

From: [Andy J](#)
To: [Fee.Setting](#); [TM.FR Notices](#); [Cain, Catherine](#)
Subject: Re: Proposed \$100-200 Fee to File Letter of Protest
Date: Tuesday, September 3, 2019 11:11:47 PM

September 4th, 2019

To Whom It May Concern,

I am a small business owner in the Print On Demand Industry. I earn my living by creating and earning royalties off my original artwork, designs and slogans on various different products, apparel etc. Part of my work involves making sure my artwork is not violating any trademarks or copyright. I use the USPTO regularly to check and verify that any sayings, phrases or words are not already trademarked.

To my surprise I regularly find that common words and phrases are trademarked, particularly for class 025. In fact, the more I investigated applications for new trademarks the more I found words and phrases that exactly matched thousands of items on the various online marketplaces where I (and many others) sell our work.

It is evident companies or individuals are applying to trademark commonly used phrases, words and sayings in order to corner the market purely for financial gain and to ruin opportunity for others. These are frivolous trademarks and they do not truly represent a brand. I hear of countless situations where honest artists, designers and authors are being issued with take-down notices from frivolous trademark owners. There are now so many frivolous trademarks in the system that it is becoming increasingly difficult to run an honest business within this industry.

Recently I learned of the Letter of Protest application on USPTO. This has been a method as to help business people like to me contest frivolous trademark applications. I have filed Letters of Protest and found large amounts of evidence to support the fact that these words or phrases that are being applied for as trademarks are in common use. I am bewildered as to how these applications can ever be accepted.

It has now just come to my attention that the USPTO are considering adding a \$1-200 fee to file a Letter Of Protest.

To have to pay to highlight (with evidence attached) that a trademark application isn't meeting the USPTO requirements but is instead trying to corner a market and eliminate competition for financial gain seems counter-productive and difficult to comprehend.

There needs to be some way for persons like myself to be able to appeal or have a say on something that will affect so many small businesses and livelihoods without being charged to do so.

If a fee needs to be charged, I would recommend charging it to the applicant who's mark does not meet the requirements and guidelines of the USPTO, the applications that do not function as a trademark. This may help to reduce the number of frivolous trademark applications being submitted each day to the USPTO.

I would welcome any questions or comments regarding my letter.

Kindest Regards

Andrew Jauncey