

From: [Denise Every](#)
To: [TM FR Notices](#)
Subject: Proposed Fee for Letter of Protest
Date: Tuesday, September 24, 2019 3:03:28 PM

September 24, 2019

Re: Proposed Fee for Submission of Letter of Protest

Dear USPTO:

I am writing to you regarding my great concern about the proposed fee for submitting a Letter of Protest.

I feel that this is a very unfair fee and discriminates against people of lower and modest incomes who wish to file such a letter, and particularly small businesses owned by women and people of color. This fee will allow people and companies with deep pockets to monopolize the course of trademark registrations and protests and discourage small businesses from being able to rightfully file a protest against trademarks they feel will potentially infringe upon their small businesses. As a government entity I believe it is your responsibility to keep all things related to trademark registration applicants, queries, letters of protest, and so on a level playing field for everyone.

Many words and phrases that have been submitted for trademark registrations in recent times have been nothing less than frivolous and frankly mind-boggling. I very strongly feel that words and phrases in common usage should not be allowed to be trademarked. When a word such as "dogs" is pending approval for a trademark, I can't help but wonder how that's going to be enforced. The number of products and services that use this service is very high. On Amazon alone the search for "dogs" numbers over 200,000. If this trademark is approved, it will create a lot of problems for individuals and companies who sell dog-related products to come up with another word to replace that most pertinent term. What should they use in lieu of "dogs"?

Or in other cases of disturbing trends in trademark approval, the word "deplorables" was trademarked with a very short time of it being used by a politician, and many, many items listed on Amazon had to be removed following the trademark being approved. It's another common-usage word that has no business being approved for a trademark. Or the word "year", which was approved as a trademark a couple of years ago. Again, over 100,000 listings on Amazon use this word. And people who listed their products long before these common single words were trademarked and don't realize they've been trademarked run the risk of having their accounts restricted or even removed for inadvertent IP infringement. This is very unjust and unfair.

If we as individuals and small businesses of modest means are going to be charged a very high fee for simply writing to express an opinion about a trademark we feel is frivolous and potentially harmful to our livelihoods, then there will be no stopping this out-of-control train of what I feel, frankly, is grave abuse of the way our United States trademark office functions.

I don't know what your thought process is regarding the rationale for this fee. I do not know of any other branch of government, state or federal, that requires a fee to send a letter for any reason.

Based on that alone, it's so out of line. But if the reason is because you feel you are getting too many letters of protest, perhaps you need to rethink your process here and understand why that's happening and staunch it from the start - I have no doubt that the vast majority of LOPs are because of these frivolous applications for single words and phrases in common usage. My suggestion is to simply stop allowing any common single word or phrase to be registered at all. Make it a requirement that if someone wants to register something along these lines that it be something uniquely spelled. Register "Dogz", but not "Dogs." You want to register Deplorables? Make it Deplorablez. Register "Yearr" but not "Year" (well the train left the station on the last two a while ago, but you get my point).

Please do not impose this discriminatory fee for filing a letter of protest.

Very truly yours,

Denise Every

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