

From: [kremers](#)
To: [TM FR Notices](#)
Subject: fee setting
Date: Thursday, August 29, 2019 6:59:44 PM

In regards to the proposed fee of \$100 to file an letter of protest against frivolous trademark applications, please consider moving that fee onto those filing for such trademarks instead. If the USPTO did their due diligence in approving trademarks to begin with, so many LOPS would not be necessary. As it stands, they are our last defence against the rampant abuse of the trademark system.

I do not know who will be reading this email, but if you are unaware of how the system is being abused, please do some reading in the Trademark Watchdogs Facebook group. Please. Go and see what is actually happening.

The USPTO has been approving trademarks for single words, common phrases, ornamental designs, etc. seemingly without any thought whatsoever as to whether they actually qualify for trademark protection. These in turn have been used to restrict creative freedom and harm small sellers who have every right to use what they are using. It takes constant vigilance and it feels like an impossible battle to keep our freedom, without the LOPs there is no protection and we have very few ways to fight.

A recent approval was the single word "dogs" in any instance on any kind of apparel. The owner of that trademark now exclusively owns the right to use that word on apparel. (in spite of definitely not being the first to do so, there are thousands of designs using the word "dogs" in the apparel section on Etsy alone at the moment.) Most small sellers will not be able to protect themselves as fighting to have a trademark cancelled once granted is a long and expensive process that few can afford.

I hope you can see how ridiculous and harmful this is, if it isn't fought every word of our language and every possible idea will be owned by those with money to buy them and there will be nothing we can do.

This is an ever-growing problem affecting small businesses in many industries, and especially those using platforms such as Amazon or Etsy who will not check the credibility of an infringement claim and will remove an item, apply a penalty or close a shop even if the copyright or trademark claims are completely invalid. It's far too easy to ruin someone else's livelihood just by filing a few frivolous claims.

Please consider instead how to prevent abuse of the Trademark system instead of making our last defences against trademark bullying impossible to afford.

Thank you,

-Elizabeth Comer
[Sent from Yahoo Mail on Android](#)