# Trademark Performance: Pendency

<table>
<thead>
<tr>
<th>FY 2015 Trademark Performance Measures</th>
<th>FY 2015 Targets</th>
<th>FY 2015 April Results</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>First Action Pendency</strong></td>
<td>2.5 – 3.5</td>
<td>2.8</td>
</tr>
<tr>
<td>First action pendency from date of filing to first office action in months.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Disposal Pendency</strong></td>
<td>12.0</td>
<td>10.1</td>
</tr>
<tr>
<td>Disposal pendency from date of filing to issuance of a notice of allowance, registration, or abandonment – <strong>excluding</strong> suspended and <em>inter partes</em> proceedings.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Trademark Performance: Quality

<table>
<thead>
<tr>
<th>FY 2015 Trademark Performance Measures</th>
<th>FY 2015 Targets</th>
<th>FY 2015 April Results</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>First Action Compliance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-process review evaluation of the statutory bases for which the Office raises issues and or refuses marks for registration based on the first office action.</td>
<td>95.5%</td>
<td>96.1%</td>
</tr>
<tr>
<td><strong>Final Action Compliance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-process review evaluation of the statutory bases for which the Office raises issues and or refuses marks for registration based on the examiner’s approval or denial of the application.</td>
<td>97.0%</td>
<td>97.3%</td>
</tr>
<tr>
<td><strong>Exceptional Office Action</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure indicating the comprehensive quality of the first Office action search, evidence, writing and decision making.</td>
<td>36.0%</td>
<td>53.4%</td>
</tr>
</tbody>
</table>
Recent Rulemakings: Collective and Certification Marks

• Planning to issue final rulemaking notice shortly
• Provides public more detailed guidance for registering and maintaining these marks
• Codifies current USPTO Practice
• Important change: certification mark owners filing maintenance documents must include certification standards if not in record or have changed
• Rules package remains relatively unchanged from proposed rules where feedback was welcomed.
New Application Filing Levels

- FY 2014: 455,017 classes
- FY 2015: 483,000 classes projected – 6% increase
- Swings ranged from a 27% increase (1999 and 2000) to a 21% decrease (2001)
- Expect 7% to 8% increases from 2016 through 2020
Trademark Staffing

- 729 Trademark employees
- 464 examining attorneys (64% of Trademarks)
- Almost 85% of examining attorneys telework full time
- Examining attorneys are located in 29 different states; Telework Enhancement Act Pilot Program (TEAPP)
- Hired 43 examining attorneys in FY15 (21 started in March, the rest in May)
Training Pilot Program to New Examining Attorneys

• All new examining attorneys in one law office
• Called Law Office 120
• Traditionally we would split up this group and send to various law offices already in existence
E-Government

Applications Completely Processed Electronically (classes)

The overall percentage of applications that are processed electronically from filing to disposal.

Legend
- Current
- Target
Initial Application Fee Levels

• **TEAS Plus Application:**
  $225 per class of goods/services

• **TEAS Reduced Fee (RF) Application***:
  $275 per class of goods/services

• **TEAS Regular Application:**
  $325 per class of goods/services

• **Paper Application:**
  $375 per class of goods/services

*Option introduced January 17, 2015
The Rise of TEAS RF
Assignment Enhancements

• Improvements developed in large part from customer feedback

• Key improvements include:
  – Customer ability to set order of recordation of documents with same date
  – New conveyance types, e.g. merger/change of name, entity conversion, court order
  – Customer ability to add special characters, e.g. * (asterisk)
New ETAS Resubmission Form

February 24, 2015

JOHN SMITH
1234 MAIN ST.
ANYTOWN, USA 12345

United States Patent and Trademark Office
Notice of Non-Recordation of an Assignment Document

The enclosed document has been examined and found non-recordable by the Assignment Recordation Branch of the U.S. Patent and Trademark Office. The reason(s) for non-recordation are stated below:

1. The submitted documentation is not acceptable to establish an assignment of the subject property.

To file the resubmission electronically, navigate to the ETAS website at http://etas.uspto.gov, click the Start Resubmission button and enter the following information:

Document ID: 900000001
Access Code: V5NRXELHE334SP

To file the resubmission in paper, send documents to: U.S. Patent and
# Proof of Use Pilot Results

<table>
<thead>
<tr>
<th>Basis for Registration</th>
<th>Percentage of Registrations Selected for the Pilot Deleting Goods/Services Queried Under the Pilot</th>
<th>Percentage of Registrations Selected for the Pilot Receiving Notices of Cancellation</th>
<th>Percentage of Registrations Selected for the Pilot Receiving Notices of Acceptance (Including for a Narrowed Scope of Goods/Services)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1(a)</td>
<td>28%</td>
<td>18%</td>
<td>82%</td>
</tr>
<tr>
<td>Section 44(e)</td>
<td>62%</td>
<td>7%</td>
<td>93%</td>
</tr>
<tr>
<td>Section 66(a)</td>
<td>61%</td>
<td>14%</td>
<td>86%</td>
</tr>
<tr>
<td>Combined Section 1(a) and 44(e)</td>
<td>63%</td>
<td>12.5%</td>
<td>87.5%</td>
</tr>
</tbody>
</table>
Post Registration Amendments to IDs
Due to Technology Evolution
Specific Requirements for Post Registration Technology Amendment

- Petitioner would need to:
  - Request waiver of ID scope rule due to extraordinary circumstances
  - Demonstrate justice supports waiver and not other party injured
  - Declare that due to technology change, cannot show use of original goods/services
  - Declare still using mark on new technological goods/services where content is the same
  - Declare that if not allowed to make change, petitioner would be forced to delete good/services
TM-5


• Focus on collaboration and harmonization projects to benefit users in all Partner countries

• Website: http://tmfive.org/main.php

• TM5 Midterm at INTA’s Annual Meeting in May

• Hosting Annual Meeting December 1-2, 2015
Outreach

• Public outreach to small businesses and entrepreneurs regarding importance of Trademarks through 1) speaking engagements and 2) recorded instructional videos
• “Basic Facts” video is approaching 300,000 hits
• Some recent and upcoming events include:
  – June 5 Northern Kentucky University, Highland Heights, KY
  – June 10 PACE University, New York, NY
  – June 23 Small Business Development Center, Santa Fe, NM
  – June 25 INTA USPTO roundtable, Phoenix, AZ
  – June 25 Small Business Development Center, Phoenix, AZ
Regional Offices

- Enhancing our presence in the regional offices
  - Informational brochures explaining the resources available from our Trademark Assistance Center (TAC) sent to satellite offices and have been favorably received
  - TAC will soon provide service via video conference to the regional offices
  - Annual visits to satellite offices by Commissioner or Deputy Commissioner
Enhancing The Customer Service Experience

• Working on a plan for enhancement including:
  – Expanding customer service training
  – Improving website instructions
  – Simplification of Problem Resolution
Thank You!

Mary Boney Denison
Commissioner for Trademarks

mary.denison@uspto.gov