Response to Office Action for Post-Registration Matters dedicated field form user guide

July 2020
# Table of contents

Introduction .................................................................................................................................................. 3

Purpose ..................................................................................................................................................... 3

Using the dedicated field form ................................................................................................................. 3

Step-by-step instructions .............................................................................................................................. 4

Combined Declaration of Use and Incontestability under Sections 8 & 15............................................ 6

Declaration of Use and/or Excusable Nonuse under Section 8 ................................................................. 9

Combined Declaration of Use and Excusable Nonuse/Application for Renewal under Sections 8 & 9 . 12

Declaration of Incontestability under Section 15 ................................................................................... 15

Section 7 Request for Amendment or Correction of Registration Certificate........................................ 17

Surrender of Registration for Cancellation ............................................................................................. 19

Request to Divide Registration ............................................................................................................... 21

Section 12(c) Affidavit ............................................................................................................................. 23

Declaration of Use and/or Excusable Nonuse under Section 71 ............................................................ 25

Combined Declaration of Use and Incontestability under Sections 71 & 15......................................... 29

Signature ..................................................................................................................................................... 33
Introduction

Purpose
The Response to Office Action for Post-Registration Matters (Post Reg ROA) dedicated field form user guide is designed to help you know what information you need to include in your post registration office action response. This user guide will show you how to complete the dedicated field form. Using our dedicated field form will help you submit complete data, reduce form processing and correction costs, and provide a better way to automatically capture data.

Using the dedicated field form
How you complete this form depends on what filing generated the office action you’re responding to. For example, if you received an office action in response to a filing for a Declaration of Use and/or Excusable Nonuse under Section 8, you would use this dedicated field form to respond to that office action. You would also use this form to respond to an office action you received in response to a Section 7 Request for Amendment or Correction of Registration Certificate. However, the information you would include in the dedicated field form for those two filings would differ based on the issues raised in the office action and your answers to the wizard questions.
Step-by-step instructions

Everyone begins the form the same way.

2. Enter your registration number on the wizard page.

FOLLOW THE STEPS TO ACCESS THE RESPONSE FORM:

STEP 1: To use this form, the "Current Status" of your registration must be "A Post Registration Action has been mailed." Confirm the status using Trademark Status & Document Retrieval (TSDR) system before proceeding. If the registration is not in the correct status, you must wait until the status is updated (usually 48-72 hours after receiving an email notice of the Post Registration Office action has issued).

STEP 2: ENTER REGISTRATION NUMBER BELOW OR USE A PREVIOUSLY FILLED-OUT/SAVED FORM.

* Registration Number: ____________________________
(Do not enter registration number if you are accessing your saved form.)

OR

To upload a previously saved form, first review the TEAS Help instructions for accessing previously saved data and then use the "Browse..." button below to access the form file saved on your computer. WARNING: Failure to follow the TEAS Help instructions will result in the inability to edit your data.

Do NOT upload or attach any other file(s) (for example, a specimen) using the button below. You must upload other attachments within the proper section of the actual form, after answering "Yes" to the appropriate wizard question(s) on the next page.

3. Press the “Continue” button at the bottom of the page.
4. On the next page, you’ll see information about your trademark and instructions on how to complete this form electronically.
   a. In “STEP 3”, select the radio button for the form that generated the office action you’re responding to.
      i. You won’t see options for filings not related to your registration. For example, if your registration is a Madrid-based registration, you won’t see radio buttons for Section 8 filings.

   *STEP 3: What form did you file that resulted in the Office action you are now responding to? Select one radio button:*

   - Combined Declaration of Use and Incontestability under Sections 8 & 15
   - Declaration of Use and/or Excusable Nonuse under Section 8
   - Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal under Sections 8 & 9
   - Declaration of Incontestability under Section 15
   - Section 7 Request for Amendment or Correction of Registration Certificate
   - Surrender of Registration for Cancellation
   - Request to Divide Registration

b. Wizard questions will automatically appear in “STEP 4”. They will be specific to the radio button you selected.

**NOTE:** You can click on each of the below hyperlinks to get radio button specific instructions.

- [Combined Declaration of Use and Incontestability under Sections 8 & 15](#)
- [Declaration of Use and/or Excusable Nonuse under Section 8](#)
• Combined Declaration of Use and Excusable Nonuse/Application for Renewal under Sections 8 & 9
• Declaration of Incontestability under Section 15
• Section 7 Request for Amendment or Correction of Registration Certificate
• Surrender of Registration for Cancellation
• Request to Divide Registration
• Section 12(c) Affidavit
• Declaration of Use and/or Excusable Nonuse under Section 71
• Combined Declaration of Use and Incontestability under Sections 71 & 15
Combined Declaration of Use and Incontestability under Sections 8 & 15

1. You selected the Combined Declaration of Use and Incontestability under Sections 8 & 15 radio button.

2. Answer all the questions in “STEP 4” by selecting either “Yes” or “No” for each question. You must answer “Yes” to at least one question.
   a. Your answers will affect what other pages appear in this form. For example, if you select “Yes” when asked “Do you need to submit an additional statement(s)?”, then an “ADDITIONAL STATEMENT(S)” page will automatically be added to your form. If you select “No”, then you won’t see an “ADDITIONAL STATEMENT(S)” page in your form.
   b. The office action you previously received should explain the refusals or requirements made and what you need to add, change, etc. in your response.

