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USPTO Responds to Surge in Trademark Registration Applications

Recently, the United States Patent and Trademark Office (“USPTO” or “Agency”) has reported a huge surge in trademark registration application filings. This has resulted in unusual delays in almost all of the USPTO’s trademark functions. Since Fall 2020, filings of trademark registration applications have increased by over 60%, compared to 2019 levels. More specifically, the USPTO reports that in December 2020 alone, the Agency has received 92,608 trademark applications, an increase of 172% over December 2019! The USPTO announced that “applications are coming in faster than we have historically been able to examine them, and the backlog is increasing.”

The surge of registration applications is largely due to an increase in e-commerce during the pandemic, large numbers of filings by Chinese applicants, and Amazon’s requirement that vendors obtain a federal registration to register with Amazon Brand Registry.

As a result of this surge, the USPTO reports that the applicants may experience longer than normal wait times in the following circumstances:

Expect delays in the examination of new applications.

Historically, new applications have been reviewed by the USPTO between two and three months after the application is filed. With the huge surge in filings, the USPTO’s unexamined application inventory is much higher and it’s taking between four and five months to examine initial applications, and often even close to six months. This delay can be particularly problematic if you are waiting to decide to file foreign trademark registration applications until you are sure your U.S. application will survive examination.

Responses to office actions now can take several months.

Processing times for responses to office actions normally average about 14 days. Currently, processing by the examination support unit may take 90 days or more.

Post-registration maintenance takes twice as long.

Processing times for post-registration maintenance such as renewals or filing declarations of continued use normally average about 30 days. Currently, Post Registration processing take about double that time, about 60 days.

The USPTO is working hard to restore timely service for trademark customers, which has apparently hired lots of new trademark examiners and staff. The USPTO’s backlog is out of our control and there is little to nothing we can do to accelerate your applications. We strive to promptly report any updates we receive from the USPTO regarding your pending registration applications. Of course, your Peacock Law attorneys are available for any questions you may have regarding the status of your application.