Registry of your jurisdiction? Please provide details including of any changes due to Covid-19 and government/state actions to prevent spread of the virus.](#)

In its communication of 14 May 2020, the OPRI declared that the 'EPOQUE' searches by the Information Service of the OPRI, which had been suspended, will be resumed as of 25 May 2020. These searches, which are carried out via the patent databases of the European Patent Office and are only accessible to the OPRI via its Brussels offices, can only be carried out to a limited extent at first. Such searches should only be requested via the email address: piie_doc@economie.fgov.be.

[Is it possible for hearings which would normally have to be attended to in person to be conducted online? If so, since when?](#)

There are no hearings before the OPRI. However, there is specific legislation in place in respect of all legal proceedings before the Belgian courts. The Royal Decree of 9 April 2020 on the extension of the statutes of limitation and time limits in civil proceedings as well as on written procedures before the courts confirms that matters in which hearings were scheduled for between 14 April 2020 and 17 June 2020 (as extended by the Royal Decree of 28 April 2020) included, will be judged based on the written submissions and exhibits, without oral pleadings. Two exceptions are made to this rule:

- if all the parties object to the written procedure, then the case will be postponed to a fixed date or a date to be fixed later;
- if one party objects to the written procedure, then the court can decide upon the reasoned request of this party whether the written procedure will apply, whether the scheduled hearing will take place (through, for example, a conference call) or whether the hearing is to be postponed.

The written procedure will only apply if all the parties have filed written submissions in the case. Therefore, default judgments are not possible as by definition this means that one party did not file submissions.

Are there any other changes due to Covid-19 and government/state actions to prevent spread of the virus which persons dealing with IP in your jurisdiction should be aware of?

Belgian IP professionals should, of course, also take into account the coronavirus-related measures taken by the European Union Intellectual Property Office (EUIPO), the BOIP and other instances that regulate the matters at stake.

Jurisdiction: Brazil



Valdir Rocha, Veirano Advogados

and

Luiza Tangari Coelho, Fialho Salles Advogados

Has the intellectual property office/IP Registry of your jurisdiction taken any measures due to Covid-19 and government/state actions to prevent spread of the virus?

Yes. In order to inhibit the risk of contamination by the coronavirus, the Brazilian Trademark and Patent Office (BPTO) has taken the following measures: (i) suspension of all deadlines related to its services until 31 May 2020; (ii) suspension of all in-person services; and (iii) adaptation of its services to a home office system. All 630 staff are working from home.

Yes, the Brazilian IP Registry (*Instituto Nacional da Propriedade Industrial* – INPI) has taken measures such as closing their buildings to the public, implementing remote work options for the staff, suspending time limits from 16 March 2020 until 31 May 2020 (although this date is likely to be postponed) and giving priority to the examination of patent applications related to Covid-19 treatments.

Is it possible to file applications online with the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Yes. It is possible to file online applications with the BPTO since 2006.

Yes, the Brazilian IP Registry accepts online applications, petitions and other requests regarding administrative proceedings on trade marks, patents, industrial designs, software, integrated circuits, geographical indications, technology transfer and franchise agreements.

The Brazilian IP Registry's online services started with trade mark applications almost a decade ago and have gradually improved in reach and quality in the past few years.

[Is it possible to make payments online direct to the intellectual property office/IP Registry of your jurisdiction? If so, since when?](#)

Yes. Since the BPTO adopted the online procedure in 2006, it is possible to download a payment slip from its website, pay it electronically at a bank, and upload the payment receipt to be attached to the online process.

Payments to the Brazilian IP Registry are made by using a special form for payment of fees directed to federal governmental bodies or other federal-level organisations called *Guia de Recolhimento da União* (GRU), which can be obtained at the Registry's website. This 'bank slip' is payable in person at any Brazilian bank agency or online, as long as the interested party has an account in a Brazilian bank.

Companies or persons domiciled abroad that are owners of Brazilian IP applications or registrations before the INPI and do not have an account in a Brazilian bank are advised to request their attorneys in Brazil to pay the fees directly (and then reimburse them). The establishment and maintenance of a duly qualified attorney in Brazil is a legal requirement to apply and maintain IP registrations in Brazil.

[Has the intellectual property office/IP Registry of your jurisdiction made changes to any deadlines/timelines provided for in the law/applicable regulation of your jurisdiction? If so, please provide full details.](#)

Yes. On 17 March 2020, the BPTO suspended all deadlines related to its services. According to an Ordinance published in its Official Gazette on 25 March 2020, the counting dates of the deadlines that are in progress will flow again for the time remaining at the end of the suspension period; therefore, resuming the date of the period from where it had stopped. In addition, the deadlines that start in the period covered by the suspension will start counting from the first day after the suspension is over. The BPTO also clarified that the use of the deadline suspension is optional. Hence, there is no impediment, for example, to the interested party petitioning at the BPTO, through its online systems, in order to comply with a requirement, even if the term is suspended. It is worth noting that, in this case, the BPTO's management will move forward with its process normally. The deadlines are currently suspended until 31 May 2020; this suspension may be extended according to the country's state during the pandemic. The downside of this extension is the fact that all deadlines occurring during the suspension period, will fall on the same date. Applicants should be aware of the possible failure in the PTO's system, if thousands of users of the system decide to file their applications and motions on the very last day.

The Brazilian IP Registry has suspended any applicable timelines as of 16 March 2020. The suspension was initially expected to end on 30 April 2020, but it has been postponed twice. The latest decision of the Registry is that the suspension is effective until 31 May 2020, and then the count of timelines will be resumed from where it had stopped when the suspension started.

It is worth noticing that the use of the additional time granted due to the suspension is optional. As the Registry is still operational and online services are fully available, anyone may choose to perform the expected acts at any point, even before the end of the suspension.

Are in-person/online searches possible of the registers/records maintained by the intellectual property office/IP Registry of your jurisdiction? Please provide details including of any changes due to Covid-19 and government/state actions to prevent spread of the virus.

Yes. It is possible to proceed with online searches with the BPTO during the Covid-19 pandemic through its official website. In-person searches are no longer available.

The Brazilian IP Registry's website provides an online search engine which allows anyone to search the Registry's registers/records. The system is fully operational and has not suffered any changes due to Covid-19. However, the system and information provided are in Portuguese and no English version is available.

Is it possible for hearings which would normally have to be attended to in person to be conducted online? If so, since when?

No. It is possible to use the BPTO's online system, which allows communication in writing, since 2006. Inspection of files and in-person meetings are no longer available.

Proceedings carried out before the Brazilian IP Registry only involve hearings or in-person communication in exceptional circumstances (such as duly justified requests for meetings). Nevertheless, during the Covid-19 crisis all face-to-face services are suspended and applicants and interested parties are encouraged to use online mechanisms for communications with the office (especially the 'Contact us' feature on the website).

Are there any other changes due to Covid-19 and government/state actions to prevent spread of the virus which persons dealing with IP in your jurisdiction should be aware of?

On 7 April 2020, the BPTO published Ordinance No 149/2020 in its Industrial Property Gazette, which formalises the initiative to prioritise the examination of patent applications related to innovations that can be used to fight the pandemic of the new coronavirus (Covid-19). Focused on stimulating the production and licensing of new technologies, the measure is valid until 30 June 2021. The new priority procedure created by the BPTO is intended for patent applications related to pharmaceutical products and processes and equipment and/or materials for use in health, aiming at the diagnosis, prophylaxis and treatment of Covid-19. Moreover, the BPTO is also working to encourage the patenting of innovations in Brazil with a focus on fighting Covid-19 through mentoring activities and the Covid-19 Related Technologies Observatory, established in March 2020 by the Brazilian IP Registry, whose objective is to disseminate technologies that can contribute to coping with the current situation – such as vaccines, medicines, diagnostic tests, masks and health equipment. Initiatives on funding and incentives for research in this area are also being disseminated.