3. Press the “Continue” button at the bottom of the page.
4. Continue through the form. Make all changes, attachments, payments, etc. that are necessary.
   a. Remember the information that you can provide within this form depends on how you answered the “STEP 4” questions. For example, if you selected that you need to update the owner’s/holder’s email address, then you would do so on the “Owner Information” page.
5. If in “STEP 4” you selected “Yes” for “Do you need to respond to a Proof of Use Audit”, you would also complete the “Proof of Use Submissions” page.
   a. If you need to provide a proof of use, select the “Proof of Use provided below for this class” radio button, complete the free form text boxes, attach your proof of use, and check the box next to the required statement about the proof of use. The statement must be verified with a signed declaration. This declaration will appear on the “SIGNATURE” page later in the form.
   b. If you made any changes to your goods or services on the “CLASSIFICATION AND LISTING OF GOODS/SERVICES/COLLECTIVE MEMBERSHIP ORGANIZATION” page, those changes will be carried over to the “Proof of Use Submissions” page.

   ![Current listing of goods/services for Class 006:](image)
   - Proof of Use provided below for this class.
   - Verification only being provided for previously-submitted, unverified proof of use.
   - No proof of use required for this class.

   ![Proof of Use Information](image)
   - *Audited Goods/Services (list each audited item in a separate box):

   ![Attach proof of use and check box](image)
   - *Check this box to add the following statement to the record: The owner/holder was using the mark in commerce on or in connection with the goods and/or services identified in the registration for which use of the mark in commerce is claimed, as evidenced by the submitted proof of use, during the relevant period for filing the current declaration of use.

   ![Check box](image)
   - NOTE: If submitting proof of use or verifying previously submitted proof of use, you must provide a signed declaration when prompted before submitting your response.

   c. If you only need to verify a previously-submitted proof of use, select the “Verification only being provided for previously-submitted, unverified proof of use” radio button. You won’t be able to attach a proof of use, but you’ll be prompted to submit a statement regarding the previously-submitted proof of use by check a statement box. This statement must be verified with a signed declaration. This declaration will appear on the “SIGNATURE” page later in the form.
6. Complete the “SIGNATURE” page to submit this form. [Learn how to complete the signature section of this form.](#)
Declaration of Use and/or Excusable Nonuse under Section 8

1. You selected the Declaration of Use and/or Excusable Nonuse under Section 8 radio button.

   *STEP 3: To respond to an Office action, select the appropriate radio button and click on the "Continue" button below:
   - Combined Declaration of Use and Incontestability under Sections 8 & 15
   - Declaration of Use and/or Excusable Nonuse under Section 8
   - Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal under Sections 8 & 9
   - Declaration of Incontestability under Section 15
   - Section 7 Request for Amendment or Correction of Registration Certificate
   - Surrender of Registration for Cancellation
   - Request to Divide Registration

   Radio button is selected

2. Answer all the questions in “STEP 4” by selecting either “Yes” or “No” for each question. You must answer “Yes” to at least one question.
   a. Your answers will affect what other pages appear in this form. For example, if you select “Yes” when asked “Do you need to submit an additional statement(s)?”, then an “ADDITIONAL STATEMENT(S)” page will automatically be added to your form. If you select “No”, then you won’t see an “ADDITIONAL STATEMENT(S)” page in your form.
   b. The office action you previously received should explain the refusals or requirements made and what you need to add, change, etc. in your response.

4. Do you need to submit an additional statement(s)?
   - Additional statements for Certification, Collective, and Collective Membership Marks (if applicable)*
   - Miscellaneous statement**

   *NOTE: You may only access the Certification, Collective, and Collective Membership mark statements if your registration is for one of those mark types.
   **NOTE: The miscellaneous statement field includes the ability to attach a file. Do not use this section for attachments where a specific different section for the purpose already exists, for example, submission of a substitute specimen in #2, above.

   Yes ☐ No

5. Do you need to update the owner’s/holder’s mailing address, email address, phone or fax number(s)?

   NOTE: The email address of the trademark owner/holder is the Primary Email Address for Correspondence if an attorney is NOT appointed. Secondary Email Address(es) for courtesy copies can be provided.
   NOTE: The mailing address is presumed to be the owner’s/holder’s domicile address. To provide a domicile address that is NOT the same as the mailing address, use the Change Address or Representation form.

