

Cantor Colburn Client Alert: USPTO Requires U.S. Patent Counsel for Foreign-Domiciled Applicants and Patent Owners Effective July 20, 2026

On March 20, 2026, the U.S. Patent and Trademark Office (USPTO) issued a [final patent rule](#) amending the Patent Rules of Practice to require that patent applicants and patent owners, whose domicile is not located within the United States or its territories, be represented by a registered U.S. patent practitioner. That final rule will take effect on July 20, 2026, and will apply to currently pending applications as well as to issued patents.

According to the final rule, this change is intended to align U.S. patent practice with that of most other major patent offices worldwide, which often require foreign applicants and patent owners to correspond and conduct business with the USPTO through registered U.S. patent practitioners. The rule is also designed to improve the Office's processing efficiency and strengthen its ability to enforce compliance with U.S. statutory and regulatory requirements, including addressing false certifications, misrepresentations, fee abuse, and fraud.

Domicile and Enforcement

For a natural person, "domicile," as used in the rule, refers to the individual's permanent legal place of residence. For a company or other juristic entity, domicile refers to the entity's principal place of business. In determining domicile, the USPTO will typically rely on information provided in documents filed with the Office, including application data sheets and inventor declarations, and may consult additional sources, if necessary. In the case of mixed-domicile applicants or owners, the rule provides that if *any* applicant or patent owner is foreign-domiciled, representation by registered U.S. patent counsel is required. Moreover, while an application that meets the minimum requirements for initial filing may still be granted a filing date without a U.S. representative, the rule makes clear that substantive filings such as amendments, responses, information disclosure statements, petitions and the like will not be entered or considered unless they are signed by a registered U.S. practitioner.

Practical Takeaways

Inventors or companies located outside the United States who are not represented or are prosecuting applications pro se, should carefully review their U.S. patent portfolios to identify matters that may require action on or after July 20, 2026, and engage a registered



U.S. patent practitioner as soon as possible. Failure to comply with the new U.S. representation requirement may result in papers not being entered or considered by the USPTO, with potentially significant consequences for application pendency or the status of issued patents.

For Further Information and Assistance

[Cantor Colburn LLP](#) brings decades of experience in patents and all areas of intellectual property law. If you have questions about this matter or any other IP-related issue, please contact [your Cantor Colburn attorney](#). This alert was prepared by Cantor Colburn Partners [Todd E. Garabedian, Ph.D.](#) with contributions from [Michael H. Brodowski, Ph.D.](#)

Please note that each situation has its own unique circumstances and ramifications. This client alert is for informational purposes only and is not legal advice.