

# New deadline to respond to office actions for applications

Beginning on December 3, 2022, trademark applicants will have three months (with a possible three-month extension), instead of the current six months, to respond to office actions issued during the examination of a trademark application at the United States Patent and Trademark Office (USPTO). This change only applies to office actions issued on or after December 3.

By shortening the response time, the USPTO intends to:

- Decrease the time it takes to get a registration
- Provide the flexibility to request additional time to respond to more complex office actions

This new response period will **not** apply to post-registration office actions on December 3, 2022. Changes to the post-registration response period will be implemented on October 7, 2023.

Read the [Federal Register Notice](https://www.federalregister.gov/public-inspection/2022-22217/changes-to-implement-provisions-of-the-trademark-modernization-act-of-2020-correction?utm_campaign=subscriptioncenter&utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=) ([https://www.federalregister.gov/public-inspection/2022-22217/changes-to-implement-provisions-of-the-trademark-modernization-act-of-2020-correction?utm\\_campaign=subscriptioncenter&utm\\_content=&utm\\_medium=email&utm\\_name=&utm\\_source=govdelivery&utm\\_term=](https://www.federalregister.gov/public-inspection/2022-22217/changes-to-implement-provisions-of-the-trademark-modernization-act-of-2020-correction?utm_campaign=subscriptioncenter&utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=)) to learn more about these changes.

## Application filing bases that are subject to the deadline

The new response period applies to most application filing bases.

Applies to	Does not apply to
Use in commerce section 1(a)	Madrid Protocol section 66(a)
Intent to use section 1(b)	
Foreign application section 44(e)	
Foreign application section 44(d)	

The deadline for responding to office actions for Madrid Protocol section 66(a) applications will remain at six months, given the additional processing time these applications take.

## Response to all issues required by the deadline

You must file your response by the deadline. You can calculate the three-month deadline from the “issue date” in the office action.

When [responding to office actions \(/trademarks/maintain/responding-office-actions\)](/trademarks/maintain/responding-office-actions), make sure you’re providing a complete response that addresses all outstanding issues in the office action.

## Need more time to respond?

We understand that some application issues are more complex and may require additional time to respond. Therefore, you can request a single three-month extension for a \$125 fee. You can only file the Request for Extension of Time to File a Response form **if you haven’t already filed your response**. We must receive the request on or before the initial deadline in your office action. If the extension request is granted, we must receive your response within six months of the “issue date” in the office action.

You can't request an extension of time if you filed a Madrid Protocol section 66(a) application or if your office action was issued before December 3, 2022, as the response period will remain at six months for those applications.

## What happens if the response deadline isn't met?

Your application will be abandoned if you don't respond to your office action or request an extension on or before the three-month deadline. This means we will no longer process your application. You will need to file a [petition to revive your application \(/trademarks/apply/reviving-abandoned-application\)](#) for a fee, or start the application process over again.

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Published on: Oct 12, 2022 03:06 PM EDT

Last Modified: Oct 27, 2022 09:58 AM EDT