   Yes ☐ No

3. Press the “Continue” button at the bottom of the page.
4. Continue through the form. Make all changes, attachments, payments, etc. that are necessary.
   a. Remember the information that you can provide within this form depends on how you answered the “STEP 4” questions. For example, if you selected that you need to update the owner’s/holder’s email address, then you would do so on the “Owner Information” page.
5. If in “STEP 4” you selected “Yes” for “Do you need to respond to a Proof of Use Audit”, you would also complete the “Proof of Use Submissions” page.
a. If you need to provide a proof of use, select the “Proof of Use provided below for this class” radio button, complete the free form text boxes, attach your proof of use, and check the box next to the required statement about the proof of use. The statement must be verified with a signed declaration. This declaration will appear on the “SIGNATURE” page later in the form.

b. If you made any changes to your goods or services on the “CLASSIFICATION AND LISTING OF GOODS/SERVICES/COLLECTIVE MEMBERSHIP ORGANIZATION” page, those changes will be carried over to the “Proof of Use Submissions” page.

c. If you only need to verify a previously-submitted proof of use, select the “Verification only being provided for previously-submitted, unverified proof of use” radio button. You won’t be able to attach a proof of use, but you’ll be prompted to submit a statement regarding the previously-submitted proof of use by check a statement box. This statement must be verified with a signed declaration. This declaration will appear on the “SIGNATURE” page later in the form.
6. Complete the “SIGNATURE” page to submit this form. Learn how to complete the signature section of this form.
1. You selected the Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal under Sections 8 & 9 radio button.

2. Answer all the questions in “STEP 4” by selecting either “Yes” or “No” for each question. You must answer “Yes” to at least one question.
   a. Your answers will affect what other pages appear in this form. For example, if you select “Yes” when asked “Do you need to submit an additional statement(s)”, then an “ADDITIONAL STATEMENT(S)” page will automatically be added to your form. If you select “No”, then you won’t see an “ADDITIONAL STATEMENT(S)” page in your form.
   b. The office action you previously received should explain the refusals or requirements made and what you need to add, change, etc. in your response.

3. Press the “Continue” button at the bottom of the page.

4. Continue through the form. Make any changes, attachments, payments, etc. that are necessary.
   a. Remember that changes you make in this form depend on how you answered the “STEP 4” questions. For example, if you selected that you need to update the owner’s/holder’s email address, then you would do so on the “Owner Information” page.

*NOTE: You may only access the Certification, Collective, and Collective Membership mark statements if your registration is for one of those mark types.
**NOTE: The miscellaneous statement field includes the ability to attach a file. Do not use this section for attachments where a specific different section for the purpose already exists, for example, submission of a substitute specimen in #2, above.

---

**STEP 3: To respond to an Office action, select the appropriate radio button and click on the "Continue" button below:**

- Combined Declaration of Use and Incontestability under Sections 8 & 15
- Declaration of Use and/or Excusable Nonuse under Section 8
- Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal under Sections 8 & 9
- Declaration of Incontestability under Section 15
- Section 7 Request for Amendment or Correction of Registration Certificate
- Surrender of Registration for Cancellation
- Request to Divide Registration

Radio button is selected

---

4. Do you need to submit an additional statement(s)?
   - Additional statements for Certification, Collective, and Collective Membership Marks (if applicable)*
   - Miscellaneous statement**

*NOTE: You may only access the Certification, Collective, and Collective Membership mark statements if your registration is for one of those mark types.
**NOTE: The miscellaneous statement field includes the ability to attach a file. Do not use this section for attachments where a specific different section for the purpose already exists, for example, submission of a substitute specimen in #2, above.

- Yes ☐ No

5. Do you need to update the owner’s/holder’s mailing address, email address, phone or fax number(s)?

**NOTE: The email address of the trademark owner/holder is the Primary Email Address for Correspondence if an attorney is NOT appointed. Secondary Email Address(es) for courtesy copies can be provided.

**NOTE: The mailing address is presumed to be the owner's/holder's domicile address. To provide a domicile address that is NOT the same as the mailing address, use the Change Address or Representation form.

☒ Yes ☐ No

A few questions from "STEP 4"
5. If in “STEP 4” you selected “Yes” for “Do you need to respond to a Proof of Use Audit”, you would also complete the “Proof of Use Submissions” page.
   a. If you need to provide a proof of use, select the “Proof of Use provided below for this class” radio button, complete the free form text boxes, attach your proof of use, and check the box next to the required statement about the proof of use. The statement must be verified with a signed declaration. This declaration will appear on the “SIGNATURE” page later in the form.
   b. If you made any changes to your goods or services on the “CLASSIFICATION AND LISTING OF GOODS/SERVICES/COLLECTIVE MEMBERSHIP ORGANIZATION” page, those changes will be carried over to the “Proof of Use Submissions” page.

   **Current listing of goods/services for Class 006:**
   Screws of metal, metal hardware, namely, hooks, pegs of metal, stakes of metal for tents, tarpaulins and portable structures, none for use in relation to construction

   - Proof of Use provided below for this class.
   - Verification only being provided for previously-submitted, unverified proof of use.
   - No proof of use required for this class.

