

From: [D.Harvey](#)
To: [TM FR Notices](#)
Subject: Proposed Fee for Letter of Protest Filing
Date: Tuesday, September 24, 2019 3:30:28 PM

September 24, 2019

To Whom It May Concern:

I am writing to respectfully voice my concern regarding the recently proposed letter of protest (LOP) fees.

There are many trademarks filed for class 025 that should not be registered, according to the USPTO's own guidelines. But with the present examining process, common words such as 'Dogs', 'Classy' or 'Baseball Mom', 'Bride To Be' are slipping through and being trademarked and hoarded by trademark holders. These types of trademarks often have nothing to do with brand identification, but rather the trademark applicant/holder uses their trademark to prevent others from using these common words/phrases ornamentally on garments and other products. This is an abuse of the trademark system. As a small business owner in the print on demand industry, this abuse has harmed my business, and well as many others.

To date, the best first line of defense against such abuse (trademarking common ornamental phrases to prevent others from fair use) has been the submission of LOP's. Filing a LOP notifies the busy examining attorney that the phrase is common and widespread. If fees are applied to LOP submissions, this deters concerned people to protest and effectively encourages abuse in the trademark industry, especially in category 025.

If the USPTO is concerned about the increase of LOP submissions, and are considering fees to offset the cost, may I suggest a far better solution?

Please have examining attorneys do Google, Amazon and Etsy searches for that particular phrase. That will quickly give the examining attorney valuable information regarding ornamental, wide-spread use. I guarantee that if examining attorneys add this step in their workflow, it will reduce the number of LOP's submitted, therefore taking away the need to apply fees.

Doing an online search would be a far better use of an examining attorneys time, rather later having to factor in LOP reviews. If the search requires more staff time, I respectfully suggest increasing the trademark application fee, rather than implementing a LOP fee. Keeping the LOP free of charge is essential for the protection of free speech, and the protection of small businesses.

Thank you very kindly for your consideration,

Debbie Harvey