It is worth highlighting that the Brazilian IP Registry has established a fast-track proceeding for patent applications focused on pharmaceutical products and processes, equipment and materials for use in health, diagnosis, prevention and treatment of Covid-19. Requests for taking advantage of such proceedings shall be filed by 30 June 2020.

Jurisdiction: Cambodia



Dr PHIN Sovath

Bun & Associates

Has the intellectual property office/IP Registry of your jurisdiction taken any measures due to Covid-19 and government/state actions to prevent spread of the virus?

As a preventive measure against the spread of the Covid-19 pandemic, the Department of Intellectual Property (D/IPR) of the Ministry of Commerce has informed trade mark agents and applicants to file an application and other supporting documents through online portal of the department instead paper-based submissions. The D/IPR even accept the online submission of original power of attorney for conducting substantive examination of trade mark applications.

Is it possible to file applications online with the intellectual property office/IP Registry of your jurisdiction? If so, since when?

In Cambodia it has been possible to file online applications for trade mark registrations with the D/IPR from 2017. At present, some post-filing and post-registration documents such as endorsement of affidavit of use/non-use, change of agent, trade mark renewal and response to provisional refusal can also be filed online through the e-filing portal of the D/IPR. However, an online filing system has not yet been introduced for other IP elements such as patent or design.

Is it possible to make payments online direct to the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Yes, online payment has been possible for trade mark registration since 2017.

Has the intellectual property office/IP Registry of your jurisdiction made changes to any deadlines/timelines provided for in the law/applicable regulation of your jurisdiction? If so, please provide full details.

To our knowledge and understanding, there has been no notice of such delay so far.

Are in-person/online searches possible of the registers/records maintained by the intellectual property office/IP Registry of your jurisdiction? Please provide details including of any changes due to Covid-19 and government/state actions to prevent spread of the virus

For trade mark, independent online search through the trade mark database of the D/IPR ASEAN TMView and Global Brands Database of the World Intellectual Property Organization (WIPO) are available. For patents, it is possible to search in the Patent Scope of the WIPO. For industrial design, independent online search is available in ASEAN DesignView and DesignView of the European Union Intellectual Property Office.

Is it possible for hearings which would normally have to be attended to in person to be conducted online? If so, since when?

To our best knowledge and understanding, there is no such possibility available currently.

Are there any other changes due to Covid-19 and government/state actions to prevent spread of the virus which persons dealing with IP in your jurisdiction should be aware of?

As of 29 April 2020, there is no restriction on local movement; however, governmental officials are banned from attending meetings abroad. The government recommends to observe social distancing and avoid gatherings. From 17 March 2020, foreigners from France, Germany, Iran, Italy, Spain and the United States are banned from entering Cambodia until further notice from the government.

Jurisdiction: England and Wales



Peter Stevens

TWM Solicitors LLP

Has the intellectual property office/IP Registry of your jurisdiction taken any measures due to Covid-19 and government/state actions to prevent spread of the virus?

On 27 March 2020, the UK Intellectual Property Office announced that it had closed access to its buildings until further notice. No documents can be filed by hand and the Office cannot process paper forms, faxes and paper correspondence. However, all staff are equipped to work from home, and the majority of services remain unaffected. Except as otherwise indicated below, the Office will continue to operate as normal.

Is it possible to file applications online with the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Patent, trade mark and design applications have been web-based for many years, and the fees for searches, substantive examinations and applications are slightly reduced for online filings. The web filing system for patent applications creates the completed patent forms and pdf uploads of completed patent forms are not accepted, but most trade mark and design forms and/or documents can be filed online in pdf format, with a total filing size limit of 20Mb. Electronic signatures are accepted on forms and other documents.

There are special arrangements for patent applications containing information about military technology or which could harm national security or public safety.

Is it possible to make payments online direct to the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Except for international patent fees (other than the transmittal fee) payable under the Patent Cooperation Treaty and international trade mark fees (other than the handling charge) payable under the Madrid Protocol, online payments by credit or debit card (Visa, MasterCard, American Express and Maestro) have been accepted for many years. Regular users can set up a deposit

account with a minimum initial credit of £200 and must keep this topped up so as to remain in credit at all times. Web-based filing is only possible if payment is made by these means.

Has the intellectual property office/IP Registry of your jurisdiction made changes to any deadlines/timelines provided for in the law/applicable regulation of your jurisdiction? If so, please provide full details.

Although customers are encouraged to continue to work to existing deadlines if possible, the Office has confirmed it will extend time periods where national and international legislation allows, and will support affected customers using the discretionary powers available to it on a case-by-case basis. The time limit for responding to new trade mark examination reports has been extended from two months to four months, but it is not possible to allow longer default time periods for design examination reports because these are set by statute.

However, as a safety net where the normal course of business is not possible, any deadlines for patents, supplementary protection certificates, trade marks and designs, or applications for these rights, which fall on or after 24 March 2020, have been extended until further notice. The Office will give at least two weeks' notice before ending the extension.

It should be borne in mind that emergency suspensions and extensions of time do not alter the filing date or the principle that registered IP rights take priority from this date.

Are in-person/online searches possible of the registers/records maintained by the intellectual property office/IP Registry of your jurisdiction? Please provide details including of any changes due to Covid-19 and government/state actions to prevent spread of the virus.

Covid-19 has not affected searching. Patent, trade mark and design registers have been freely searchable online for many years. Personal searching largely ceased when the Office moved out of London in 1991.

Is it possible for hearings which would normally have to be attended to in person to be conducted online? If so, since when?

Since all Intellectual Property Office sites are closed, it is not possible to hold hearings in person, and no further physical hearings will be booked or take place until at least 1 June 2020. However, hearings will continue to be conducted by telephone, Skype or other virtual methods wherever possible. Where such methods are not suitable, for example for cross-examinations, the hearing may need to be postponed.

Are there any other changes due to Covid-19 and government/state actions to prevent spread of the virus which persons dealing with IP in your jurisdiction should be aware of?

The Office has suspended the posting of paper documents and notifications until further notice, and is currently only issuing documents and notifications where this can be done electronically. It is encouraging customers to use online services and communicate digitally whenever possible.

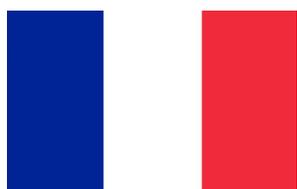
The fax service has been turned off, so the Office can no longer receive or process documents by fax.

Documents filed by post will not be processed until normal services are resumed and the Office's buildings have re-opened. At this point, they will be given the date of receipt as a provisional filing date.

A new email address, paperformcontingency@ipo.gov.uk, has been created for services that are not normally available online. This can be used instead of faxing or posting documents.

Dedicated email accounts will also be set up to deal with specified administrative patent functions (including a request to register an assignment, change a name or address, appoint or change an agent or to offer/cancel a licence of right), some ad hoc services which are currently paper-based (such as caveats), and reinstatement and restoration services.

Jurisdiction: France



Francine Le Péchon-Joubert, Partner

De Gaulle Fleurance et Associés

Has the intellectual property office/IP Registry of your jurisdiction taken any measures due to Covid-19 and government/state actions to prevent spread of the virus?

The National Intellectual Property Office (INPI) has closed its office from 17 March 2020 to 2 June 2020 at least. Employees are working remotely.

Is it possible to file applications online with the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Filing online applications was already possible before the Covid-19 pandemic.