   **Proof of Use Information**

   - Audited Goods/Services (list each audited item in a separate box):

   - Description of the attached proof of use evidence:

   **Proof of use Evidence:** Proof of use must show the mark in use for each audited good/service.

   - Check this box to add the following statement to the record: The owner/holder was using the mark in commerce on or in connection with the goods and/or services identified in the registration for which use of the mark in commerce is claimed, as evidenced by the submitted proof of use, during the relevant period for filing the current declaration of use.

   **NOTE:** If submitting proof of use or verifying previously submitted proof of use, you must provide a signed declaration when prompted before submitting your response.

   c. If you only need to verify a previously-submitted proof of use, select the “Verification only being provided for previously-submitted, unverified proof of use” radio button. You won’t be able to attach a proof of use, but you’ll be prompted to submit a statement regarding the previously-submitted proof of use by check a statement box. This statement must be verified with a signed declaration. This declaration will appear on the “SIGNATURE” page later in the form.
6. Complete the “SIGNATURE” page to submit this form. Learn how to complete the signature section of this form.
Declaration of Incontestability under Section 15

1. You selected the Declaration of Incontestability under Section 15 radio button.

2. Answer all the questions in “STEP 4” by selecting either “Yes” or “No” for each question. You must answer “Yes” to at least one question.
   
   a. Your answers will affect what other pages appear in this form. For example, if you select “Yes” when asked “Do you need to submit a fee”, then a “FEE INFORMATION” page will automatically be added to your form. If you select “No”, then you won’t see a “FEE INFORMATION” page in your form.
   
   b. The office action you previously received should explain the refusals or requirements made and what you need to add, change, etc. in your response.

3. Press the “Continue” button at the bottom of the page.

4. Continue through the form. Make any changes, attachments, payments, etc. that are necessary.
   
   a. Remember that changes you make in this form depend on how you answered the “STEP 4” questions. For example, since “Yes” was selected for needing to submit a fee, then you would complete the “FEE INFORMATION” page and pay your fee at the end of the submission.
5. Complete the “SIGNATURE” page to submit this form. Learn how to complete the signature section of this form.
Section 7 Request for Amendment or Correction of Registration Certificate

1. You selected the Section 7 Request for Amendment or Correction of Registration Certificate radio button.

"STEP 3: To respond to an Office action, select the appropriate radio button and click on the "Continue" button below.

- Combined Declaration of Use and Incontestability under Sections 8 & 15
- Declaration of Use and/or Excusable Nonuse under Section 8
- Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal under Sections 8 & 9
- Declaration of Incontestability under Section 15
- Section 7 Request for Amendment or Correction of Registration Certificate
- Surrender of Registration for Cancellation
- Request to Divide Registration

Radio button is selected

2. Answer all the questions in “STEP 4” by selecting either “Yes” or “No” for each question. You must answer “Yes” to at least one question.
   
a. Your answers will affect what other pages appear in this form. For example, if you select “Yes” when asked “Do you need to do any of the following: Delete goods, services, or an existing class...”, then a “CLASSIFICATION AND LISTING OF GOODS/SERVICES/COLLECTIVE MEMBERSHIP ORGANIZATION” page will automatically be added to your form. If you select “No”, then you won’t see that page in your form.

b. The office action you previously received should explain the refusals or requirements made and what you need to add, change, etc. in your response.

2. Do you need to do any of the following:
   - Delete goods, services, or an existing class
   - Change the class number of an existing class
   - Modify the identification of goods/services/the nature of the collective membership organization *
   - Submit new or substitute specimen or verify a previously submitted specimen

*NOTE: You may only modify the identification of goods/services/the nature of the collective membership organization to clarify or limit the goods/services/the nature of the collective membership organization; adding to or broadening the scope of the goods/services/nature of the collective membership organization is not permitted.

Yes ☐ No ☐

A few questions from "STEP 4"

5. Do you need to update the owner's/holder's mailing address, email address, phone or fax number(s)?

NOTE: The email address of the trademark owner/holder is the Primary Email Address for Correspondence if an attorney is NOT appointed. Secondary Email Address(es) for courtesy copies can be provided.

NOTE: The mailing address is presumed to be the owner's/holder's domicile address. To provide a domicile address that is NOT the same as the mailing address, use the Change Address or Representation form.

Yes ☐ No ☐

3. Press the “Continue” button at the bottom of the page.

4. Continue through the form. Make any changes, attachments, payments, etc. that are necessary.
   
a. Remember that changes you make in this form depend on how you answered the “STEP 4” questions. For example, since “Yes” was selected for deleting goods, services, or an
existing class, then you would complete the “CLASSIFICATION AND LISTING OF GOODS/SERVICES/COLLECTIVE MEMBERSHIP ORGANIZATION” page.

The current identification of goods/services/nature of the collective membership organization is displayed below. If modifying the identification typographical errors, edit the identification in the "MODIFY IDENTIFICATION" section of this page.

