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AMERICAN BAR ASSOCIATION

November 10, 2015

Via email to fee.setting@uspto.gov

Mr. Brendan Hourigan
United States Patent and Trademark Office
Mail Stop CFO
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Comments on Proposed Trademark Fee Schedule

Dear Mr. Hourigan:

I write on behalf of the American Bar Association Section of Intellectual Property Law (“ABA- IPL Section” or “Section”) to respond to the United States Patent and Trademark Office’s invitation for written comments on the *Trademark Public Advisory Committee Hearing on the Proposed Trademark Fee Schedule*, 80 Fed. Reg. 202 (PTO-T-2015-0066, Oct. 20, 2015).

The American Bar Association is the largest voluntary professional association in the world and the ABA-IPL Section is the largest intellectual property law association with 20,000 members. The views expressed in this letter are those of the Section. These comments have not been approved by the ABA House of Delegates or Board of Governors and should not be considered as views of the American Bar Association.

The Section supports the Office’s goal of encouraging the use of electronic filings for the reasons stated by the Office, *i.e.*, improved efficiency in cost, accuracy, and processing times. The Section also supports the Office’s ongoing efforts to invest in technology that will help it achieve these goals.

While the Section is mindful of the need to set fees at levels that do not discourage or even prevent proper filings with the PTO and TTAB—particularly with regard to smaller companies and individual trademark owners with limited financial resources—the Section believes most of the proposed fee increases are reasonable to attain the Office’s stated goal of ensuring it has the budget to facilitate the effective administration of the U.S. intellectual property system.

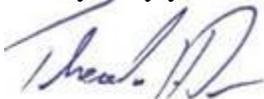
The Section's support is based in part on recognition that the Office has not raised certain TTAB fees in 15 to 25 years and that many existing fees will remain unchanged, notably the Office's trademark application filing fee for electronic filings. In 2012, the Section surveyed its members in response to which 90 percent of respondents indicated that they file applications electronically. Therefore, the Section believes the fee increases in paper filings will have little to no impact on the majority of trademark owners.

The Section supports the proposed fee increases on certain paper filings and the modest proposed fee increases for certain electronic filings as they may lead to increased efficiency. For example, the proposed new fee for requesting an extension of time to file an opposition at the TTAB after an initial 30-day extension (for no fee) may lead to quicker resolution.

Nevertheless, the Section has some concerns regarding the proposed level of fee increases for requesting an extension of time to file a Statement of Use. Specifically, the Office is proposing a \$100 increase, which is 67% higher than the existing fee of \$150 for an electronic filing. The PTO's actual cost of processing the electronic request is \$17. The cumulative fees for obtaining multiple extensions—as is often necessary, particularly in businesses that are unable to fast-track product development—already can be fairly significant. The Section therefore welcomes further substantiation from the Office concerning this particular fee increase.

The ABA-IPL Section commends the Office for its consideration of these issues and appreciates the opportunity to offer these comments.

Very truly yours,



Theodore H. Davis Jr.
Section Chair
American Bar Association
Section of Intellectual Property Law