Is it possible to make payments online direct to the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Online payment to the IP office was already possible before the Covid-19 pandemic.

Has the intellectual property office/IP Registry of your jurisdiction made changes to any deadlines/timelines provided for in the law/applicable regulation of your jurisdiction? If so, please provide full details.

Proceedings delays have been granted.

Ordinance No 2020-306 dated 25 March 2020 provides that all deadlines occurring in the period between 12 March 2020 and 23 June 2020 inclusive shall be postponed to 23 July 2020 if the original deadline was one month and to 23 August 2020 if the original deadline was two months or more. Such delays concern opposition to a trade mark, payment of patent annuity, trade mark renewal, design extension, filing administrative or judicial appeal, comments from third parties or to respond to a notification from the INPI.

However, priority periods for an international extension, time limits for payment for the filing of a patent or time limits for filing a supplementary protection certificate, since they are subject to supra-national provisions, are not concerned by delays.

Furthermore, in the event of failure to meet a deadline, there are appeals for restoration or for a lapse notice to the INPI. The health crisis will be taken into account in the examination of these appeals.

Are in-person/online searches possible of the registers/records maintained by the intellectual property office/IP Registry of your jurisdiction? Please provide details including of any changes due to Covid-19 and government/state actions to prevent spread of the virus.

Online searches were possible before the Covid-19 pandemic since registers maintained by INPI are available online.

Is it possible for hearings which would normally have to be attended to in person to be conducted online? If so, since when?

Hearings before INPI are very few. It concerns some trade mark oppositions, on request, and since 1 April 2020, patent opposition.

No general disposition has been published related to such hearings.

Are there any other changes due to Covid-19 and government/state actions to prevent spread of the virus which persons dealing with IP in your jurisdiction should be aware of?

Examination and grant of industrial property titles is maintained, remotely.

IMPORTANT: Most IP litigations take place in front of a civil court. During the Covid-19 health crisis, all courts were shutdown. There has been no remote activity. Courts gradually resumed hearings and case management hearings after 11 May 2020.

Usually, official copies requested are sent by post, but until at least 2 June 2020, official copies of documents are provided only in pdf format with authentication by electronic signature.

Despite the health crisis, INPI managed to implement the reforms that came into force on 1 April 2020, that is, introduction of an administrative procedure for invalidity and revocation of trade marks and patent opposition procedure.

Training courses are suspended but webinars have been organised.

Jurisdiction: Germany



Margret Knitter

SKW Schwarz Rechtsanwälte

Has the intellectual property office/IP Registry of your jurisdiction taken any measures due to Covid-19 and government/state actions to prevent spread of the virus?

The German Patent and Trademark Office (GPTO) has cancelled all official events and visitors are not allowed to enter the offices of the GPTO, which means that the research rooms and the helpdesks

were closed. Further, onsite consultations and hearings were postponed. Most of the staff work from home.

Is it possible to file applications online with the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Yes, since approximately nine years ago.

Is it possible to make payments online direct to the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Yes, since approximately nine years ago.

Has the intellectual property office/IP Registry of your jurisdiction made changes to any deadlines/timelines provided for in the law/applicable regulation of your jurisdiction? If so, please provide full details.

Time limits set by the GPTO have been extended to 4 May 2020. Legally determined deadlines were not extended.

Are in-person/online searches possible of the registers/records maintained by the intellectual property office/IP Registry of your jurisdiction? Please provide details including of any changes due to Covid-19 and government/state actions to prevent spread of the virus.

In-person searches are not possible. Online searches are only possible via the official database.

Is it possible for hearings which would normally have to be attended to in person to be conducted online? If so, since when?

No, all hearings have been postponed.

Are there any other changes due to Covid-19 and government/state actions to prevent spread of the virus which persons dealing with IP in your jurisdiction should be aware of?

No.

Jurisdiction: Guatemala



Diego Alfaro BLP

Intellectual law

Has the intellectual property office/IP Registry of your jurisdiction taken any measures due to Covid-19 and government/state actions to prevent spread of the virus?

Yes, the local IP office permits groups of no more than ten persons to enter their buildings, who try to manage the previously filed applications while applying social distancing as ruled by the government state of public calamity decree of the President of the Republic.

Is it possible to file applications online with the intellectual property office/IP Registry of your jurisdiction? If so, since when?

No, the Guatemalan Trade Mark Office does not allow the filing of online applications; it is necessary to file an online form, then print the form and dispatch directly to the office, but it is only limited to new applications since 13 April 2020.

Is it possible to make payments online direct to the intellectual property office/IP Registry of your jurisdiction? If so, since when?

No, it is not possible to pay online, only through the bank office settled on the Trademark Office.

Has the intellectual property office/IP Registry of your jurisdiction made changes to any deadlines/timelines provided for in the law/applicable regulation of your jurisdiction? If so, please provide full details.

Yes, the President of the Republic of Guatemala, who is the superior officer of the public administration, including the Trade Mark Office, decided through the government decree (12-2020) to suspend administrative deadlines as described below. The calculation of legal terms in all types of administrative processes are suspended for the non-extendable term of three months.

Are in-person/online searches possible of the registers/records maintained by the intellectual property office/IP Registry of your jurisdiction? Please provide details including of any changes due to Covid-19 and Government/State actions to prevent spread of the virus.

Yes, the nominative searches (word mark searches) can be conducted from the official Trade Mark Office electronic system; nevertheless, the graphical/design searches may only be conducted in a physical form via a form, and no further actions other than the social distancing have been taken.

Is it possible for hearings which would normally have to be attended to in person to be conducted online? If so, since when?

No, the hearings and their consults remain in person.

Are there any other changes due to Covid-19 and government/state actions to prevent spread of the virus which persons dealing with IP in your jurisdiction should be aware of?

Yes, the office hours are limited and now closed at 1500, because Guatemala is experiencing limitations on freedom of movement from 0600 to 1600, as ruled by the government state of public calamity decree of the President of the Republic, and consequently, the office allows reasonable time for its staff to reach their homes.

Jurisdiction: India



Vidisha Garg and Anand And Anand

K Singhania and Co

Has the intellectual property office/IP Registry of your jurisdiction taken any measures due to Covid-19 and government/state actions to prevent spread of the virus?

Intellectual Property Offices in India have been closed since 25 March 2020 up to 17 May 2020.

The current outbreak of the Covid-19 pandemic across the globe has also affected the entire nation of India – its people, biodiversity, industry across all sectors, and administrative systems including the judicial system. Government offices are working with a limited capacity and as per the guidelines of the World Health Organization and standard norms of the Ministry of Health and Family Welfare of India. There are certain sectors in essential services that are working and supporting people in need. To promote welfare, protect people and stop the spread of Covid-19 across India, the Central Government has enforced a complete nationwide lockdown and directed everyone to adhere social distancing and practice self-quarantine. In view of the same to protect the welfare of employees, by a notification, the Indian Intellectual Property Offices were closed and physically non-accessible during the lockdown period. However, the online system is working normally as usual.

Is it possible to file applications online with the intellectual property office/IP Registry of your jurisdiction? If so, since when?

The e-filing modules of the Intellectual Property Offices (IPOs) are functional and all the documents relating to patent applications can be filed at any time.