Key to Symbols Appearing in the Identification:

- Brackets [...] indicate previously deleted goods/services;
- Double parenthesis (…) identify any goods/services previously not claimed in Section 15 affidavit of income.
- Asterisks * * identify previously added wording in the goods/services.

<table>
<thead>
<tr>
<th>Construction of high rise condominiums, industrial buildings, office buildings, retail buildings, mixed office, retail and/or residential buildings; construction and installation project management, namely, carrying out and management of the carrying out of industrial buildings, commercial buildings, high rise residential buildings, office buildings, retail buildings, mixed office buildings, retail and residential buildings, power plants and power facilities, processing plants, industrial plants; construction and</th>
</tr>
</thead>
<tbody>
<tr>
<td>Changes shown as track changes</td>
</tr>
<tr>
<td>Example section from &quot;CLASSIFICATION...&quot; page</td>
</tr>
</tbody>
</table>

 MODIFY IDENTIFICATION:

Any item deleted from the listing of goods/services/nature of the collective or PERMANENTLY DELETED from the listing of goods/services/nature of the collective membership organization beyond the scope of the |

Construction of high rise condominiums, industrial buildings, office buildings, retail buildings, mixed office, retail and/or residential buildings; carrying out and management of the carrying out of industrial buildings, commercial buildings, high rise residential buildings, office buildings, retail |

5. Complete the “SIGNATURE” page to submit this form. Learn how to complete the signature section of this form.
Surrender of Registration for Cancellation

1. You selected the Surrender of Registration for Cancellation radio button.

**STEP 3: To respond to an Office action, select the appropriate radio button and click on the "Continue" button below:**

- Combined Declaration of Use and Incontestability under Sections 8 & 15
- Declaration of Use and/or Excusable Nonuse under Section 8
- Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal under Sections 8 & 9
- Declaration of Incontestability under Section 15
- Section 7 Request for Amendment or Correction of Registration Certificate
- **Surrender of Registration for Cancellation**
- Request to Divide Registration

2. Answer all the questions in “STEP 4” by selecting either “Yes” or “No” for each question. You must answer “Yes” to at least one question.

   a. Your answers will affect what other pages appear in this form. For example, if you select “Yes” when asked “Do you need to update the owner’s/holder’s mailing address, email address, phone or fax number(s)?”, then an “Owner Information” page will automatically be added to your form. If you select “No”, then you won’t see an “Owner Information” page in your form.

   b. The office action you previously received should explain the refusals or requirements made and what you need to add, change, etc. in your response.

1. Do you need to respond to a refusal to accept your post-registration filing for any of the following reasons (but not limited to):
   - Ownership of the registration/chain of title
   - Clarification regarding class(es) to be surrendered
   - Declaration and signature (filing unsigned, date of execution omitted, date of execution early/late)

   **NOTES:**
   (1) If ownership has changed and you would like Office records updated to reflect the change in ownership, you must also record appropriate documents with the Assignment Recordation Branch. If your registration is based on the Madrid Protocol, changes and corrections to holder/owner information must be recorded with the International Bureau (IB) to resolve inquiries and refusals about ownership.
   (2) If you would like to correct a mistake in the current owner's/holder's information, and your registration is not based on the Madrid Protocol, you may provide a detailed explanation of the change and supporting documents with your response. If your registration is based on the Madrid Protocol, corrections must be recorded with the IB.

   ○ Yes ○ No

2. Do you need to update the owner’s/holder’s mailing address, email address, phone or fax number(s)?

   **NOTE:** The email address of the trademark owner/holder is the **Primary Email Address for Correspondence** if an attorney is NOT appointed. **Secondary Email Address(es)** for courtesy copies can be provided. If your registration is based on the Madrid Protocol, only the owner/holder email address, phone and fax numbers will be updated. Other changes in the owner/holder information must be recorded with the International Bureau.

   **NOTE:** The mailing address is presumed to be the owner's/holder's domicile address. To provide a domicile address that is NOT the same as the mailing address, use the Change Address or Representation form.

   ○ Yes ○ No

3. Press the “Continue” button at the bottom of the page.
4. Continue through the form. Make any changes, attachments, payments, etc. that are necessary.
a. Remember that changes you make in this form depend on how you answered the “STEP 4” questions. For example, since “Yes” was selected for needing to update the owner’s/holder’s information, then you would update that information on the “Owner Information” page.

5. Complete the “SIGNATURE” page to submit this form. Learn how to complete the signature section of this form.
Request to Divide Registration

1. You selected the Request to Divide Registration radio button.

2. Answer all the questions in “STEP 4” by selecting either “Yes” or “No” for each question. You must answer “Yes” to at least one question.
   a. Your answers will affect what other pages appear in this form. For example, if you select “Yes” when asked “Do you need to submit a fee for…”, then a “FEE INFORMATION” page will automatically be added to your form. If you select “No”, then you won’t see a “FEE INFORMATION” page in your form.
   b. The office action you previously received should explain the refusals or requirements made and what you need to add, change, etc. in your response.

