From: <u>Jannie Pieterse</u>

To: <u>Cain, Catherine; TM FR Notices; Fee.Setting; FeesHelp; USPTO Info</u>

Subject: ATTENTION - Charging of fees for LOP submission

Date: Wednesday, September 11, 2019 4:22:22 PM

Hi USPTO,

It has come to my attention that you are considering to charge \$100 - \$200 for a LOP,

This will, in my opinion, be the worst decision possible regarding fair trade. This will, without doubt, break an already broken system.

Below, I highlight some steps that may help toward a more transparent and fair process.

With the huge growth of online design and print on demand trade, the design market has exploded, as well as the malevolent trademark trolls who register common marks as trademarks to merely force attacks on competitors who have been using similar designs for years. These competitors are not given a fair chance to defend themselves against these trolls.

There are many examples and unfortunately, many of these come to existence and cause countless unfair stock takedowns and cease and desists.

A good example of something like this would be the attached mark. T-shirt designs like this have been around for years, nothing in this mark is unique to this companies trade. I am shocked how this mark passed review.

Unfortunately, there are not enough people with enough knowledge to monitor the marks, and take action against these trademark trolls.

I have heard of some facebook groups trying their best to monitor this landscape, but they can only go so far in a process that is broken.

Proposal:

- 1. Increase the price of Mark registration significantly. If the mark is so important to the business they will be able to afford the high cost.
 - a. Some funds can be returned on successful registration.
- 2. Force the applicant to publicize their request for the trademark, this will open the process to more transparency.
- 3. Extend the waiting period for public feedback and LOPs.
- 4. Have a trial period for the mark ownership in which the mark is revokable pending various probationary conditions.
- 4. Broaden the scope of LOP conditions of rejection. Thus allowing for more decisive action against mark rejections.
- 5. Charge the mark applicant an additional fee if it has been found that they are attempting to register a frivolous mark. \$100 \$500

- 6. Extend the trademark policies for complainants to raise complaints against mark owners acting in unfair ways regarding their mark. Penalties ranging from fines to mark deregistration.
- 8. Allow for an appeal process for if a mark owner has claimed a copy of his mark. This should happen before any takedown of cease and desists may be issued.

Again, please reconsider this disastrous consideration to charge fees for LOP submissions, It will, without doubt, lead to a mess.

Regards

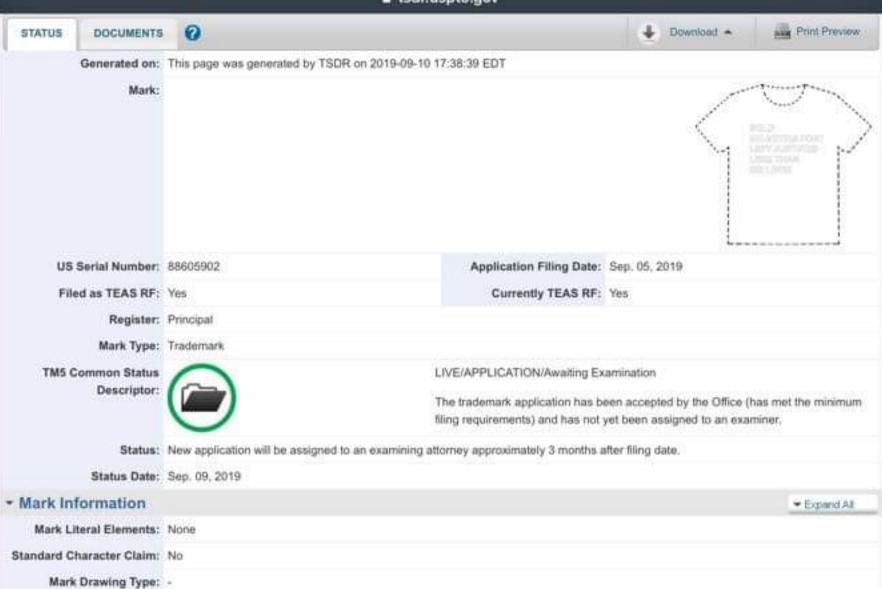
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Goods and Services

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- . Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- · Asterisks "..." identify additional (new) wording in the goods/services.

For: Shirts; T-shirts; Apparel, namely, shirts, tank tops, and sweatshirts

International Class(es): 025 - Primary Class U,S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 01, 2016 Use in Commerce: Nov. 01, 2016

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: Obvious Shirts LLC

Owner Address: 555 W Kinzie Street #3110

Chicago, ILLINOIS UNITED STATES 60654

Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where ILLINOIS

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Tyler B. Droste Docket Number: 18017.0002

Attorney Primary Email tyler.droste@gutweinlaw.com Attorney Email Authorized: Yes

Address:

Description of Mark: The mark consists of two dimensional trade dress in the form of words and phrases configured on a shirt that are all formatted in bold Helvetica font, are left justified, and contain no more than six lines of words or phrases with each line positioned on top of one another. The dotted outline of the shirt as well as the wording depicted on the shirt are not part of the mark and are intended to show only the position or placement of typical wording or phrases on a shirt.