Yes, the online system of the Indian Patent Office, Trade Marks and GI Registry, Copyright Board is working as normal and it is possible to file the applications, petitions, office actions, and documents on the respective portals of the Indian IPOs. The IPO facilitates the e-filing of patents, trade marks, geographical indications and designs, whereas, the e-filing of copyright is facilitated by the portal of Copyright Office, Government of India. The IPO started the facility for e-filing of patent and trade mark applications in July 2007. Similarly, the Copyright Office issued the notification stating the availability of the online facility for filing of copyright applications on 22 July 2017. In the present outbreak of coronavirus, the patent office has announced that the online filing services of the offices under the Controller General of Patents, Designs And Trade Marks (CGPDTM) shall remain unaffected. The Copyright Office, however, has not notified any such notice.

Is it possible to make payments online direct to the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Yes, it is possible to make payments online direct to the IPOs in India.

The e-filing facility provided by the portals of the Indian Patent Office and Copyright Office requires the official payments to be made online through the respective portals. However, if the filing of an application is not through e-filing then the online payment is not permissible.

Has the intellectual property office/IP Registry of your jurisdiction made changes to any deadlines/timelines provided for in the law/applicable regulation of your jurisdiction? If so, please provide full details.

Yes, there has been a lockdown in India since 25 March 2020 up to 17 May 2020. All the due dates, with respect to timelines/periods prescribed under the IP Acts and Rules 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 office of CGPDTM, falling due between the above said lockdown period, shall be 18 May 2020.

Trade marks:

The public notice dated 23 March 2020 has notified that the applicants can now file request for an extension of time for the submission of documents (now or after the situation becomes normal) under section 131 of the Trade Marks Act 1999 and rules 109 and 110 of the Trade Marks Rules 2017. Such application for the extension of time will be considered by the Registrar in accordance to law. This step was taken considering the concerns raised by the stakeholders in the current condition of the outbreak of coronavirus.

Patents:

The public notice dated 19 March 2020 notified that the delay in transmitting or resubmitting documents to the Patent Office will be condoned/timeline 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 Covid-19 outbreak ceased to exist. The condonation of delay/extension of timelines to file responses/documents relating to various proceedings under the Patents Act and corresponding rules made thereunder can be filed as per sub-rule (6) of rule 6 of the Patents Rules.

Copyright:

The public notice dated 16 March 2020 stated that, in view of the lockdown, all hearings relating to copyright matters that were scheduled during this period have been adjourned and these cases will be rescheduled in due course.

[Are in-person/online searches possible of the registers/records maintained by the intellectual property office/IP Registry of your jurisdiction? Please provide details including of any changes due to Covid-19 and government/state actions to prevent spread of the virus.](#)

Yes, all patent office e-modules are working including search modules. However, in-person searches are not allowed as IPOs are not open to the public.

The portal of the IPO provides a facility to search for the trade marks, patents, designs and geographical indications (GI) from the online records through its website. The Indian Patent Advanced Search System (inPASS) maintains the record of pending and registered patents and provides facility for the online search for the same. The Public Search of Trade Mark contains the record of pending and registered trade marks and allows the online search of the same. The design search utility allows the search of designs through the portal of the Indian Patent Office. The official website of the Copyright Office, Government of India allows the search for the registered copyrights. The Indian Patent Office and the Copyright Office of India holds and maintains the records of patents, trade marks, design, copyright, GI online and offline. The coronavirus outbreak has caused no changes in the record maintained by the respective offices and the online search is possible at any time. However, due to the offices being closed to the public due to the lockdown, in-person enquiries of the records maintained by the department is not possible at this time.

[Is it possible for hearings which would normally have to be attended to in person to be conducted online? If so, since when?](#)

All the 'in person' hearings and videoconferencing hearings in respect of the IP matters have been adjourned until 17 May 2020. Once the lockdown is lifted and IPOs resume normalcy will the new hearings be appointed.

Yes, the online hearing is possible for such matters in a normal scenario. The Patent Amendment Rules 2016, with effect from 16 May 2016, regulated the online hearing of patent matters. The Trade

Mark Rules, allowing online hearings, was brought into effect by the Government of India from 6 March 2017 with the aim of digitisation and speeding up the process. For copyright matters, a notification dated 15 October 2018 was issued by the Copyright Office introducing the videoconferencing hearing as an alternate mode of hearing under rule 70(12) of the Copyright Rules 2013. However, in the current situation of coronavirus outbreak, on 19 March 2020, the patent office first notified that all in-person hearings in patents and design matters scheduled on or before 15 April 2020 to be converted to videoconferencing hearings. However, due to the extension of the lockdown after 15 April 2020, the Patent Office has now cancelled the videoconference hearings scheduled between 23 March 2020 and 3 May 2020 until further notice.

Are there any other changes due to Covid-19 and government/state actions to prevent spread of the virus which persons dealing with IP in your jurisdiction should be aware of?

The IPO, by the order of Ministry of Home Affairs dated 15 April 2020, started functioning again from 20 April 2020 with full staff of the rank of deputy controller and above and one-third staff strength up to the rank of assistant controller on all workings days. During this period, the Patent Office is issuing first examination reports, foreign filing licences, orders in relation to pending applications, etc. However, in view of the ongoing lockdown in the country, the IPO shall not be accessible to the public (in person) until 17 May 2020. Accordingly, all deadlines and timelines prescribed under the IP Acts and Rules that fall during the lockdown period have been automatically extended to the date on which offices re-open (ie, 18 May 2020).

In a recent matter of *IPAA and Another v CGPDTM and Another* the Honourable High Court of Delhi directed that no court, tribunal or any authority can act contrary to the Supreme Court Order issued on 23 March 2020 in exercise of its powers under Articles 141 and 142 of the Constitution; and under Article 144 of the Constitution, all authorities whether civil or judicial, located in the territory of India are required to act in aid of the orders passed by the Supreme Court. Therefore, the High Court suspended the operation of the public notice dated 4 May 2020 and ordered that the respondents (ie, the CGPDTM and Another) shall act in accordance with the Order of the Supreme Court dated 23 May 2020. Therefore, in view of the above, the due dates of timelines/periods prescribed under different Intellectual Property Acts and Rules administered by the CGPDTM with respect to completion of various acts/activities, filing of any reply/document, payment of fees, etc, regarding any IP applications filed with the offices under the administrative control of the CGPDTM shall be the date on which the offices will re-open. The reason is to protect the welfare of officials of the IP Offices, stakeholders and practitioners and provide equal opportunity to all. Through the current uncertainties, we at K Singhania and Co are committed to providing information, insights and advice to affected people, existing clients and government. Although our entire team is working remotely, we are totally committed and anticipate no changes to our high quality legal services.

Jurisdiction: Mexico



Karla Paulina Olvera Acevedo

Olivares

Has the intellectual property office/IP Registry of your jurisdiction taken any measures due to Covid-19 and government/state actions to prevent spread of the virus?

Yes. On 31 March 2020, the Ministry of Health published a decree establishing extraordinary actions to deal with the Covid-19 emergency, ordering, among others, the immediate suspension of non-essential activities in order to mitigate the spread and transmission of the SARS-CoV2 virus in the community from 30 March 2020 to 30 April 2020. On 21 April 2020, said decree was modified and the suspension of non-essential activities was extended from 30 March to 30 May 2020.

In accordance with the foregoing, the Mexican Patent and Trademark Office issued a decree by which it decided to suspend, due to force majeure, all activities and deadlines during the period from 24 March 2020 to 30 May 2020. Emphasising that said agency may summon the strictly necessary personnel to attend to the procedures that are necessary to contribute to the mitigation of the effects of the pandemic, to lift preliminary injunctions imposed within an administrative declaration of infringement procedure and to order the suspension of the free movement of goods of foreign origin in the country's customs.

