

From: [Lanita DeMers](#)
To: [Fee.Setting](#); [TM.FR Notices](#); [Cain, Catherine](#)
Subject: Proposed fee for submitting letters of protest
Date: Tuesday, September 10, 2019 2:54:27 PM

Dear USPTO,

It has come to my attention that the USPTO has proposed requiring a fee to submit a letter of protest for a proposed trademark. As a designer for print-on-demand products I'd like to strongly protest this proposal. USPTO records show that that hundreds, if not thousands, of frivolous trademarks have been granted for words and phrases that were clearly already in widespread usage on various products currently for sale in the 025 and 009 categories. Words such as "DOGS" (reg. no. 5843989), "HOPE" (reg. no. 5519754), "MOTHER" (reg. no. 4708233) and "JESUS" (reg. no. 3232057). These are just a few of many, many trademarked phrases that clearly should have been denied by the USPTO examining attorneys.

Common words and phrases should not be able to be trademarked if already in widespread use. As I understand it, part of the job of the USPTO is to check for usage when a word or phrase has been applied for. If words such as the examples above were granted trademarks, it is clear that either no checking was done, or that clear and abundant evidence was ignored. The only recourse for someone like myself, who uses common words and phrases in designing new products, is to submit a letter of protest when I see an application for something that is already in widespread use. To pay \$100 to \$200 to challenge a proposed mark severely restricts my ability to assist the USPTO in making determinations for what may be a frivolous application. Also, paying that fee would not guarantee that the LOP will be reviewed in a timely manner, nor that the evidence will be considered and sent to the examining attorney. No method is provided to respond if an LOP is denied and/or not reviewed prior to publication. This fee seems an unfair burden when interested parties have no control or ability to respond to these decisions.

My fear is that the USPTO continues to incorrectly grant trademarks for common words and phrases already in widespread use, while this proposed fee limits my ability to challenge them.

I have another proposal: rather than instituting a fee for submitting letters of protest, may I suggest applying a similar fee for anyone who submits a word or phrase to be trademarked that is ultimately denied by the USPTO. I believe this would serve to pare down the number of proposed trademarks for words and phrases that are already in common use.

Thank you for your time and consideration.

Cordially,

Lanita DeMers