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July 30, 2018

Via Email TMFRNotices@uspto.gov

U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Attention: Catherine Cain
Office of the Deputy Commissioner for Trademark Examination Policy [address]

Re: Comments on Changes to the Trademark Rules of Practice to Mandate Electronic Filing (Docket No. PTO-T-2017-0004)

Dear Ms. Cain:

This letter is written to address one point of the proposed changes to the Trademark Rules of Practice, namely the requirement for the provision of an email address for the applicant or registrant. The potential issues with the proposed requirements regarding electronic filing has been adequately the submissions from the E-Trademarks Listserv, INTA, AIPLA and others.

As background, the undersigned has been using the TEAS system since it was first provided by the U.S. Patent and Trademark Office ("USPTO"), and believes that he has filed at least 500 trademark applications and at least 300 post registration maintenance filings through TEAS.

The undersigned strongly objects to the proposed rule changes to §§2.21, 2.23 and 7.4, requiring the provision of an email address for applicants and registrants. The current requirement of a correspondence email address meets the need for the USPTO to contact an applicant or registrant with regard to a particular application or registration. To the extent that an applicant or registrant is not represented by counsel, the correspondence email address would be that of the applicant or registrant, and as such, the proposed rule changes would not have any different impact on unrepresented parties.

However, when an applicant or registrant is represented by counsel, and such counsel has provided a correspondence email address, the proposed rule change imposes additional burdens on both the trademark owner and its counsel.

First, where the USPTO needs to contact an applicant/ registrant, sending communications to both the counsel of record and the applicant/registrant would create confusion. The applicant/registrant has retained counsel for the specific purpose of interacting with the USPTO, and has an expectation that its counsel will advise it of any important communications from the USPTO, digesting or explaining such communications for applicant/registrant.

Second, upon receipt of a USPTO communication email, the applicant/registrant may seek to contact its counsel immediately. This may not be efficient for the counsel, as the communication may be one of low importance, such as the emailed Notification of Notice of Publication, which merely advises of an upcoming publication, usually three weeks in advance of the actual publication. However, the counsel will be obligated to respond to its client right away.

Third, the applicant/registrant email address will be part of the public information regarding the application or registration. Other commenters to the proposed rule change have expressed concern regarding the current practice of the various scams and misleading solicitations which are currently mailed to applicants and registrants based on the information available through the USPTO. The existing “bad actors” who send out the scams and misleading have to pay for postage to send out these communications. Providing email addresses will lower the costs for these bad actors and is likely to increase the number of scams and misleading solicitations sent directly to applicants and registrants. It may be the case that the fact that a significant number of applicants/registrants who are represented by counsel and have not provided direct email addresses has prevented such scams and misleading solicitations from being sent out solely by email.

The undersigned usually receives on average two or three telephone calls or emails each month from clients who have received some form of scam or misleading solicitation. The undersigned has never provided a client email address as part of any trademark filing, so such clients are only receiving mailed scams.

Two examples of misleading solicitations are attached to this letter. One purports to refer to a Section 8 Declaration of Use deadline, calls the deadline a “renewal”, and falsely states that a registration dated September 3, 2013 must be renewed by September 3, 2018, the fifth anniversary of the registration instead of the sixth anniversary. This solicitation was mailed well in advance of the fifth anniversary, and well prior to when the registrant’s counsel would have provided timely notice of the Section 8 Declaration requirements. Further, the solicitation does not provide the registrant with any notice of the availability of the Section 15 Declaration option.

The second solicitation, from a different but similarly named entity, refers to a Section 8 and Section 9 renewal deadline, and for a registration that issued on August 18, 2009, similarly falsely identifies the deadline for renewal as August 18, 2018, the ninth anniversary of the registration, not the tenth anniversary.

A fourth concern arises with extensions of protection for international registrations. Where there is no US attorney involved in the registration process, the scams and misleading solicitations will be sent to applicants/registrants. Where English is not the primary language of such applicants/registrants, there may be a greater risk of confusion from these solicitations and harm to the unsuspecting applicants/registrants.

Fifth, to the extent that the USPTO does not already comply with the General Data Protection Regulation of the European Union, mandating the provision of email addresses of individuals associated with applicants/registrants will subject the USPTO to such compliance, as well as the penalties and obligations associated with any data breach.

The proposed rule change, if enacted, may result in counsel providing their own email addresses for those intended for the applicants/registrants, thereby frustrating the bad actors seeking to misuse this information, as well as frustrating the goals of the USPTO.

For the reasons stated above, the USPTO is suggested to reconsider the requirement of providing email addresses for each applicant and registrant.