Likewise, the Federal Copyright Office, decided to suspend, due to force majeure, all activities and deadlines during the period from 26 March 2020 to 29 May 2020, stipulating that only applications that refer to procedures that are offered as an extraordinary administrative measure will be received, which exclusively include the registration of works and contracts, availability searches for reservation of rights, and assignment of International Standard Book Numbers (ISBNs) and International Standard Serial Numbers (ISSNs).

Is it possible to file applications online with the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Yes. The Mexican Patent and Trademark Office initiated the filing of online trade mark and industrial design applications in 2012, and its online system was gradually expanded and developed to later include the reception of patent and utility model applications in 2017. However, the system was not fully perfected and it was not until the middle of 2019 that a new comprehensive electronic services platform was launched.

Through the Electronic Services Access Portal of the Mexican Patent and Trademark Office it is possible to digitally file and sign new online applications for traditional trademarks, patents, industrial models and designs, as well as promotions related to matters of this nature previously processed online.

As from 13 May 2020, the Mexican Patent and Trademark Office implemented an additional tool called 'electronic trade mark office' allowing the filing of trade mark applications (including non-conventional trade marks); renewal petitions; assignment, licence and franchise recordal petitions; responses to official actions; oppositions; and, in general, any proceeding associated to trade mark prosecution and maintenance.

As for the Federal Copyright Office, currently it is only possible to file applications for the registration of works and contracts, availability searches for reservation of rights and assignment of ISBNs and ISSNs.

Is it possible to make payments online direct to the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Yes. Since the online application system was launched it is possible to make payments directly to the Mexican Patent and Trademark Office without having to go to the bank, through credit cards and

electronic transfers. For the procedures that the Federal Copyright Office has available online, it is also possible to make the corresponding payment online.

Has the intellectual property office/IP Registry of your jurisdiction made changes to any deadlines/timelines provided for in the law/applicable regulation of your jurisdiction? If so, please provide full details.

No changes have been made to the deadlines/timelines provided in the applicable laws and regulations. The days included in the period of suspension of activities will be considered as non-working days and the official terms will start or continue to run from the first working day following the end of the corresponding suspension.

Are in-person/online searches possible of the registers/records maintained by the intellectual property office/IP Registry of your jurisdiction? Please provide details including of any changes due to Covid-19 and government/state actions to prevent spread of the virus.

Yes, through the online system SIGA (Information System of the Industrial Property Gazette) (<https://siga.impi.gob.mx/newSIGA/content/common/principal.jsf>) it is possible to make the online consultation of IMPI's files related to trade marks, slogans, trade names, patents, designs and industrial models. Also, through the MARCia online system (<https://marcia.impi.gob.mx/marcas/search/quickes>) it is possible to search for trade marks, slogans and trade names. Additionally, through the Electronic Services Access Portal of the Mexican Patent and Trademark Office, it is possible to request official patent and trade mark searches from IMPI.

With respect to the Federal Copyright Office, at the moment it is not possible to carry out in-person or online searches of registry records.

Is it possible for hearings which would normally have to be attended to in person to be conducted online? If so, since when?

No. Both the Mexican Patent and Trademark Office and the Federal Copyright Office suspended all face-to-face procedures and hearings.

Are there any other changes due to Covid-19 and government/state actions to prevent spread of the virus which persons dealing with IP in your jurisdiction should be aware of?

Yes, the Council of the Federal Judiciary (including the Supreme Court of Justice, District and Circuit Courts, as well as the Specialized Court in Intellectual Property Matters) decided to suspend all activities and jurisdictional deadlines until at least 29 May 2020. Temporary guards were implemented to attend to and resolve urgent requests related to preliminary injunctions or the suspension of the claimed act.

Additionally, in order to avoid the backlog of cases once activities are resumed, as of 6 May 2020, the Supreme Court and the Circuit Courts started holding remote sessions to solve cases that are already being processed and that are ready to be decided. The sessions that are held by videoconference are private and the resolution will only be known once the session has concluded, being possible to access the recording of the same until activities are resumed and the decision is personally notified to the parties.

Mexican customs and the Attorney General's office and other entities devoted to prosecute criminal proceedings related to intellectual property rights continue their operations under certain sanitary restrictions.

Jurisdiction: Poland



Monika Wieczorkowska and Sandra Lipińska

Wardyński & Partners Law Office

Has the intellectual property office/IP Registry of your jurisdiction taken any measures due to Covid-19 and government/state actions to prevent spread of the virus?

Yes. The most important measures taken by the Polish Government since 20 March 2020 are:

- closures of stores, fairs, shopping centres and restaurants (with the exception of grocery stores and pharmacies); universities and schools, cultural institutions, parks and boulevards, hairdressers and beauty salons;
- strict social distancing (persons are advised to leave home only when necessary, minors are prohibited from leaving homes unless unaccompanied by a guardian);
- cancellation of events of mass gathering and events;
- limited activity of courts and court officials; and
- closure of borders.

The Polish Patent Office (PPO) also applied restrictions in daily activity from 16 March 2020; hearings by adjudication panels were cancelled until further notice; the reading room, customer service desk, bookshop, and cashier's desk were closed until further notice.

However, on 16 May 2020, the Act abolishing the suspension of time limits entered into force. The PPO announced it will return to usual adjudication of disputes; the first hearings are to be in the second half of June.

The PPO also advised that to ensure the safety of all participants in proceedings, guidelines will be set for hearings in the office.

The procedure for filing documents in the PPO is the same, that is:

- documents to do with applications and registration can be filed via the PPO's online platform PUEUP. The PPO recommends filing in that manner;
- documents in all matters (eg, oppositions, disputes) can still be filed by post;
- documents can be filed in person at the PPO reception desk.

The PPO Intellectual Property Protection Information Centre can be contacted by telephone or by e-mail.

Is it possible to file applications online with the intellectual property office/IP Registry of your jurisdiction? If so, since when?

The Electronic Services Platform of the PPO commenced in January 2020. Users can set up an individual customer account and use personalised services such as filing online applications for registration, paying fees, or ordering extracts from the register.

Earlier it was possible to submit applications for registration via the Electronic Platform of Public Administration Services (ePUAP), which is a Polish nationwide platform for communication of citizens with public administrations in a uniform and standardised way.

Is it possible to make payments online direct to the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Yes. Fees for proceedings can be paid online into the bank account of the PPO.

However, fees can still be paid in cash at the reception desk, although, the PPO encourages using other forms of making payments, for example, through bank transfers or postal orders.

Has the intellectual property office/IP Registry of your jurisdiction made changes to any deadlines/timelines provided for in the law/applicable regulation of your jurisdiction? If so, please provide full details.

Yes. The Anti-Crisis Act: (i) suspended time limits between 8 March 2020 and 30 June 2020 for filing opposition to a trade mark registration and translation of a European Patent; and (ii) interrupted application of time limits that had commenced which limits will commence anew from 1 July 2020.

Example: A time limit for filing opposition was 20 May 2020; the three months for opposition was interrupted on 8 March 2020 and will commence anew from 1 July 2020, meaning that the deadline to oppose will be 1 October 2020.

Time limits in disputes and registration proceedings in the PPO that applied on 31 March 2020 (entry into force of the Anti-Crisis Act) were suspended (not interrupted) and will commence anew on 24 May 2020. Time limits that had not begun before 31 March 2020 will now commence on 24 May 2020.

Nonetheless, the PPO encourages parties to comply with the original time limits if possible. Action taken when the time limits were halted or suspended will be effective.

Are in-person/online searches possible of the registers/records maintained by the intellectual property office/IP Registry of your jurisdiction? Please provide details including of any changes due to Covid-19 and government/state actions to prevent spread of the virus.

The reading room at the PPO was closed on 6 March 2020 and, therefore, it is not possible to search registers/records in person.