3. Press the “Continue” button at the bottom of the page.
4. Continue through the form. Make any changes, attachments, payments, etc. that are necessary.
   a. Remember that changes you make in this form depend on how you answered the “STEP 4” questions. For example, since “Yes” was selected for needing to submit a fee, then you would complete the “FEE INFORMATION” page and pay your fee at the end of the submission.
To pay a fee for any of the items that may be listed below in the "Additional Fees" portion, use the pulldown menu in the "Multiplier" column to "activate" that fee choice. Repeat as necessary. The "Overall Total Amount" will reflect all selected "Additional Fees," along with any "Required Fees," if specifically so designated in the form.

### Required Fees

<table>
<thead>
<tr>
<th>Fee Information</th>
<th>Per</th>
<th>Multiplier Fee</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Required Fees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Required Fee Total</strong></td>
<td></td>
<td></td>
<td><strong>$0</strong></td>
</tr>
</tbody>
</table>

### Additional Fees

<table>
<thead>
<tr>
<th>Fee Information</th>
<th>Per</th>
<th>Multiplier Fee</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Divisional Request Fee</td>
<td>Registration</td>
<td>1 ✓</td>
<td>$100</td>
</tr>
<tr>
<td>Additional Processing Fee for Each Payment Refused or Charged Back</td>
<td>Number of Payments Refused or Charged Back</td>
<td>0 ✓</td>
<td>$50</td>
</tr>
<tr>
<td><strong>Additional Fee Total</strong></td>
<td></td>
<td></td>
<td><strong>$100</strong></td>
</tr>
</tbody>
</table>

**OVERALL TOTAL AMOUNT**

-$100$

5. Complete the “SIGNATURE” page to submit this form. [Learn how to complete the signature section of this form.](#)
Section 12(c) Affidavit

1. You selected the Section 12(c) Affidavit radio button.

2. Answer all the questions in “STEP 4” by selecting either “Yes” or “No” for each question. You must answer “Yes” to at least one question.
   
   a. Your answers will affect what other pages appear in this form. For example, if you select “Yes” when asked “Do you need to submit a fee for...”, then a “FEE INFORMATION” page will automatically be added to your form. If you select “No”, then you won’t see a “FEE INFORMATION” page in your form.
   
   b. The office action you previously received should explain the refusals or requirements made and what you need to add, change, etc. in your response.

3. Is a newly appearing U.S.-licensed attorney filing this form or do you need to update the bar information, email address, street address, phone or fax number for an already appointed attorney?

   NOTE: The USPTO considers powers of attorney to end upon: (1) the date of registration; or (2) the final acceptance or denial of a post-registration maintenance filing. Therefore, if you answer YES to this question and file this form, the USPTO will presume that you are the owner(s)/holder(s) attorney. This filing will automatically update the “Attorney of Record” and the “Correspondence Address” data fields in the USPTO’s Trademark Status & Document Retrieval (TSDR) system. After submission of this form, it is not necessary to file a separate Change Address or Representation (CAR) form if the owner/holder was previously unrepresented. Once the USPTO recognizes an attorney with respect to the submission of a post-registration maintenance filing, such as an affidavit/declaration under Section 8, an application for renewal under Section 9, etc., the USPTO will recognize only that attorney for all submissions related to that filing, such as responses to Office actions, petitions, etc., unless and until the owner/holder revokes and appoints a new power of attorney or the filing is completely resolved (e.g., by acceptance, renewal, or abandonment).

Foreign domiciled owners/holders must have a U.S.-licensed attorney represent them before the USPTO in any application-or registration-related filing. Information about hiring a U.S.-licensed attorney can be found on the USPTO website.

   O Yes O No

4. Do you need to submit a fee for: (1) the §12(c) declaration; and/or (2) processing a payment that has been refused or charged back?

   O Yes O No

3. Press the “Continue” button at the bottom of the page.

4. Continue through the form. Make any changes, attachments, payments, etc. that are necessary.
   
   a. Remember that changes you make in this form depend on how you answered the “STEP 4” questions. For example, since “Yes” was selected for needing to submit a fee, then you would complete the “FEE INFORMATION” page and pay your fee at the end of the submission.
5. Complete the “SIGNATURE” page to submit this form. Learn how to complete the signature section of this form.
Declaration of Use and/or Excusable Nonuse under Section 71

1. You selected the Declaration of Use and/or Excusable Nonuse under Section 71 radio button.

*STEP 3: To respond to an Office action, select the appropriate radio button and click on the "Continue" button below:

- Declaration of Incontestability under Section 15
- Section 7 Request for Amendment or Correction of Registration Certificate
- Surrender of Registration for Cancellation
- Request to Divide Registration
- Declaration of Use and/or Excusable Nonuse under Section 71
- Combined Declaration of Use and Incontestability under Sections 71 & 15

2. Answer all the questions in “STEP 4” by selecting either “Yes” or “No” for each question. You must answer “Yes” to at least one question.
   a. Your answers will affect what other pages appear in this form. For example, if you select “Yes” when asked “Do you need to respond to a refusal...”, then an “ARGUMENT(S)” page will automatically be added to your form. If you select “No”, then you won’t see an “ARGUMENT(S)” page in your form.
   b. The office action you previously received should explain the refusals or requirements made and what you need to add, change, etc. in your response.

