

From: [Allie S](#)
To: [Fee.Setting](#); [TM.FR Notices](#); [Cain, Catherine](#)
Subject: Concerns related to proposed fees for filing Letters of Protest
Date: Thursday, August 29, 2019 11:42:35 PM

Hello,

It has come to my attention that the U.S. Patent and Trademark office is proposing charging a \$100-\$200 fee on individuals who would file a letter of protest (LOP) against trademark applications. The fact that this is being considered is concerning for a variety of reasons, as it would significantly harm small business owners and individual citizens in the United States.

Daily, your office allows extremely frivolous trademarks to be let through and approved that do not function as true trademarks by legal standards, have no connections to brands and do not exist to protect a brand, yet you're allowing them to be registered and as Standard Character Marks. This includes the approval of single, commonly used words, and commonly used phrases - most recently the word "Dogs," "wifey," and "thankful," for example, among many others. The individuals that hold these new trademarks often then turn around and go after small business owners who sell products with those incredibly common phrases (or variations of them) and issue takedown notices across various third party selling sites for a seller's unique and unrelated products, stifling their competition (and sometimes stifling completely unrelated businesses) and hindering small business growth around the country.

The LOP process is one of the only ways small businesses have to fight back against trademark trolls who are attempting to snatch up as many frivolous words and phrases as they can attempt to "own" to stifle their competition. If your office is seeing an influx in LOPs, it's because your office is seeing an influx in frivolous trademark applications that you're approving. To be frank, small business owners are fed up, and we don't have the funds for legal fees to cancel the sheer number of bad trademarks that are being approved by your office, so this is our only way to fight back. We shouldn't have to file this many LOPs; your examining attorneys should be catching these before they're ever approved, but unfortunately, it appears the system is broken, because they in fact do not.

LOPs are the only course of action most small businesses with limited funds have the ability to take to raise attention to the issues with these trademarks being applied for. Your system is broken because you don't have examining attorneys who are paying due attention to the specimens being provided during the application process (which are often mockups, not true specimens), and often they aren't looking at the commonality of a word or phrase in context before they're approving a trademark. In many cases, things you are approving can be seen as widely used with a very basic Google, Amazon, or Etsy search - yet they are approved anyway for publication to the Principal register.

By adding a fee on the LOP process, you add an additional burden to the small businesses that are already significantly impacted by the current state of affairs of our trademark system. If you add on these proposed fees, you won't make things better; you'll ensure they get significantly worse for small businesses.

Perhaps if you have concerns about being "flooded with letters of protest" you should focus your attention on the numerous frivolous trademark applications your office is being flooded with, and make it harder to apply for a trademark by increasing the cost of application by \$100-200. Real brands should be more than capable of paying that application fee.

Or, perhaps you should start charging \$100-200 fees each time a trademark ends up being rejected by the examining attorney due to not meeting the criteria of functioning as a trademark (after a LOP is filed and accepted, or over the course of the examining attorney's examination). That fee would be much more appropriate as it's the trademark filers who are wasting everyone's time, not the LOP filers. That fee would disincentive the behavior that is causing the problems that are breaking our trademark system to begin with. This would also significantly decrease the number of letters of protest your office is receiving as a result - because if you stop receiving frivolous trademark applications, we won't have a need to file LOPs in return.

I urge you to please not add fees to the filing of a LOP for the reasons described above.

Thank you very much,
-Allie, a concerned Iowan.