In January 2020 the PPO commenced the following services:

- e-Wyszukiwarka (e-Search), enabling searching public data on industrial property objects registered nationally;
- e-Rejstry (e-Registers), providing easy insight into the subject of industrial property protection in Poland, which includes changes over time. A user can pay a fee and apply for an extract from the e-Register. Therefore, there is no need to browse the registry.

The PPO had introduced in 2012 the Register Plus system which is an internet service for easy access to IP information. It contains data on trade marks, inventions and utility models, additional protection rights and European Patents designated by applicants for protection in Poland.

Is it possible for hearings which would normally have to be attended to in person to be conducted online? If so, since when?

Online hearings in the PPO are not possible yet.

Are there any other changes due to Covid-19 and government/state actions to prevent spread of the virus which persons dealing with IP in your jurisdiction should be aware of?

No.

Jurisdiction: Sri Lanka



John Wilson

John Wilson Partners

Has the intellectual property office/IP Registry of your jurisdiction taken any measures due to Covid-19 and government/state actions to prevent spread of the virus?

The National Intellectual Property Office was closed from 16 March 2020 to 11 May 2020.

Is it possible to file applications online with the intellectual property office/IP Registry of your jurisdiction? If so, since when?

It is possible using the email addresses provided by the National Intellectual Property Office.

Is it possible to make payments online direct to the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Yes, it is possible.

Has the intellectual property office/IP Registry of your jurisdiction made changes to any deadlines/timelines provided for in the law/applicable regulation of your jurisdiction? If so, please provide full details.

Deadlines to file written submissions/other documents from 16 March 2020 to 31 May 2020 will be extended until 31 July 2020. As online payments are allowed, the deadlines to pay the official fees to secure priority dates, renewal deadlines and opposition deadlines will not be extended.

Are in-person/online searches possible of the registers/records maintained by the intellectual property office/IP Registry of your jurisdiction? Please provide details including of any changes due to Covid-19 and government/state actions to prevent spread of the virus.

The National Intellectual Property Office has notified that hearings which were scheduled to be held during the period of closure will be rearranged and the new dates will be informed in due course.

Is it possible for hearings which would normally have to be attended to in person to be conducted online? If so, since when?

This is only possible by prior appointment from 18 May 2020.

Are there any other changes due to Covid-19 and government/state actions to prevent spread of the virus which persons dealing with IP in your jurisdiction should be aware of?

No.

Jurisdiction: Thailand



Kowit Somwaiya and Hathaichanok Limpattanakul

LawPlus Ltd, Bangkok

Has the intellectual property office/IP Registry of your jurisdiction taken any measures due to Covid-19 and government/state actions to prevent spread of the virus?

Yes. The Department of Intellectual Property (DIP) issued a notice dated 24 March 2020 to allow late filing of a response to the office action order, provided that a late filing request and evidence, for example a copy of passport, a medical certificate, is submitted with the DIP within 15 days after the end of the Covid-19-related cause of the delay to give the details and the reasons for the late filing. If the DIP allows such request, the response to the office action order must be filed within 30 days from the date of receipt of the DIP's allowance order. If the DIP rejects the late filing request, the applicant is entitled to file an appeal with the Thai Trademark Board (TMB) against such rejection order within 15 days from the date of receipt of the DIP's rejection order.

Is it possible to file applications online with the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Yes. The DIP has allowed e-filing of applications since 6 November 2017.

Is it possible to make payments online direct to the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Yes, since 2017. However, the payments of trade mark registration fees and patent publication fees must be done at the Thai Trademark Office (TMO) and Thai Patent Officer (TPO) of DIP.

Has the intellectual property office/IP Registry of your jurisdiction made changes to any deadlines/timelines provided for in the law/applicable regulation of your jurisdiction? If so, please provide full details.

No change.

Are in-person/online searches possible of the registers/records maintained by the intellectual property office/IP Registry of your jurisdiction? Please provide details including of any changes due to Covid-19 and government/state actions to prevent spread of the virus.

Online trade mark searches and online patent searches have been possible for several years before the Covid-19 lockdown.

Is it possible for hearings which would normally have to be attended to in person to be conducted online? If so, since when?

No hearings are possible at the TMO and the TPO. There is no provision under the trade mark law and the patent law that allows hearings with the TMO, the TMB, the TPO and the Patent Board.

Are there any other changes due to Covid-19 and government/state actions to prevent spread of the virus which persons dealing with IP in your jurisdiction should be aware of?

Thailand has been under a lockdown since 10 April 2020 and the lockdown has been extended until 30 June 2020. However, the TMO and the TPO are open as usual albeit with a lesser number of officials working in the office each day.

Jurisdiction: Turkey



Özge Atılğan Karakulak, Partner

Gun and Partners

Has the intellectual property office/IP Registry of your jurisdiction taken any measures due to Covid-19 and government/state actions to prevent spread of the virus?

The Turkish Patent and Trademark Office (TurkPatent) is open and active. According to the Presidential Circular No 2020/4, published in the Repeated Official Gazette dated 22 March 2020 and numbered 31076, it has been decided that the number of personnel serving in public bodies will be kept to the minimum and flexible working methods such as remote or shift working will be implemented for public employees. However, as TurkPatent is a paperless office and has a functional e-filing system, the services of TurkPatent are not interrupted in this period.

Is it possible to file applications online with the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Filing online applications was already possible before the Covid-19 pandemic.

Is it possible to make payments online direct to the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Online payment to the TurkPatent was already possible before the Covid-19 pandemic.

Has the intellectual property office/IP Registry of your jurisdiction made changes to any deadlines/timelines provided for in the law/applicable regulation of your jurisdiction? If so, please provide full details.

According to the Law No 7226, which was published in the Official Gazette on 26 March 2020, all time limits expiring on or after 13 March 2020 are suspended. This suspension also effects the relevant time limits and deadlines set out in the Industrial Property Code No 6769.

The suspended time limits and new deadlines regarding IP applications will be calculated by TurkPatent as follows in accordance with the Law No 7226 and the President's Resolution No 2480 dated 29 April 2020:

- Given time limit expires on 12 March 2020 or in an earlier date, the deadline is not changed.
- Given time limit expires on or between 13–27 March 2020, the new deadline is 30 June 2020.
- Given time limit expires on or between 28 March 2020 to 15 June 2020, the new deadline will be calculated by adding the number of days remaining to the former deadline as of 13 March to the date of 16 June.
- Given time limit starts before 13 March 2020 and expires on or after 15 June 2020, the new deadline is the expiry date of the given time limit plus 95 days.
- Given time limit starts on or between 13 March 2020 to 15 June 2020, the given time limit will start on 16 June 2020.

Are in-person/online searches possible of the registers/records maintained by the intellectual property office/IP Registry of your jurisdiction? Please provide details including of any changes due to Covid-19 and government/state actions to prevent spread of the virus.

Online searches were possible before the pandemic since registers maintained by TurkPatent are available online. In-person searches are restricted due to Covid-19.

Is it possible for hearings which would normally have to be attended to in person to be conducted online? If so, since when?

There are no oral hearings held at the TurkPatent.

Are there any other changes due to Covid-19 and government/state actions to prevent spread of the virus which persons dealing with IP in your jurisdiction should be aware of?

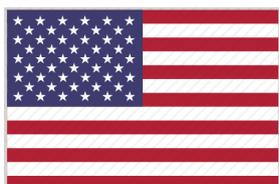
All the prosecution procedures are maintained, remotely.

IP litigations in Turkey take place in front of specialised IP courts. During the Covid-19 health crisis courts have worked only in urgent cases. The courts will resume activities gradually and oral hearings will take place after 15 June 2020.

