



LEGAL UPDATES

USPTO Launches the COVID-19 Response Resource Center to Boost Innovation

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On June 3, 2020, the USPTO launched the COVID-19 Response Resource Center as a centralized hub for information about the USPTO's efforts to accelerate innovation and promote new technologies in response to the COVID-19 pandemic. The USPTO's new Resource Center also provides helpful information to keep inventors, entrepreneurs, companies, research centers, and other interested parties apprised of developments to aid innovation, protect intellectual property rights, and help navigate available resources, both within the United States and internationally.

Throughout the COVID-19 pandemic, the USPTO has stressed the importance of encouraging and protecting innovation. In a recent joint statement between the USPTO and the European Patent Office (EPO) issued on April 30, 2020, it was noted that industries that make intensive use of Intellectual Property Rights generate approximately 40% of GDP and are directly and indirectly responsible for around 30% of jobs. Moreover, such industries account for approximately more than 1 Trillion USD in exports each year. The Joint Statement noted further that "such innovation has long served as the driving engine of human development, and will continue to do so."

As a result, the USPTO has made a concerted effort during the pandemic to provide inventors, entrepreneurs, researchers and businesses with improved access to USPTO initiatives, programs, and information related to the COVID-19 outbreak. This has included providing extensions and fee waivers for delays associated with the outbreak. See Lathrop GPM's prior alert [here](#). Other efforts and programs have been aggregated into the new COVID-19 Response Resource Center, which can be accessed [here](#).

The USPTO's Resource Center addresses four main areas of resources:

- Patent and licensing resources
- Innovation incentives
- Trademark counterfeiting and consumer fraud
- International IP updates

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Information related to each of these areas has been centralized into a convenient resource to assist interested parties. The Resource Center will be updated on a continuing basis as new programs, initiatives, and information are developed.

Patent and Licensing Resources

The USPTO's Resource Center provides access to two initiatives created by the USPTO to foster innovation and commercialization in COVID-19 related technologies. On May 4, 2020, the USPTO introduced the "Patents 4 Partnerships" as a web-based intellectual property marketplace platform for licensing opportunities. Notably, the platform provides the public with a user-friendly, searchable repository of patents and published applications related to the COVID-19 outbreak that are available for licensing.

The USPTO's Pro Bono Program, which began in 2011, is a nationwide network of regional programs, coordinated by the USPTO, that match volunteer patent professionals with financially under-resourced inventors and small businesses with the aim to provide assistance in the filing and prosecution of patent applications for free. The Resource Center can help inventors apply for the Pro Bono Program and connect with a volunteer patent professional.

Additionally, the Resource Center provides links to special resources and information for inventors and entrepreneurs, including patent and trademark basics.

Innovation Incentives

During the COVID-19 pandemic and the associated economic slow-down, the USPTO has recently developed programs to help incentivize innovation in the United States. For example, on May 14, 2020, the USPTO began accepting requests for prioritized examination under the USPTO COVID-19 Prioritized Examination Pilot Program for small and micro entities, which Lathrop GPM wrote about [here](#). This Pilot Program provides an opportunity to accelerate prosecution of COVID-19 related technologies, without the payment of fees normally required for prioritized examination, to as quick as 12-months or even down to six-months.

The USPTO is also actively encouraging applicants to consider voluntary early patent publication of applications pursuant to 37 C.F.R. § 1.219 involving technologies related to the diagnosis, prevention or treatment of COVID-19. Generally, pending patent applications are published 18 months after the earliest effective filing date. Applicants have always had the option to request earlier publication at no extra cost. In this regard, the USPTO notes that "[e]arly voluntary publication can facilitate collaborations, partnerships, or joint ventures", which, in turn, "can spur and expedite the development of critically needed technologies" to find creative solutions to the COVID-19 outbreak.

Trademark Counterfeiting and Consumer Fraud

During the COVID-19 outbreak, consumer dependence on e-commerce and online retail has increased. As a result, trademark counterfeiting and consumer fraud have become more prevalent. For example, the COVID-19 outbreak has led to an increase in fraudulent activity relating to the sale and advertising of counterfeit treatments and healthcare products. In such times of uncertainty, strong trademark protection is paramount. The USPTO's Resource Center provides means and resources to help the general public identify potential scams, and further report instances of fraud and counterfeiting to the Department of Homeland Security, the Federal Trade Commission and the Food and Drug Administration.

International IP Updates

The USPTO's Resource Center also provides information on international IP developments and how foreign patent offices are dealing with the COVID-19 pandemic through a COVID-19 IP Policy Tracker operated by the World Intellectual Property Organization (WIPO). In this regard, the Resource Center also provides links to helpful updates from WIPO to assist with Patent Cooperation Treaty (PCT) applications, Madrid Protocol trademark applications, and Hague Agreement applications for international protection of industrial designs.



In announcing the launch of the USPTO's COVID-19 Response Resource Center, Andrei Iancu, Under Secretary of Commerce for Intellectual Property and Director of the USPTO, stated that the new Resource Center "will provide inventors, entrepreneurs, and IP practitioners with a centralized destination to access information and assistance needed to meet the challenges of these times."

Lathrop GPM has been actively assisting clients with COVID-19-related patent and trademark matters. Lathrop GPM's IP and IP Litigation Practice Groups can help navigate through these issues and the USPTO's resources to ensure that your rights are properly secured and fully protected. For more information, please contact [Tucker Griffith](#) or your Lathrop GPM contact.