

From: petproductreview@epix.net
To: [Fee.Setting](#); [TM.FR Notices](#); [Cain, Catherine](#)
Subject: Comment on Fee recommendation for filing Letters of Protest
Date: Sunday, September 29, 2019 8:14:42 PM

Dear Sir or Madam:

I am writing to voice my concern about the proposed \$100-200 fee for filing a letter of protest.

As someone who is involved with Print On Demand business, I have found it to be very disconcerting at recent trademarks being granted for very common terms and phrases. From the USPTO website, the definition of a trademark is "A trademark is a brand name. A trademark or service mark includes any word, name, symbol, device, or any combination, used or intended to be used to identify and distinguish the goods/services of one seller or provider from those of others, and to indicate the source of the goods/services."

Your website also provides the following information on Selecting a Mark- "*The coldest or weakest marks aren't even really marks at all. They are generic words that are incapable of identifying source. Think "BICYCLE" for "bicycles" or "MILK" for "a dairy-based beverage." These are common, everyday names for goods and services and are not registrable by themselves. Descriptive terms are warmer than generic terms, but are still very hard to protect. Descriptive terms directly tell you something about the goods and services and generally are not registrable without showing that a mark has, through long use, become a source identifier. Think "CREAMY" for "yogurt" or "THE ULTIMATE BIKE RACK" for "a bicycle rack." These words merely describe a feature or quality of the goods and services.*" With such clear information on what constitutes a trademark, I don't understand how trademarks could be granted for terms such as "DUH", "MISTAKES", "FOOTBALL MOM", and "DOGS" in class 025 clothing. As someone who designs for the pet niche seeing a trademark for "DOGS", a term I could readily lookup in the dictionary and for which there are many designs using that term available in the marketplace, allowing these type of frivolous trademarks to be approved limits my business and causes a monopoly on designs in the niche.

Letters of Protest allows those of us concerned with those trying to keep others out of a niche to help the examiners with their review process and keep the marketplace open. Adding a fee for filing a Letter of Protest would cause a great hardship for those helping in this endeavor. Instead, I feel a fee increase should be added to the cost of filing a trademark. Not only will this help cover the operating costs for the USPTO, but it will cut down on those filing frivolous trademarks.

Thank you, Dawn Miklich