

# TM Examination Policy Updates

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UNITED STATES  
PATENT AND TRADEMARK OFFICE®

# Caution: Scam alert

- Don't be fooled by offers and notices from private companies; some are scams
- To confirm whether the notice is legitimate, call or email the [Trademark Assistance Center](#)
- For more information, check out our webpages:
  - [Caution: Scam alert](#)
  - [Ten things you can do to protect your trademark application or registration](#)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: P.O. Box 1450  
Alexandria, Virginia 22313-1450

This is to notify (██████████) with reference to successful examination and completion of the Trademark Application – Serial No. below:

• ██████████

The Patent's office has successfully received required office to actions, legal affidavits and attested copies/documentations as to the supporting documentations for the application mentioned above.

██████████ is required to submit the fee for the issuance of the Registration ID, in order for the Registration No. to be issued to the respective application, after which in the 30 – 45 business days' time, the Registration No. would be issued and the Owner/Applicant can Legally use the R sign/symbol along with the Business Name.

Below are the associated registration fees along with federal taxes for you to go ahead and submit your respective fee for the application to your Attorney/Legal Agency.

Registration ID Issuance Fee: \$1800.00 (Per Application)

Federal Taxes: 13%

**Total Fee:** \$1800.00 x 1 Application = \$2034.00

Once the fee is submitted, kindly have the scanned copy of the receipt submitted to your Attorney/Legal Agency in order to be submitted along with paperwork for final processing.  
Final Paperwork would be sent out to the registered mailing address on the application.

Regards,  
United States Patent and Trademark Office

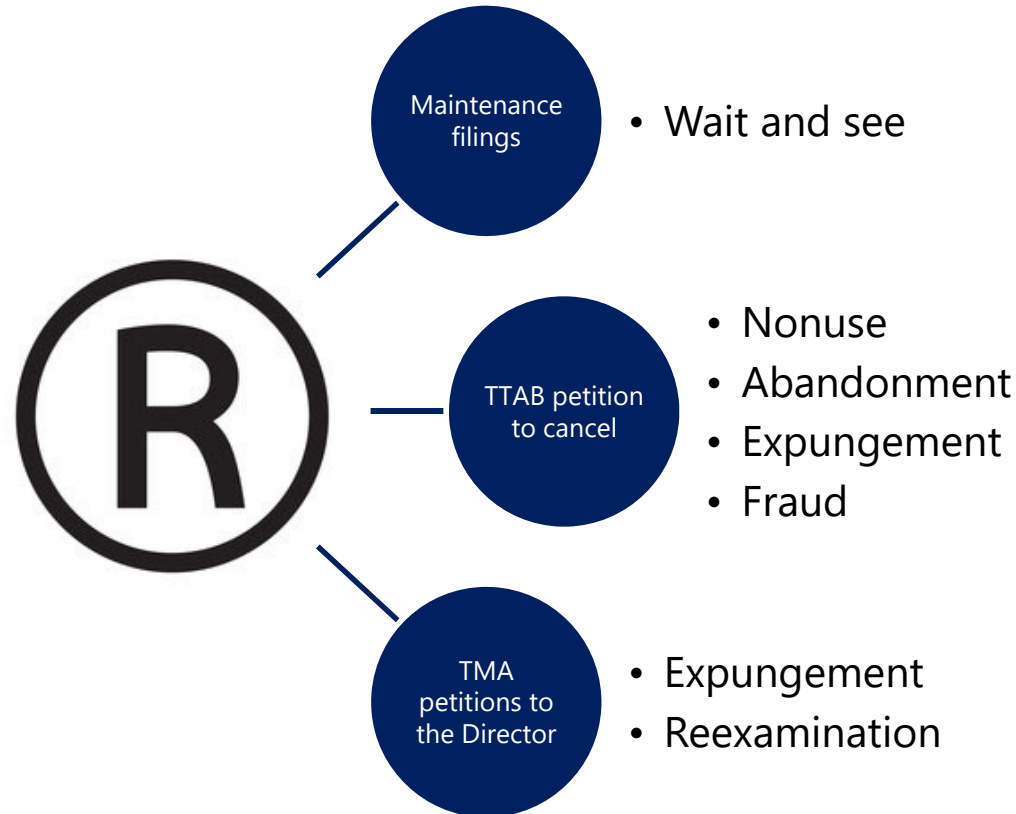


Amy P Cotton, Deputy Commissioner for Trademark  
Examination Policy

# **Update on TMA nonuse cancellation**

# Nonuse cancellation options

- Nonuse cancellation options to remove blocking registrations



# Nonuse cancellation

## • Trademark Modernization Act (TMA) proceedings before the Director

- 181 petitions received
- 96 expungement
- 85 reexamination
- 34 thirty-day letters
- 81 notices of institution
- 42 notices of non-institution
- 12 Director-initiated proceedings
- 31 Terminations

## Expungement and reexamination petitions received

The [Trademark Modernization Act](#) created two new mechanisms, ex parte expungement and reexamination proceedings, to challenge registrations for nonuse. On December 21, 2021, the United States Patent and Trademark Office (USPTO) received the first petition for expungement. Below are the registrations in which either a petition for expungement or reexamination was submitted.

