

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



The presentation will begin shortly.

- Reminders:
 - We'll email the slides after the presentation.
 - We'll post a recording in about three weeks.
 - Captioning is available.
 - Post your questions to the Q&A box.

USPTO.gov trademark customer account identity verification

July 13, 2022

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UNITED STATES
PATENT AND TRADEMARK OFFICE



USPTO.gov ID verification

- Overview of presentation

Mandatory date

USPTO.gov accounts must be ID verified in order to continue filing trademark submissions

Online verification changes

Video chat option added
Selfie deletion

Register protection program

Why do we need ID verification?

User roles

Owner
Attorney
Canadian agent or attorney
Attorney support staff

USPTO.gov ID verification

- Mandatory date

**Mandatory
date: August 6,
2022**

USPTO.gov
accounts must
be ID verified in
order to continue
filing trademark
submissions

**For information
about the program:**

<https://www.uspto.gov/trademarks/apply/identity-verification>

**For the terms of use of
the trademark
customer account:**

<https://www.uspto.gov/sites/default/files/documents/TM-verified-account-agreement.pdf>

The screenshot shows the USPTO.gov website page for identity verification. The main heading is "Identity verification for trademark filers". Below the heading, there is a paragraph explaining that on January 8, 2022, the USPTO introduced identity verification for USPTO.gov account holders using the Trademark Electronic Application System (TEAS) and TEAS International (TEASI). It offers two methods: a paper identity verification process and online via ID.me. A bolded notice states: "We have postponed the deadline for USPTO.gov account holders to verify their identity in order to file through TEAS and TEASI. The previous deadline for mandatory verification would have been April 9, 2022. We'll announce a new deadline when appropriate and with reasonable notice." Below this, there are expandable sections for "Benefits of identity verification", "Who is required to verify their identity?", "Paper verification", "Online verification", and "Sponsoring legal support staff". A "Common questions" section is also present, with expandable items for "General", "Accounts", "Paper verification", "Online verification", "User roles", "Sponsorship", and "Getting help". At the bottom, there are statistics for "Helpful" (64) and "Not Helpful" (115) feedback, along with "Share" and "Print" buttons.

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Identity verification for trademark filers

On January 8, 2022, the United States Patent and Trademark Office (USPTO) introduced identity verification for USPTO.gov account holders using the Trademark Electronic Application System (TEAS) and TEAS International (TEASI). As part of this one-time verification process, we offer two different methods for customers to verify their identities: a [paper identity verification process](#) and online via [ID.me](#).

We have postponed the deadline for USPTO.gov account holders to verify their identity in order to file through TEAS and TEASI. The previous deadline for mandatory verification would have been April 9, 2022. We'll announce a new deadline when appropriate and with reasonable notice.

[Expand all](#) | [Collapse all](#)

- > Benefits of identity verification
- > Who is required to verify their identity?
- > Paper verification
- > Online verification
- > Sponsoring legal support staff

Common questions

Expand the sections below to find answers to common questions about identity verification.

- > General
- > Accounts
- > Paper verification
- > Online verification
- > User roles
- > Sponsorship
- > Getting help

[Helpful](#) | 64 [Not Helpful](#) | 115 [Share](#) [Print](#)



USPTO.gov ID verification

- Online verification changes

Online verification through ID.me now offers two options

Original online option:

Self-service

- Provide a selfie and AI validates ID
- Customers who cannot complete self-service are routed to a video chat agent

**New online option:
Direct to video chat agent**

- Now you can choose to go directly to a video chat agent without providing a selfie

USPTO.gov ID verification

• Online verification changes: options compared

Self-service

Requires drivers license, passport, or passport card

Uses AI to check selfie match

Data deleted (24 hours)

Credit profile check required

Takes 5-10 minutes

If unsuccessful, directed to next available video chat agent

Direct-to-video chat agent

Requires at least 2 identity documents from a wider list

No AI, just live video chat

Chat recorded, deleted after 30 days

Credit profile check optional

May be a wait for agent, session takes 5-10 minutes

Estimated wait time displayed

ID.me

VERIFYING IS FAST AND EASY

Choose how you verify your identity:

- Self-Service (Faster Option)
 - Requires Driver's License / State ID, Passport, or Passport Card and a selfie
 - Selfie and biometric data will be deleted
 - Takes 5 - 10 minutes
- Video Chat Agent
 - Requires [at least 2 identity documents](#) and a 5 - 10 minute recorded video chat
 - No selfie or biometric data collected
 - Video will be deleted
 - Current wait time for next available agent is about 30 minutes