---

1. **Do you need to respond to a refusal to accept/acknowledge your post-registration filing for any of the following reasons (but not limited to):

   - Ownership of the registration/chain of title
   - Submitting arguments in support of accepting specimen(s) already of record*
   - Use of the mark or claim of non-use
   - Identification of goods/services
   - Submitting arguments in support of accepting proof of Use already of record**
   - Declaration and signature (filing unsigned, date of execution omitted, date of execution early/late)
   - Additional fees

NOTES:
(1) If ownership has changed or there is a mistake in owner/holder information, that change must be recorded with the International Bureau (IB). Changes in owner/holder information must be recorded with the International Bureau to resolve inquiries and refusals about ownership.
(2) If you would like to correct a mistake in the maintenance filing, you must explain the nature of the mistake. A post registration examiner will review your response to determine if the mistake can be corrected.

*NOTE: To submit a "substitute specimen" to overcome a refusal, also answer "Yes" to #2.
**NOTE: To submit "proof of use" in response to a Proof of Use Audit, also answer "Yes" to #3.

Yes ☐ No ☐
3. Press the “Continue” button at the bottom of the page.
4. Continue through the form. Make any changes, attachments, payments, etc. that are necessary.
   a. Remember that changes you make in this form depend on how you answered the “STEP 4” questions. For example, since “Yes” was selected for needing to respond to a refusal, then you can respond by completing the “ARGUMENT(S)” page.
   i. On the “ARGUMENT(S)” page, you’d enter arguments directly into the form by clicking the “Click here to Enter Argument(s)” button and/or attach evidence by clicking the “Click here to Attach Evidence” button, such as an argument presented in a PDF format. The “ARGUMENT(S)” page is for submitting a written response to a refusal or requirement that you’re trying to overcome.
      1. Don’t attach a specimen or proof of use using the “Click here to Attach Evidence” button. Specimens and proof of use must be attached using others parts of the form dedicated to those purposes.

**NOTE:** The classification in a registered extension of protection of an international registration may not be amended, even with a Section 7 Request.

**NOTE:** Only modifications to correct obvious typographical errors or to delete goods/services/classes in the identification of goods/services/the nature of the collective membership organization are permitted without a Section 7 Request. Other changes, including to clarify or limit the goods/services/the nature of the collective membership organization require a Section 7 Request. Adding to or broadening the scope of the goods/services/nature of the collective membership organization is not permitted.

**NOTE:** This is for the submission of substitute specimens. You should not select this if you are responding to a Proof of Use Audit unless you also need to submit a new or substitute specimen. If you are responding to a Proof of Use Audit, answer “Yes” to #3.
b. Since “Yes” was also selected for “Do you need to do any of the following”, you would also complete the “CLASSIFICATION AND LISTING OF GOODS/SERVICES/COLLECTIVE MEMBERSHIP ORGANIZATION” page. For example, if you need to submit a “substitute specimen”, you would do so on this page.

i. If submitting a specimen, you’ll be required to submit a statement regarding use of the specimen. The statement is at the bottom of the “CLASSIFICATION AND LISTING OF GOODS/SERVICES/COLLECTIVE MEMBERSHIP ORGANIZATION” page and must be verified with a signed declaration. This declaration will appear on the “SIGNATURE” page later in the form.

5. If in “STEP 4” you selected “Yes” for “Do you need to respond to a Proof of Use Audit”, you would also complete the “Proof of Use Submissions” page.

a. If you need to provide a proof of use, select the “Proof of Use provided below for this class” radio button, complete the free form text boxes, attach your proof of use, and check the box next to the required statement about the proof of use. The statement must be verified with a signed declaration. This declaration will appear on the “SIGNATURE” page later in the form.

b. If you made any changes to your goods or services on the “CLASSIFICATION AND LISTING OF GOODS/SERVICES/COLLECTIVE MEMBERSHIP ORGANIZATION” page, those changes will be carried over to the “Proof of Use Submissions” page.
c. If you only need to verify a previously-submitted proof of use, select the “Verification only being provided for previously-submitted, unverified proof of use” radio button. You won’t be able to attach a proof of use, but you’ll be prompted to submit a statement regarding the previously-submitted proof of use by check a statement box. This statement must be verified with a signed declaration. This declaration will appear on the “SIGNATURE” page later in the form.

