

From: [Steven Bennett](#)
To: [TM FR Notices](#)
Cc: [Fee Setting: Cain, Catherine](#)
Subject: Response to proposed fee for Letters of Protest
Date: Monday, September 30, 2019 1:50:41 PM

The U.S. Patent & Trademark Office states that letters of protest require significant work. To offset some of the costs of that work, the Office presented its plan to require a \$100 fee for a Letter of Protest filed electronically, and a \$200 fee for a Letter of Protest filed on paper. I oppose any fees associated with the filing of a Letter of Protest.

One area of trademark applications that I watch are applications in class 025, which may be trademarks for t-shirts. I recognize that trademarks exist for t-shirts. For example, consumers understand that the marks Hanes and Nike identify the source of certain t-shirts.

Unfortunately, there are applicants who seek to misuse the trademark system to wrongly protect their ornamental designs on t-shirts. The consumer does not view such an ornamental design as a source identifier. Often the design is a trendy phrase that has already been placed on t-shirts by many other people. Trademark registrations enable the registrant to force take-downs of competing products on Etsy and other online platforms.

The trademark examining staff does not always have adequate resources to fully research these applications. As a result, many ornamental uses have been approved for registration. The Letter of Protest is the method for other online artists who sell their products on Etsy to bring relevant facts to the attention of the Office. These artists and small business owners are being harmed by the actions of the applicants. If the proposed fees are put in place, they will be further harmed by being forced to pay the fees.

There are two options that are more equitable than a fee for a letter of protest. First, the application fee could be raised. Second, examining guidelines could be put in place to help prevent ornamental designs from being approved and registered as trademarks.

In closing, I again state that I oppose any fees associated with the filing of a Letter of Protest.

Steven Bennett

(Note: The opinions in this message are my own and do not represent the views of my employer.)