Registration number	Trademark	Type of petition	Filing date
<a href="#">5310589</a>	RFIVER & Design	Reexamination	10/16/2022
<a href="#">5813982</a>	ALL GOOD THINGS	Reexamination	10/14/2022
<a href="#">5937786</a>	FALDAA	Reexamination	10/12/2022
<a href="#">6146776</a>	CAPSULE LETTERS	Reexamination	10/12/2022
<a href="#">2697642</a>	THE ST JAMES'S CLUB	Expungement	10/11/2022
<a href="#">1080718</a>	WILLIAMSBURG	Expungement	10/9/2022
<a href="#">682566</a>	WILLIAMSBURG	Expungement	10/5/2022

# Petitioners

- Trademark Modernization Act (TMA) petition before the Director
- Institution determination

## Do this!

- Provide an index of evidence
- Provide domicile address; petitioner may be a law firm whereby the law firm address is the domicile
- Provide more than one bad specimen as evidence, so that we can institute on the whole class/registration
- Provide evidence of specimen farms or multiple suspicious assignments of registrations by the same attorney
- Provide relevant industry specific search evidence
- Provide relevant website screen shots if relying on website evidence, not just URL
- Label all exhibits as they appear in the Index and make sure the URL/date accessed is on the website evidence
- Pursue reexamination for 1(a); expungement is harder to establish

## Not that!

- Don't try to use these proceedings to narrow the registrant's ID
- Don't provide foreign language evidence without a translation
- Don't provide testimony in petition without documentary evidence to substantiate it
- Don't provide only hitlists of online sources
- Don't challenge "hooded sweatshirts for babies, children" but then not challenge "hooded sweatshirts"

# Registrants do this, not that!

- 
- Trademark Modernization Act (TMA) petition before the Director
  - Registrant's response

## Do this!

- Provide proof of use, i.e., sales, but not di minimus sales
- Establish use in interstate commerce; transport is ok but needs to meet the case law definition

## Not that!

- Don't provide only the original specimens to prove use
- Don't provide only invoices to show use
- Don't provide foreign language evidence without a translation
- Don't provide testimony in response without documentary evidence to substantiate it
- Don't provide evidence of use dated after the petition was filed

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# **Update on administrative sanctions program**



# Sanctions and account violations

- Administrative sanctions program

- Possible sanctions:
  - Terminating applications
  - Suspending USPTO.gov account
  - Precluding from appearing before the USPTO

Type of order	Proceeding name	Serial number(s)	Date
Sponsored Account Suspension Order	In the matter of USPTO.gov Accounts Sponsored by Julian Haffner	<a href="#">PDF</a>	9/16/2022
Sponsored Account Suspension Order	In the matter of USPTO.gov Accounts Sponsored by Grace Lee Huang	<a href="#">PDF</a>	9/16/2022
Show-cause	In re Shenzhen Seller Growth Network Tech. Ltd., et al.	<a href="#">PDF</a>	9/07/2022
Show-cause	In re Shenzhen Haiyi Enter. Mgmt. Co., Ltd., Haiyi Enter. Serv. (Shenzhen) Co., Ltd., Haiyi Co., Ltd., and Haiyi Group Co., Ltd.	<a href="#">PDF</a>	8/25/2022
Sanctions	In re Albert (Shenzhen) Technology Co., Ltd.	<a href="#">88520227</a>	8/16/2022
Sanctions	In re Changchun Huaxin Trading Co., Ltd.	<a href="#">88511127</a>	8/16/2022
Sanctions	In re Dai Zhi Qiang	<a href="#">88467392</a>	8/16/2022
Sanctions	In re Feifei Xu	<a href="#">88516246</a>	8/16/2022
Sanctions	In re Fuzhouyoushengwangluokejiyouxiangongsi	<a href="#">88465629</a>	8/16/2022
Sanctions	In re Guigang Tianshi Trading Co., Ltd.	<a href="#">88509018</a>	8/16/2022

# Account agreement violations

## • Administrative sanctions program

- We are seeing violations of the TM verified account agreement by attorneys sponsoring foreign agents
- This can result in:
  - Suspension of sponsored accounts
  - Referral of sponsoring attorney to Office of Enrollment and Discipline
  - Referral of attorney's filings for administrative review by Register Protection Office

## Foreign filing firms improperly soliciting U.S.-licensed attorneys

Foreign individuals and companies are trying to scam the United States Patent and Trademark Office (USPTO) by improperly using U.S.-licensed attorneys' names and bar credentials in trademark submissions or having U.S.-licensed attorneys sponsor USPTO.gov legal support staff accounts for people who are not the attorney's support staff. Individuals or companies involved in these scams will either:

- Pay U.S.-licensed attorneys to use their name and bar registration details in trademark filings. The attorney has minimal, if any, participation in the application process.
- Pay U.S.-licensed attorneys to sponsor and verify legal support staff USPTO.gov accounts. The attorney does not employ or supervise the sponsored individual.
- Use U.S.-licensed attorney information without the U.S.-licensed attorney's knowledge or permission. The attorney hasn't authorized the use of their information.

Trademark [filing firms](#) engage in these scams to get around the USPTO's requirement for [foreign-domiciled filers to use a U.S.-licensed attorney](#) and [mandatory identity verification](#) for USPTO.gov accounts.

## Examples of foreign filing firms offering to pay U.S.-licensed attorneys

In both of the examples below, the U.S.-licensed attorney would have little to no involvement in the application process. This violates the USPTO's rules, contributes to invalid filings, and harms the integrity of the trademark register.

### Foreign law firm asking to use a U.S.-licensed attorney's credentials

US Trademark Attorney Required	
Intellectual Property Law Posted 5 days ago	About the client Payment method verified