Continue

English



USPTO.gov ID verification

- Online verification changes: enhanced privacy settings

Self-service

Facial recognition compares your selfie only to your photo ID, not to anyone else's photo

Selfie and biometric data is now automatically deleted after 24 hours

Previous self-service customers can delete selfie at

<https://account.id.me/signin/privacy>

Direct to video chat agent

Video chat recordings automatically deleted after 30 days

For both options

Credit profile is checked, not credit history



USPTO.gov ID verification



• Summary of verification options

Paper process

Attorneys and owners only may mail in a notarized paper form for self identification

Online verification process

Self-service
Video chat option

Attorney support staff process

Attorneys must verify the identities of their sponsored support staff with the Trademark Sponsorship tool

Patent practitioner process

Identity-proofed patent practitioners and independent inventors are already verified for trademarks

May have to choose a trademark user role

Why do we need ID verification?

Scam type 1

- Scammers mislead customers to pay inflated fees for fake or unnecessary services

Scam type 2

- Scammers pose as the USPTO

Scam type 3

- Scammers hijack applications and registrations

Scam type 4

- Scammers hijack or rent attorney credentials

Register protection program

Strategy 1

- Rethinking and reorganizing the trademark registration system

Strategy 2

- Administrative sanctions program + attorney misconduct disciplinary action + law enforcement

Strategy 3

- Communications to customers, scammers, and e-commerce platforms about scams and sanctioned entities

Strategy 4

- Access controls for filing electronic forms

Strategy 5

- Post-registration audit + nonuse cancellation proceedings for fake use claims

Register protection strategy: access controls

- USPTO.gov accounts

2019

Phase 1

USPTO.gov account required to access all electronic trademark forms

2022

Phase 2

Require identity verification and user roles to access electronic forms

2023

Phase 3

Role-based access controls, i.e., limit submissions on applications or registrations to authorized parties

Phase 1 - 2019

• USPTO.gov accounts

What it does:

Allows us to link improper submissions to specific USPTO.gov accounts that can then be blocked

What it does NOT do:

Does not prevent a blocked account holder from creating a new account with false information to file trademark submissions

What it does NOT do:

Does not prevent someone who is not authorized to represent parties before the USPTO from filing submissions on behalf of or in place of applicants or registrants

What it does NOT do:

Does not prevent multiple individuals from using a single USPTO.gov account

Phase 2 - 2022

• ID verification and user roles

What it does:

Allows us to ensure that the individual USPTO.gov account holders are who they say they are and are accountable for the information provided via those accounts

What it does:

Prevents sanctioned parties from creating new accounts using false information

What it does:

Deters and discourages unauthorized parties from representing applicants or registrants before the USPTO

What it does **NOT do:**

Does not prevent someone who is ID verified but unauthorized from filing submissions on specific applications or registrations

Phase 3 - 2023

- Role based access controls for submission rights

What it does:

Controls submission rights to applications and registrations through USPTO.gov accounts and user roles

What it does:

Owner account has submission rights related to their own applications or registrations

What it does:

Attorney account has submission rights for applications or registrations consistent with USPTO recognition rules

What it does:

Attorney support staff account has submission rights only for those applications and registrations where their sponsoring attorney(s) has access



Phase 2

- Must select one of four user roles

USPTO.gov account holders choose a **role** prior to verifying their identity

Attorneys and **owners** verify their identity with one of the ID verification options

Attorney support staff are verified by their sponsoring attorney

Trademark roles

Trademark owner

U.S.-licensed attorney

Canadian attorney or agent

Attorney support staff

Phase 2

• Why user roles?

USPTO is limiting trademark verified USPTO.gov accounts to those who are **authorized to make submissions** in trademark matters

Only owners and attorneys are authorized to make submissions under USPTO rules

All of the suspicious filings we investigate feature submissions from unauthorized representatives

Applications featuring rule violations are vulnerable to invalidation
They also harm the integrity of the trademark register and damage the profession

Phase 2

• User roles defined

Owner

A person who is an individual and the owner of the mark

A person who can legally bind the owner to any obligation and/or agreement whatsoever, e.g., a corporate officer

A person who is directly employed by a juristic entity owner*

US-licensed attorney

An active member in good standing of the bar of the highest court of any U.S. state, Commonwealth or territory, or the District of Columbia

Canadian attorney or agent

A practitioner reciprocally recognized by the USPTO's Office of Enrollment and Discipline (OED) to represent persons located in Canada before the USPTO in trademark matters

Attorney support staff

U.S.-licensed attorneys and Canadian attorneys/agents may sponsor individuals with USPTO.gov accounts in a support staff role

Phase 2

• Attorney sponsorship obligations

US-licensed attorney

Canadian attorney or agent

Attorneys are responsible for verifying the identity of their sponsored support staff

"Each sponsoring attorney will establish a procedure for identity proofing sponsored support staff and maintain a record of that procedure."

