

From: [Kristin Hernandez](#)
To: [Fee.Setting; Cain, Catherine](#)
Cc: [TM FR Notices](#)
Subject: Fee for filing a LOP
Date: Friday, August 30, 2019 11:00:26 PM

Hello,

I have been selling on online Print On Demand platforms, including Amazon, for many years. Recently, there have been many unscrupulous people who search for best selling items featuring generic phrases on these platforms, and then file for a trademark for that phrase. Once they are granted the trademark, they will submit an infringement form to Amazon to have the original design removed, as it now violates their brand new "trademark". In this way they can have the original designs removed, the seller shut down, and now monopolize the market with someone else's creative work.

There is a hard working, grass roots organization that is feverishly filing letters of protest to try to keep up with these trademark "trolls" who are trying to trademark very generic phrases so they can monopolize the market and shut others down. This organization has been successful with many LOP's. However, if there were a fee to file each one, there is no way anyone could afford to keep up with the wave of frivolous trademarks that are filed every week.

A proposed solution would be to still allow anyone to file a LOP for free, but charge a fine to the person who originally filed for the trademark if it is eventually found frivolous. Alternatively, there could be a larger upfront fee to file. If the trademark is in fact original and it passes scrutiny even after the LOP period then a portion of the filing fee would be refunded.

This type of fee structure would deter unscrupulous people from filing a multitude of frivolous trademarks. The original creator of the work would still be able to defend their rights without the burden of fees.

Thank you for your consideration in this very important matter. There are thousands of original creators and artists who are fighting every day to keep their rights to their original work. Please don't put up any additional barriers for these hard working creators to earn a living.

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