Official copies are sent by post; official copies of documents are also provided in pdf format with authentication by electronic signature.

Training courses are suspended but webinars have been organised.

Jurisdiction: United States



James R Klaiber, Dr Lynn M Russo, Hong P Lee

Hughes Hubbard & Reed LLP

Has the intellectual property office/IP Registry of your jurisdiction taken any measures due to Covid-19 and government/state actions to prevent spread of the virus?

Both the United States Patent and Trademark Office (USPTO) and the US Copyright Office have taken measures in response to the Covid-19 outbreak, which include several filing timeline/deadline extensions as explained more in the answer to the question below.

Patents and trade marks:

Besides the extension of certain filing deadlines, the USPTO has taken the following measures to prevent spread of the virus:

- All in-person meetings including examiner and examining attorney interviews and oral hearings, scheduled to take place at the USPTO offices on or after 13 March 2020, have been and will continue to be conducted remotely by phone or videoconference.
- Since 16 March 2020, all USPTO offices were closed to the public. In 2012, the USPTO implemented widespread 'telework', so most patent examiners and trade mark examining attorneys have had remote work capability for some time.
- On 19 March 2020, the USPTO waived the original handwritten signature requirement for certain correspondence with the Office of Enrollment and Discipline and certain payments by credit card.
- On 6 May 2020, the USPTO allowed filing of plant patent applications and correspondence online.
- The USPTO continues to update its responsive measures to Covid-19. A full list of the responsive measures is available at www.uspto.gov/coronavirus.

Copyrights:

The US Copyright Office's measures in response to Covid-19 include the following:

- As of 20 March 2020, refusal letters have been sent to applicants via email, instead of by hard copy letter. The Office also has been responding to requests for reconsideration by email.
- As of 18 March 2020, the Office has implemented extended telework requirements, which limited the number of onsite staff and modified the Office's special handling policy for copyright owners who need to register works on an expedited basis.
- On 2 April 2020, the Office established an interim rule aimed at mitigating the Covid-19 impact on electronic applications accompanied by physical deposits. This rule essentially allows electronic applicants who would otherwise provide a physical deposit as part of his or her application to instead provide an electronic copy that is identical to the physical copy.

- On 8 April 2020, the Office allowed submission by email for certain services including filing notices of termination for recordation, requests for reconsideration of refusal to register and requests for removal of personally identifiable information from the public record.
- A full list of the US Copyright Office's responsive measures is available at www.copyright.gov/coronavirus.

Is it possible to file applications online with the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Online filing of patent applications through the EFS-Web system has been available since 16 March 2006. Filing trade mark applications online with the USPTO has been available since October 1998. Online copyright registration with the US Copyright Office has been in place since July 2008. Patent applicants may file applications online via www.uspto.gov/patents-application-process/file-online. Trade mark applications can be filed via the Trademark Electronic Application System (TEAS) at www.uspto.gov/trademarks-application-process/filing-online/initial-application-forms. Copyrights can be registered online via www.copyright.gov/registration.

Is it possible to make payments online direct to the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Online payment is available for patent and trade mark matters by the USPTO's fee payment portal, 'Financial Manager' (<https://fees.uspto.gov/FinancialManager>), which has been available since August 2016. However, even prior to the launch of Financial Manager, online payments have been available for some time via Electronic Fund Transfer (EFT). Using EFT, users could perform an online transaction via the USPTO website by authorising the USPTO to withdraw funds directly from the payer's designated bank account. Online payment is also available for copyright registrations. The Copyright Office uses 'Pay.go' (<https://pay.gov/public/home>), a US Treasury Department system for secure processing of online payments to federal administrative agencies, which launched in October 2000.

Has the intellectual property office/IP Registry of your jurisdiction made changes to any deadlines/timelines provided for in the law/applicable regulation of your jurisdiction? If so, please provide full details.

Patents and trade marks:

On 31 March 2020, the USPTO first announced that it will allow an extension of time for some patent and trade mark filing deadlines, for IP owners and applicants who are experiencing difficulty meeting such deadlines as the result of the Covid-19. The announcement is available at www.uspto.gov/about-us/news-updates/uspto-announces-extension-certain-patent-and-trade-mark-related-timing. The extension for filing timeline is authorised pursuant to the Coronavirus Aid, Relief and Economic Security Act (CARES Act), which authorises the Director of the USPTO to 'toll, waive, adjust, or modify' patent and trade mark statutory filing deadlines.

In addition to its announcement on 31 March 2020, the USPTO further extended the time to file certain patent and trade mark-related documents and fees to 1 June 2020. This announcement was made on 28 April 2020 and is available at www.uspto.gov/about-us/news-updates/uspto-extends-certain-patent-and-trademark-deadlines-june-1.

On 27 May 2020, the USPTO granted further timeline extension for filing certain patent-related documents and payment of required fees. Specifically, the USPTO granted relief for small and micro entities, by announcing that filings that would have been deemed timely filed, if filed by 1 June 2020,

will now be deemed timely filed if filed by 1 July 2020. This announcement is available at www.uspto.gov/about-us/news-updates/uspto-grants-further-relief-certain-patent-related-fees-and-deadlines.

Also on 27 May 2020, the USPTO announced that it will continue to waive the fee for petitions to revive trade mark applications or reinstate registrations that became abandoned or expired/cancelled as a result of Covid-19, with a statement that the delay in filing or payment was due to the Covid-19 outbreak. Thus, the waiver of the petition fee granted in the 28 April 2020 announcement will continue until 30 June 2020. This announcement is available at www.uspto.gov/about-us/news-updates/uspto-grants-further-relief-certain-trademark-related-fees-and-deadlines.

More details about timeline extension for patent application, patent re-examination and matters before the Patent Trial and Appeal Board (PTAB) are available at www.uspto.gov/sites/default/files/documents/Patents-Notice-CARES-Act-2020-03.pdf. Also, more details about timeline extension for trade mark applications, registration and matters before the Trademark Trial and Appeal Board (TTAB) are available at www.uspto.gov/sites/default/files/documents/TM-Notice-CARES-Act.pdf.

In addition to the above timeline changes, on 8 May 2020, the USPTO announced the implementation of a pilot program under which examinations for Covid-19-related patent applications of small businesses will be prioritised without additional fees. To qualify, the application must cover a product or process that is subject to US Food and Drug Administration approval for use in the prevention and/or treatment of Covid-19. This announcement is available at www.uspto.gov/about-us/news-updates/uspto-announces-covid-19-prioritized-examination-pilot-program-small-and. On 18 May 2020, the USPTO launched a webpage where users may find additional information including eligibility for filing under the pilot program. It is available at www.uspto.gov/initiatives/covid-19-prioritized-examination-pilot.

Copyrights:

On 31 March 2020, the Copyright Office exercised its authority under the CARES Act to adjust timing provisions related to certain registration for registrants affected by Covid-19. Specifically, the Copyright Office extended the three-month window following first publication of a work, within which an applicant must register the work in order to be eligible for the statutory damages in an infringement action. Under the current extension, if an applicant files an application electronically but is unable to submit a required physical deposit, the period to submit the physical deposit will be extended until 30 days after the date the Copyright Office announces that the disruption has ended. If an applicant is unable to submit an application electronically or physically during the disruption, the applicable three-month window will be tolled between 13 March 2020 and the date that the Copyright Office announces that the disruption has ended. These timing adjustments do not apply to applications that can be submitted entirely online. On 1 May 2020, the Copyright Office determined that the timeline adjustment should be extended for up to an additional 60 days and, therefore, the timing adjustment will be effective until 10 July 2020, unless the Office determines further extension is necessary. Full details of currently effective timing adjustment for copyright registration can be found at www.copyright.gov/coronavirus. See the announcement under the title 'Adjustments to Copyright Act Timing Provisions for Persons Affected by Covid-19'.