Respectfully submitted,

MICHAEL J BROWN LAW OFFICE

By: /MichaelJBrown/
Michael J. Brown

PENDING TRADEMARK CANCELLATION

Your Trademark is about to expire. Renewal date: Sep.03.2018

1. Correspondence address:

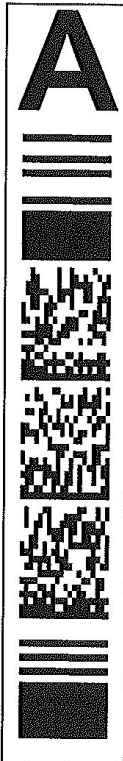


2. Graphic representation:



TRADEMARK RENEWAL OFFER UNDER DECLARATION SECTION 8

3. Trademark Name: <div style="background-color: black; width: 100px; height: 15px; margin: 5px 0;"></div>	6. Registration Number: <div style="background-color: black; width: 100px; height: 15px; margin: 5px 0;"></div>
4. Type: Trademark	7. Number of Classes: 1
5. Registration Date: Sep.03.2013	8. Classes: <div style="background-color: black; width: 50px; height: 15px; margin: 5px 0;"></div>



9. IMPORTANT INFORMATION - PLEASE READ

In order to renew your trademark, please sign and return this document in the enclosed prepaid envelope. Once your signed form and payment has been received and processed by us, the renewal process will start. **The trademark stated on this document will be renewed for another period of five (5) years. The renewal fee for the 5-year period is \$ 850 including one class. Each subsequent class is debited with a fee of \$ 300. Note: if not renewed in time, your exclusive rights to that mark may be terminated.** By signing this document, you place an order for filling the renewal of the identified trademark registration for the classes identified in this form and confirm that you comply with the Terms and Conditions of the order form. By returning and signing this document, you also empower Patent & Trademark Resource Center to conduct and perform the renewal process on your behalf. You will receive a confirmation from us once the trademark renewal is completed. This is an optional offer. This document is not a bill. Patent & Trademark Resource Center is a private company, not associated with any official governmental organizations. Patent & Trademark Resource Center provides the expertise that modern businesses need to navigate the Patent and Trademark Office's registration and renewal process. If you have any questions regarding the renewal of your trademark, please contact Patent & Trademark Resource Center renewal department via e-mail: info@ptrc.us or telephone: **844 888 8018**

10. Declaration of Incontestability:

Please check box if you are interested in filing a Trademark Incontestability (15 U.S.C. § 1065) for an extra Fee \$ 400 per class

11. Section 8 Filing Fees:

One class renewal fee: \$ 850
 Subsequent class(es): \$ 0
TOTAL: \$ 850

12. SIGN AND RETURN IN THE ENCLOSED ENVELOPE:



_____/ (Name and Title) required
 _____/ (e-mail) required
 _____/ (Date and Signature) required

Patent and Trademark Bureau
 230 Park Avenue
 10th Floor, Helmsley Building
 New York, NY 10169
 United States of America


REMINDER
 www.patentandtrademarkbureau.us





Correspondence address:

13677 


Trademark name: 

Registration Number:  Number of classes: 2

Your trademark is about to expire. Renewal date: Aug. 18, 2018
 Your trademark registration requires a filing between the 9th and 10th years after registration to remain valid.
 Sign and return this document in order to renew your trademark.

TRADEMARK	GRAPHIC REPRESENTATION
Type of mark: Service Mark	
Register: Principal	
Renewal date: Aug. 18, 2018	
Filing date: May 07, 2008	
Date in location: Sep. 08, 2015	
Registration date: Aug. 18, 2009	
Classes: 036, 041	
Serial number: 	

IMPORTANT INFORMATION

<p>Date: _____ / _____ / _____</p> <p>Name, Last name: _____</p> <p>E-mail: _____</p> <p>Phone: _____</p> <p>Position: _____</p> <p>Signature: _____</p> <p style="text-align: center;">SIGN AND RETURN IN THE ENCLOSED ENVELOPE</p>	<p>Please return this document with your signature and/or company stamp in the appropriate space if you would like to renew your trademark. Your trademark will be renewed for the period of another ten (10) years. The renewal fee is \$1650 for one class and \$850 for each additional class for the whole period of ten (10) years. You will receive an invoice from us after we have received this signed document from you. By signing this document you automatically empower Patent and Trademark Bureau to renew the trademark stated above on your behalf. Patent and Trademark Bureau reminds companies when their trademarks are due for renewal. Note that trademarks may be lost if they are failed to be renewed in time. Patent and Trademark Bureau is a private business that is not endorsed by the U.S. government. Patent and Trademark Bureau provides the expertise that modern businesses need to navigate the Patent and Trademark Office's registration and renewal process. This renewal is optional and only acts as a reminder. If you have any questions regarding your renewal process contact us via e-mail: info@patentandtrademarkbureau.us or telephone/fax: 646 616 7529.</p>
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