**Sample Declaration to be Provided on Petition for Technology Evolution Amendments**

*As noted in the announcement of the pilot, petitioners must file their petitions and requests for amendment under §7 together through the Trademark Electronic Application System (TEAS) using the “Petition to the Director under Trademark Rule 2.146,” form number 3, located under* [*Petition Forms*](http://www.uspto.gov/trademarks/teas/petition_forms.jsp)*. The free-text area of the form may be used to provide both the information needed on petition and the proposed amendment under §7. For proper handling, the petition should be captioned “Petition to Allow Amendment Due to Technology Evolution.” The required specimen must be attached to the form, and both the “petition fee” and §7 “filing amendment to registration fee” must be provided. The declaration included in the signature section of the form may be used to support both parts of the filing.*

For your reference, the following information must be provided on petition for an amendment to be considered under the pilot, verified by an affidavit or declaration under Trademark Rule 2.20:

**Petition to Allow Amendment Due to Technology Evolution**

Petitioner, [indicate name], hereby petitions the Director to waive Trademark Rule 2.173(e) and allow the below amendment to the identification of [specify, e.g., goods/services] in International Class [specify] for the above-referenced registration.

To the best of petitioner’s knowledge:

Based on changes due to evolving technology in the manner or medium by which products and services are offered for sale and provided to consumers, the petitioner cannot show use on the original goods or services;

The petitioner still uses the mark on other goods or services reflecting the evolved technology, and the underlying content or subject matter remains unchanged; and

Absent an amendment of the identification, the petitioner would be forced to delete the original goods or services from the registration, and thus lose protection in the registration in relation to the underlying content or subject matter of the original goods or services.

Petitioner additionally declares that it will not file [or re-file, if applicable] an affidavit or declaration of incontestability under §15 of the Trademark Act, 15 U.S.C. §1065, as to the evolved goods or services for a period of at least 5 years from the date of acceptance of the amendment.

Please find attached a specimen showing current use of the mark in commerce on or in connection with the amended goods or services.

Date of first use of the mark anywhere for the [specify, e.g., goods/services] in their evolved form: [specify]

Date of first use of the mark in commerce for the [specify, e.g., goods/services] in their evolved form: [specify]

**Request for Amendment Under Section 7**

Current identification: “[Specify],” in International Class [specify].

Proposed identification: “[Specify],” in International Class [specify].