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Trademark Law

Walker
&
Jocke Co., LPA

July 21, 2016

Commissioner of Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Attn: Jennifer Chicoski

Re: Changes And Requirements For Affidavits And Declarations For Use, Continued
Use, Or Excusable Non-Use In Trademark Cases

Good Morning:

Thank you for the opportunity to comment on the proposed rulemaking.

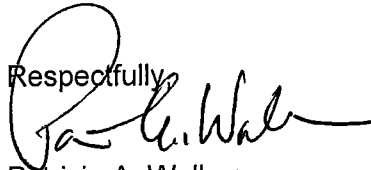
The present practice of only having to submit proof of use for one of the goods or services in a Class is appropriate. This requirement in and of itself distinguishes trademark practice in the United States. There are only a limited number of countries that require proof of use, such as the Philippines. Canada only requires a Declaration that the mark is used in Canada.

If the registrant is not using a mark in connection with some of the goods and services in the registration, the registration may be challenged in a cancellation proceeding in a Trademark Trial and Appeal Board. It is not the role of the Trademark Office to police the registrations in the database. For instance, the Trademark Office does not routinely check for marks that have become generic over time.

In addition, it is likely that the goods or services in the subject registration that have not been used may be goods or services related to those for which the mark has been used. For instance, if the mark has been used for t-shirts but not for sweatshirts, it would be unlikely that another entity would be able to gain trademark rights for the same mark for sweatshirts.

The burden of the proposed regulation outweighs the good that might come from the regulation.

Thank you for your consideration of this comment.

Respectfully,

Patricia A. Walker

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