

From: [MARY MASLIAH](#)
To: [Fee.Setting](#); [TM.FR Notices](#); [Cain, Catherine](#)
Subject: Charging Fees for Letters of Protest
Date: Sunday, September 22, 2019 12:14:24 AM

Hello, I am writing today to submit a public comment concerning a new suggested fee to file Letters of Protest. I feel the suggestion of charging \$100 to \$200 to submit a letter of protest is an unfair practice, the fees related to someone else's application should fall directly on the applicant, not the person providing evidence against the lawful registration. Here is my reasoning for making such a statement, I am a stay at home mom who creates products from my home to sell online. It is a wonderful and flexible way for many folks to bring in extra income to help provide extra financial support, while at the same time being present and hands-on while raising a family, caring for elderly parents or helping pay for our children college education. In my industry, there is a serious problem with people applying for trademarks for commonly used phrases that sell well in marketplaces. Once they receive the trademark registration, they submit infringement forms the same day to Etsy, Amazon and other marketplaces claiming the phrase they registered may not be used on products for sale on their marketplaces. These are often widely used, common word phrases that in many cases have been used successfully for years on t-shirts, mugs, stationery, and other items created and sold by small (micro, actually) home-based businesses through marketplaces like Amazon, Etsy and others. Examples of common phrases used in the industry that are currently registered include "Today's goal keep tiny humans alive" (commonly used on mugs, shirts, and signs for teachers and other educators) Bride's Maid, Legends are born, Hot Sauce, Irish I could drink (big on St. Patricks day for pregnant women), Mommy's first Mother's Day, Baby Mama, I've got daddy under my spell, bump's first, World's Okayest (this is a partial phrase used often on shirts like "worlds okayest dad"), Awesome grandma, Awesome wife, Awesome husband (and uncle grandpa, papa and aunt...), does this shirt make me look pregnant, does this shirt make me look like a dad...I could go on and on listing trademarks that should never have been registered and yet they have been. Some of the owners use a trademark as a weapon to take down businesses (each IP Infringement submitted to Etsy and Amazon is a mark against a business, get a few of these and Etsy and Amazon will terminate your store with no chance of return) people have lost their businesses and livelihood from this. They are using anti-competitive practices with these unfair and deceptive methods. As small home business owners, we are very limited with what we can do to fight to protect our business against these trademark bullies. We found the Letter of Protest, a free and unbiased method to present evidence to the USPTO showing these widely used expressions do not warrant a registration. The beauty of the Letter of Protest is that we can research for the examiner in a field we are much more familiar with and are most likely able to find the needed evidence for the attorney to review. We understand that the evidence may not be provided to the examining attorney if it is not found worthy, but the idea that we have a small voice and ability to provide evidence was truly a gift to us and we were happy to do the work to create the LOP that would at least be given a fair review by the USPTO. Many of these applicants know full well that the phrase they are applying for is commonly used, and they also know that we are small businesses who can not afford to pay \$100-200 to file a protest. I would like to suggest a penalty fee be added to the cost of applying for the trademark that would make the applicant responsible for any letter of protest that is found to provide evidence that the applied-for mark fails to function as a trademark. This could cut down on the frivolous trademark applications while preserving the free form of protest. Please consider this alternate fee that would be a fair solution to the current problem.

Sincerely,
Mary Masliah