

USPTO to Require Registered Practitioners for Foreign Patent Applicants

New final rule takes effect July 20, 2026, closing the door on pro se filings by applicants and patent owners domiciled outside the United States.

The United States Patent and Trademark Office (USPTO) published a [final rule](#) on March 19, 2026, requiring foreign patent applicants and patent owners to be represented by a practitioner registered and in good standing with the Office. The rule, which comes into effect on July 20, 2026, marks a procedural shift from previous practice, which allowed both foreign and U.S. applicants to represent themselves.

Reasoning

The USPTO's Federal Register Notice (FRN) explained that the change will bring the Office in line with most other countries, as well as assist with efficiency, fraud prevention and compliance enforcement. For example, the FRN noted that in the case of *pro se* inventor-applicants, “*abandonment of the application effectively terminates the USPTO's ability to gather information.*” This makes it difficult to track when the same party submits a subsequent application. “*However, when a registered patent practitioner is of record in the application or files papers in the application, the ability of the USPTO to gather information about the certifications or representations that were made extends beyond abandonment of the application.*”

Additionally, there has been an uptick in “*the number of false micro entity certifications to claim a reduction in fees and other false certification documents being filed,*” according to the Notice.

In April 2025, the USPTO announced [a new working group](#) dedicated to expanding the Office's efforts to mitigate threats to the U.S. patent system. The group was formed partly in response to cases such as [In re Yang, Proceeding No. D2024-04 \(February 2, 2024\)](#) and [In re Yu, Proceeding No. D2025-01 \(December 20, 2024\)](#).

In the *Yang* case, the USPTO ultimately [issued a final order](#) in October 2024, terminating [approximately 3,100 patent applications](#) for intent to deceive the Office via fraudulent “S-signatures.”

NO GRANDFATHERING

There is no exception for previously filed or pending applications, including issued patents requiring maintenance. From July 20, **all foreign applicants for all matters, pre-existing, pending and new**, must use a registered practitioner to conduct business with the USPTO.

The following persons or entities must be represented by a patent practitioner: a juristic entity (e.g., organizational assignee); an applicant in which the domicile of **at least one** of the parties identified as the applicant in the application is not located within the United States or its territories and a patent

owner in which the domicile of at least one of the parties identified as the patent owner is not located within the United States or its territories.

According to the FRN, the term “domicile” means “*the permanent legal place of residence of a natural person or the principal place of business of a juristic entity.*”

Foreign applicants who fail to appoint U.S. practitioners may face a number of consequences, such as abandonment of applications or loss of rights.

Comments and concerns

The USPTO initially published a [notice of proposed rulemaking](#) (NPRM) on December 29, 2025, and received a total of nine relevant comments “from a range of stakeholders.”

According to the final rule, two of the comments came from IP organizations, one from a regulatory organization, one from a law firm, four from individuals and one was anonymous.

Only one of the comments argued that the Office should not go forward with the rule, on the basis that it is discriminatory and may deter foreign applicants from filing in the United States. But the USPTO's response indicated that the rule will harmonize the United States' treatment of foreign applicants with the way other countries treat U.S. applicants and inventors; ease the Office's resource burden with respect to assisting *pro se* inventors and applicants; improve the agency's ability to enforce compliance with statutory and regulatory requirements and strengthen its ability to respond to false misrepresentations and fraud.

Ultimately, the Office stated that these benefits outweigh any concerns and justify implementation.