Are in-person/online searches possible of the registers/records maintained by the intellectual property office/IP Registry of your jurisdiction? Please provide details including of any changes due to Covid-19 and government/state actions to prevent spread of the virus.

The USPTO provides multiple resources that enable users to conveniently search for information including, but not limited to patents, patent applications and patent application status. The list of links to the available resources is at www.uspto.gov/patents-application-process/search-patents. Trade mark searching is also available online through Trademark Electronic Search System (TESS). Trade mark status and documents filed in the course of trade mark prosecution may also be searched online, via Trademark Status and Document Retrieval (TSDR), available at <http://tsdr.uspto.gov>. In-person searches of records pertaining to patents and trade marks are currently unavailable due to the USPTO office closure as of 15 March 2020. The US Copyright Office provides a 'Virtual Card Catalog' that users may access to identify copyright registration records (<https://vcc.copyright.gov/browse>). The Copyright Office closed to the public on 13 March 2020 until further notice and, therefore, in-person searches are unavailable. As of 20 May 2020, there have been no Covid-19-related changes to the online search system of the USPTO and the US Copyright Office.

Is it possible for hearings which would normally have to be attended to in person to be conducted online? If so, since when?

All PTAB and TTAB oral hearings scheduled to take place on or after 13 March 2020, have been conducted online by video or telephone. As of 20 May 2020, there are no updates regarding when in-person PTAB and TTAB oral hearings will resume.

On 18 May 2020, the US Court of Appeals for the Federal Circuit, which hears all appeals in patent cases, announced that all in-person arguments will be suspended until further notice and all arguments scheduled after the June 2020 session will be conducted telephonically. The Federal Circuit previously announced the suspension of all in-person arguments and implementation of telephonic conference on 18 March 2020 and the announcement on 18 May 2020 extended that measure.

The Supreme Court of the US has been conducting oral arguments by telephone conference since 4 May 2020 in a limited number of previously postponed cases. This is the first time the US Supreme Court has held arguments by telephone.

Are there any other changes due to Covid-19 and government/state actions to prevent spread of the virus which persons dealing with IP in your jurisdiction should be aware of?

US District Courts:

In the US, intellectual property disputes are principally heard, in the first instance, by US District Courts. Examples of actions taken by some of the courts that hear many intellectual property disputes are summarised below.

- On 20 April 2020, the US District Court for the Southern District of New York suspended the conduct of jury trials until further order of the court. The Southern District of New York continues to update its standing orders in response to Covid-19 at their website <https://nysd.uscourts.gov> (see Standing Order M-10-468). On 21 April 2020, the US District Court for the Eastern District of New York ordered that all civil jury trials scheduled to commence

between 27 April 2020 and 15 June 2020 are continued pending further order of the court. The Eastern District of New York continues to update its orders in response to Covid-19 at www.nyed.uscourts.gov (see Administrative Order No 2020-15).

- On 27 May 2020, the US District Court for the District of Delaware ordered that all jury trials scheduled to begin before 30 June 2020 are continued pending further order of the court. Delaware continues to update its standing orders in response to Covid-19 at www.ded.uscourts.gov (see Revised Standing Order).
- On 26 May 2020, the US District Court for the Northern District of Illinois ordered that all civil jury trials will not be conducted before 3 August 2020 and trials set to begin before 3 August will be reset by the presiding judge. Illinois continues to update its standing orders in response to Covid-19 at www.ilnd.uscourts.gov (see General Order 20-0012).
- On 22 May 2020, the US District Court for the District of New Jersey ordered that all civil jury trials shall be continued to 31 August 2020. New Jersey continues to update its standing orders in response to Covid-19 at www.njd.uscourts.gov (see Standing Order 2020-12).
- On 13 April 2020, the US District Court for the Central District of California ordered that all civil jury trials will be suspended until after 1 June 2020 or otherwise ordered by the court. The Central District of California continues to update its general orders in response to Covid-19 at www.cacd.uscourts.gov (see General Order No 20-05).
- On 21 May 2020, the US District Court for the Northern District of California ordered that all new civil jury trials will be suspended up to 30 September 2020. The order also noted that individual judges may offer bench trials by videoconference in lieu of postponement. Until 30 September 2020, all civil cases will be decided on the papers, or if the assigned judge believes a hearing is necessary, it will be done by telephone or videoconference. The Northern District of California continues to update its general orders in response to Covid-19 at www.cand.uscourts.gov (see General Order No 72-3).
- On 8 May 2020, the US District Court for the Western District of Texas ordered that all civil bench and jury trials scheduled to begin on any date through 30 June 2020 are continued to a date to be reset by each presiding judge. The Western District of Texas continues to update its orders in response to Covid-19 at www.txwd.uscourts.gov (see Supplemental Order Regarding Court Operations under the Exigent Circumstances created by the Covid-19 Pandemic).
- On 22 April 2020, the US District Court for the Eastern District of Texas ordered that its General Order 20-03 shall terminate at 2359 hours on 31 May 2020. Previously, the court issued General Order 20-03 that all civil jury trials scheduled to begin on any date through 1 May 2020, are continued to a date to be reset by each presiding judge. The Eastern District of Texas continues to update its general orders in response to Covid-19 at www.txed.uscourts.gov (see General Order 20-09; General Order 20-03).

US International Trade Commission:

The US International Trade Commission (ITC), a US government agency that conducts investigation and adjudication of cases involving violation of US intellectual property rights by imported goods, announced on 14 May 2020 that the following Covid-19 responsive measures will be in effect until 10 July 2020 (full list available at www.usitc.gov/press_room/featured_news/usitc_response_covid_19.htm):

- All ITC employees work remotely and may be contacted via telephone and email as usual.
- The ITC office is closed to the public.
- Any in-person hearings are postponed until after 10 July 2020. All pre-hearing discovery will continue.

- Section 337 complaints will still be reviewed. Section 337 complaints may be filed electronically. For more detailed Section 337-related information, see www.usitc.gov/frequently_asked_questions?f%5B0%5D=field_faq_section%3A2786.
- All scheduled in-person group meetings, conferences and seminars are cancelled or postponed until 10 July 2020.
- Freedom of Information Act (FOIA) requests seeking documents available only in hard copies may be delayed.

Jurisdiction: Uruguay



Virginia Cervieri

Cervieri Monsuárez

Has the intellectual property office/IP Registry of your jurisdiction taken any measures due to Covid-19 and government/state actions to prevent spread of the virus?

Yes, they work remotely.

Is it possible to file applications online with the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Yes. Since August 2018.

Is it possible to make payments online direct to the intellectual property office/IP Registry of your jurisdiction? If so, since when?

Yes. Since August 2018.

Has the intellectual property office/IP Registry of your jurisdiction made changes to any deadlines/timelines provided for in the law/applicable regulation of your jurisdiction? If so, please provide full details.

No.

Are in-person/online searches possible of the registers/records maintained by the intellectual property office/IP Registry of your jurisdiction? Please provide details including of any changes due to Covid-19 and government/state actions to prevent spread of the virus.

Yes, we can perform an online-search in the Trade Mark Office database.

Is it possible for hearings which would normally have to be attended to in person to be conducted online? If so, since when?

Currently, there is no resolution. They will probably be in person in accordance with all the sanitary measures.

Are there any other changes due to Covid-19 and government/state actions to prevent spread of the virus which persons dealing with IP in your jurisdiction should be aware of?

No.