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Changes to Trademark Rules of Practice to Mandate Electronic Filing

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Changes to the Trademark Rules of Practice To Mandate Electronic Filing

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Comment-Ricketts

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General Comment

1. The Office proposes to amend 2.151 to state that when the Office determines that a mark is registrable, the Office will issue "to the owner" a certificate of registration. Since there is no requirement that changes in ownership of trademarks be recorded with the Trademark Office, how will the Office know who "the owner" is? At most, the Office will know only who the owner of record is.
2. The Office proposes to require the designation of an email address for receiving USPTO correspondence. Email is already becoming an outdated way to communicate. Many young people use only text and social media platforms for their communications. To avoid the need for future rule-making, the Office might want to consider changing this to something like "an email address or other alphanumeric identifier that is capable of receiving electronic communications."
3. The design of some of the TEAS forms may lead to applicants inadvertently failing to have an up-to-date email address for correspondence. Specifically, at least one of the forms collects an email address, but does not populate the record with that new email address because entering

an email address in that form is not the correct way to update the email address. Instead, the "Address for Correspondence" form must be used for this purpose (this instruction does appear in the form). In other words, the form makes one think that one has supplied a new email address, but in fact this has not been accomplished through this form. The ability for users to input an email address into a TEAS form should be restricted to forms for which doing so actually updates the information.

4. I second the comments submitted by the E-Trademarks ListServ that users should not be penalized due to the unavailability of TEAS forms and systems for reasons unrelated to Internet/electricity outages, specifically:

Sometimes the appropriate TEAS form is unavailable to the filer with respect to a particular application due to the status of the application in the USPTO's systems.

Sometimes there is no TEAS form to address a particular filing need.

Sometimes the TEAS form intended to address a particular filing need is not adequate to fully address the circumstances of the intended e-filing.

5. I concur with the observations submitted by Jefferson Perkins about the overall poor design of the TEAS forms.

6. The Office states that it spends a lot of time and money on paper processing and this proposed mandate is required to reduce those costs. I suspect that time and money will now instead be spent dealing with frantic people who cannot file the document that they need to file, and processing all the petitions that will be filed with requests to submit paper filings. I think the USPTO should improve the reliability of its systems and the usability of its TEAS forms before it mandates all-electronic processing of applications.