See **Trademark Filing System Access Document**

Attorney support staff

Attorney support staff accounts must be sponsored by an attorney

See **Trademark Sponsorship Tool Guide**

Support staff do not use the electronic or paper verification processes

But their identities must be verified

Phase 2

• Attorney sponsorship obligations

37 C.F.R. §11.5(b)

"Nothing in this section proscribes a practitioner from employing or retaining non-practitioner assistants under the supervision of the practitioner to assist the practitioner in matters pending or contemplated to be presented before the Office."

37 C.F.R. §11.303

A practitioner owes a duty of candor to the office and may not knowingly permit the submission of a false statement of fact or law.

Trademark sponsorship certification agreement

"You are responsible under 37 C.F.R. §11.18 for any actions taken under your authority by the individual(s) associated with the listed account(s) while sponsored by you."

Trademark verified USPTO.gov account agreement

"As a sponsoring attorney, I understand that I am personally, professionally, and ethically responsible for the conduct of each attorney support staff when using a sponsored USPTO.gov account."

Phase 2

• What role do I select?

Owner role

If you are the owner of a mark, you have authority to bind an entity that owns a mark, or you are an direct employee of the entity who owns a mark, choose the owner role.

If you are both an owner and an attorney representing others, you should select the attorney role.

US-licensed attorney role

If you are a U.S.-licensed attorney who practices trademark law for external clients or internally as in-house counsel, choose the attorney role.

You may sponsor support staff accounts.

Canadian attorney or agent role

If you are a practitioner reciprocally recognized by OED to represent persons located in Canada before the USPTO in trademark matter, choose this role.

You may sponsor support staff accounts.

Attorney support staff role

If you provide support work under the direct supervision of one or more attorneys, all supervising attorneys should sponsor you as support staff. Each attorney must verify their own identity before they can sponsor you.

Phase 2

- Who is not included in these roles? Non-attorney filing entities

Owner role

Does not include non-attorney preparation and/or filing entities

US-licensed attorney role

Does not include paralegals, consultants, or attorney support staff

Canadian attorney or agent

Does not allow a Canadian attorney or agent to submit responses to office actions or correspond with USPTO; only allows preparing submissions and filing initial applications

Attorney support staff

Does not include domestic or foreign clients, corporations, attorneys, agents, or other practitioners

Phase 2

- The USPTO regulates practice before the Office in trademark matters

Practice before the Office includes...[any] law-related service that comprehends any matter connected with the presentation to the Office ... relating to a client's rights, privileges, duties, or responsibilities ... for the... registration of a trademark...

such presentations include:

consulting with or **giving advice** to a client in contemplation of filing a trademark application or other document with the Office

preparing or prosecuting an application for trademark registration

preparing an **amendment** that may require written argument to establish the registrability of the mark

preparing or prosecuting a document for maintaining, correcting, amending, canceling, surrendering, or otherwise affecting a registration...

Phase 2

- ID verification and user roles target non-attorney entities

Non attorney entities are those that do not have an attorney directly supervising the staff's interactions with clients or the USPTO.

Non-attorneys may provide only "law-related services" to clients, such as:

offering trademark information, not advice

acting as a mere scrivener when assisting in the preparation of trademark documents

conducting trademark searches but not offering opinions on the registrability of a mark

Phase 2

- ID verification and user roles target non-attorney entities

If non-attorney entities provide legal advice, prepare trademark applications, or file submissions on behalf of others...

they likely are engaging in unauthorized practice and representation of others before the USPTO

subject to investigation and possible administrative sanctions

These sanctions may affect the validity of submissions made by that entity

Phase 2

- US counsel rule circumvention
- Non-attorney filing entities contracting with US counsel

