

**From:** [Sara Logan](#)  
**To:** [Fee.Setting](#); [TM.FR Notices](#); [Cain, Catherine](#)  
**Subject:** Proposed fee for Letters of Protest  
**Date:** Tuesday, September 10, 2019 12:33:26 PM

---

Hello,

I'm a small business owner who designs clothing to be sold online and have recently heard that there is a proposed \$100 fee for those filing Letters of Protest for frivolous trademark applications. I am writing to state how unfair it is to charge a fee for protesting a frivolous trademark when so many get approved every day.

Wherever there is money to be made there are people who try to game the system and in this case these people apply for trademarks for descriptive or commonly used words, such as "dogs" (# 5843989), "busy mom" (#5250857), "neighborhood" (#5505435) so that they can wipe out the competition of small business people using common words and phrases on t-shirts and the like. The system-gamers frequently make a weak attempt at making it look like they have a brand using the word or phrase, and their trademark goes through, even though the word/phrase is commonly used and descriptive, and they have no recognizable brand. This gives the gamers the opportunity to send cease and desist letters to anyone using the word/phrase. In most cases it's not worth the cost of fighting the trademark holder due to the high cost of attorney fees and the gamers know this. This is their strategy.

Instead of charging the filer of the LOP it makes more sense to charge those filing for frivolous trademarks an extra fee. They are the ones wasting people's time, not the person assembling evidence to prove that the trademark application is frivolous. The people gaming the system who are filing trademarks on a common single word such as "DOGS", or a descriptive phrase, are only doing it to knock out their competition, and they are winning. Thousands of hard-working small business people who play fairly and do not trademark common words/phrases, and have been using the words and phrases for years, are losing the battle.

I and many small business owners believe that filing Letters of Protest is highly necessary, unfortunately, because of the amount of frivolous trademarks that go through, and that it's completely improper to charge those that take the time to prepare them. Passing the fee to those who are requesting frivolous trademarks is fair. If trademarks were being requested for the right reasons, the amount of LOPs you will receive would decrease.

Thanks for your consideration.

Sara Logan