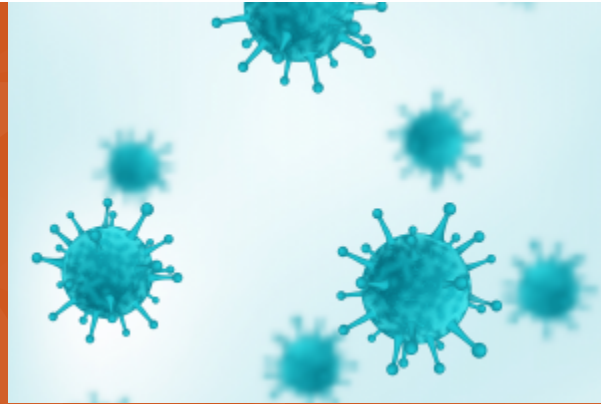


COVID-19 Alert: Accelerated Trademark Examination

Trademark Office Offers Accelerated Examination For COVID-19-Related Trademark Applications

By: Sean D. Detweiler
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The USPTO recently announced that it is accepting petitions to accelerate the timeline for examination of new trademark applications for trademarks used to identify certain COVID-19 medical products and services (see [USPTO: Relief Available to Trademark and Service Mark Applicants in View of the COVID-19 Outbreak: Petitions to Prioritize the Initial Examination of Certain Applications](#)). Typically there is a petition fee, but that fee is being waived.

Note: this does not apply to all trademarks. To qualify for the accelerated examination procedure, applicants must seek registration for a mark for:

- Pharmaceutical products or medical devices that prevent, diagnose, treat, or cure COVID-19 and are subject to approval by the US Food and Drug Administration, such as:
 - diagnostic tests;
 - ventilators; and
 - personal protective equipment.
- Medical services or medical research services for the prevention, diagnosis, treatment of, or cure for COVID-19.

The application may also include additional, related, goods or services.

The process requires that the trademark application be filed with the Trademark Office in the normal course. After filing the application, a petition is then filed to the Director under 37 C.F.R. 2.146(a)(3):

- seeking to advance the initial examination of the application out of regular order;
- accompanied by an affidavit or declaration explaining how the application's goods or services are related to COVID-19; and
- filed using the Trademark Electronic Application System (TEAS).

If the petition is granted, the application will be assigned to an examining attorney for review immediately, which should expedite examination by approximately two months. Typical wait times for examination we are experiencing with non-COVID-19 trademark applications is about 4 months – as such, this new petition process appears to cut the wait time approximately in half.

For more information, or to pursue an accelerated trademark examination timeline, please contact [Sean Detweiler](#).