- Yiheng Lou
 - NY-licensed attorney contracted with **Dingji IP Co.** (5/12/2021)
- Devasena Reddy
 - CA-licensed attorney contracted with Indian entities, **KA Partners**, **KAnalysis**, **KA Filing** (9/9/2021)
- Bennett David
 - Patent attorney/MA-licensed attorney contracted with Chinese IP firm (9/24/2021)
- Di Li
 - CA-licensed attorney contracted with Chinese entity, **Seller Growth** (10/7/2021)
- Tony Hom
 - NY-licensed attorney contracted with several different Chinese firms (12/17/2021)
- Elizabeth Yang
 - CA-licensed attorney contracted with Chinese entity, **Seller Growth** (12/17/2021)
- Yi Wan
 - NY-licensed attorney contracted with several Chinese entities, including **Shenmahui IP** and **Huanyee IP** (4/14/2022)
- Jonathan Morton
 - NY licensed Patent attorney contracted with Chinese firms (4/20/22)
- Kathy Hao
 - CA licensed attorney contracted with Chinese entities, **Seller Growth**, **Shenmate**, and **Xingyue** (4/27/2022)



Phase 2

• signatures

Verifications of Fact

a person with legal authority to bind the applicant
a qualified attorney representing the applicant or
a person with firsthand knowledge of the facts and
actual or implied authority to act on behalf of the
applicant

Responses, Amendments, Requests, and Petitions

Must be signed by attorney, if one is appointed

Otherwise, must be signed by individual
applicant(s) or by someone with legal authority to
bind the applicant/registrant (if a juristic entity)

For joint applicants/registrants, all must sign

Persons with legal authority to bind

When a document must be signed by a person with
"legal authority to bind a juristic entity," the signatory
must be someone who has the authority to bind that
entity to any obligation and/or agreement whatsoever,
and not solely with regard to trademark matters.

Submissions must be personally signed

TMEP § 611.01(c) ("Signature of Documents Filed
Electronically")

Signatures are non-delegable

Authorizing someone who is not the signatory to sign a
trademark submission jeopardizes the validity of the
submission and may affect the validity of the entire
application or registration

Authorized signatories don't need an account in order to sign a submission

Phase 2

• Submission certifications

TEAS and TEASi forms require validation before submitting:

“By clicking the validate button, you acknowledge that certifications are being made to the USPTO as set forth in 37 C.F.R § 11.18(b)”

37 CFR § 11.18(c): violations of (b) subject to sanctions

37 CFR § 11.18(b) certifications

All statements are true

Knowing and willful false statements are subject to 18 USC 1001 and may jeopardize submission

Paper not presented for improper purpose

Allegations have evidentiary support

Phase 2

• Administrative sanctions orders following attorney discipline

- Possible sanctions:
 - Terminating applications
 - Blocking USPTO.gov account
 - Precluding from appearing before the USPTO

Type of order ↑↓	Proceeding name	Serial number(s)	Date
Show-cause	In re Yanhua Chen and Huang Yuchen	PDF	6/30/2022
Sanctions	In re Shenzhen Kata Fashion Glasses Co., Ltd.	88574664	5/16/2022
Sanctions	In re Shenzhen Jinxupengcheng Co., Ltd.	88582692	5/16/2022
Sanctions	In re Dongguan Saint Reputation Fin. Mgmt. Co., Ltd.	88582687	5/16/2022
Sanctions	In re Shenzhen Shijuzhengkejiyouxiangongsi	88343392	5/16/2022
Sanctions	In re Shenzhen Yunkai Network Tech. Co., Ltd.	88577846 , 88577853	5/16/2022
Sanctions	In re Shenzhen Yunjie Tech. Co., Ltd.	88576053 , 88582601	5/16/2022
Sanctions	In re Shenzhen Ruinuode Tech. Co., Ltd.	88582660	5/16/2022
Sanctions	In re Abtach Ltd., 360 Marketing LLC, and Retrocube LLC	PDF	1/25/2022
Sanctions	In re Yusha Zhang and Shenzhen Huanyee Intellectual Property Co., Ltd	PDF	12/10/2021

Phase 2

• Correcting user roles

Email TEAS@uspto.gov with your request to correct your filing role

Use the subject line "Mistake in ID Verification User Role"

Provide your full name and telephone number

Include your email address associated with the USPTO.gov account that you verified

Specify the role you mistakenly selected and the role you would like it corrected to

Provide an explanation of why you selected the incorrect role

USPTO employees will review your request and respond within three business days