6. Complete the “SIGNATURE” page to submit this form. Learn how to complete the signature section of this form.
Combined Declaration of Use and Incontestability under Sections 71 & 15

1. You selected the Combined Declaration of Use and/or Incontestability under Sections 71 & 15 radio button.

"STEP 3: To respond to an Office action, select the appropriate radio button and click on the "Continue" button below:

- Declaration of Incontestability under Section 15
- Section 7 Request for Amendment or Correction of Registration Certificate
- Surrender of Registration for Cancellation
- Request to Divide Registration
- Declaration of Use and/or Excusable Nonuse under Section 71
- Combined Declaration of Use and Incontestability under Sections 71 & 15

Radio button is selected

2. Answer all the questions in “STEP 4” by selecting either “Yes” or “No” for each question. You must answer “Yes” to at least one question.
   a. Your answers will affect what other pages appear in this form. For example, if you select “Yes” when asked “Do you need to respond to a refusal...”, then an “ARGUMENT(S)” page will automatically be added to your form. If you select “No”, then you won’t see an “ARGUMENT(S)” page in your form.
   b. The office action you previously received should explain the refusals or requirements made and what you need to add, change, etc. in your response.

1. Do you need to respond to a refusal to accept/acknowledge your post-registration filing for any of the following reasons (but not limited to):
   - Ownership of the registration/chain of title
   - Submitting arguments in support of accepting specimen(s) already of record*
   - Use of the mark or claim of non-use
   - Identification of goods/services
   - Submitting arguments in support of accepting proof of Use already of record**
   - Declaration and signature (filing unsigned, date of execution omitted, date of execution early/late)
   - Additional fees

NOTES:
(1) If ownership has changed or there is a mistake in owner/holder information, that change must be recorded with the International Bureau (IB). Changes in owner/holder information must be recorded with the International Bureau to resolve inquiries and refusals about ownership.
(2) If you would like to correct a mistake in the maintenance filing, you must explain the nature of the mistake. A post registration examiner will review your response to determine if the mistake can be corrected.

*NOTE: To submit a "substitute specimen" to overcome a refusal, also answer "Yes" to #2.
**NOTE: To submit "proof of use" in response to a Proof of Use Audit, also answer "Yes" to #3.

Yes ☐ No ☐
3. Press the “Continue” button at the bottom of the page.
4. Continue through the form. Make any changes, attachments, payments, etc. that are necessary.
   a. Remember that changes you make in this form depend on how you answered the “STEP 4” questions. For example, since “Yes” was selected for needing to respond to a refusal, then you can respond by completing the “ARGUMENT(S)” page.
      i. On the “ARGUMENT(S)” page, you’d enter arguments directly into the form by clicking the “Click here to Enter Argument(s)” button and/or attach evidence by clicking the “Click here to Attach Evidence” button, such as an argument presented in a PDF format. The “ARGUMENT(S)” page is for submitting a written response to a refusal or requirement that you’re trying to overcome.
         1. Don’t attach a specimen or proof of use using the “Click here to Attach Evidence” button. Specimens and proof of use must be attached using others parts of the form dedicated to those purposes.

---

**NOTE**: The classification in a registered extension of protection of an international registration may not be amended, even with a Section 7 Request.

**NOTE**: Only modifications to correct obvious typographical errors or to delete goods/services/classes in the identification of goods/services/the nature of the collective membership organization are permitted without a Section 7 Request. Other changes, including to clarify or limit the goods/services/the nature of the collective membership organization require a Section 7 Request. Adding to or broadening the scope of the goods/services/nature of the collective membership organization is not permitted.

**NOTE**: This is for the submission of substitute specimens. You should not select this if you are responding to a Proof of Use Audit unless you also need to submit a new or substitute specimen. If you are responding to a Proof of Use Audit, answer “Yes” to #3.

○ Yes ☑ No
b. Since “Yes” was also selected for “Do you need to respond to a Proof of Use Audit”, you would also complete the “Proof of Use Submissions” page.
   i. If you need to provide a proof of use, select the “Proof of Use provided below for this class” radio button, complete the free form text boxes, attach your proof of use, and check the box next to the required statement about the proof of use. The statement must be verified with a signed declaration. This declaration will appear on the “SIGNATURE” page later in the form.
   ii. If you made any changes to your goods or services on the “CLASSIFICATION AND LISTING OF GOODS/SERVICES/COLLECTIVE MEMBERSHIP ORGANIZATION” page, those changes will be carried over to the “Proof of Use Submissions” page.
iii. If you only need to verify a previously-submitted proof of use, select the “Verification only being provided for previously-submitted, unverified proof of use” radio button. You won’t be able to attach a proof of use, but you’ll be prompted to submit a statement regarding the previously-submitted proof of use by check a statement box. This statement must be verified with a signed declaration. This declaration will appear on the “SIGNATURE” page later in the form.

5. Complete the “SIGNATURE” page to submit this form. Learn how to complete the signature section of this form.
Signature

1. On the signature page, you’ll see two sections: “DECLARATION SIGNATURE” and “RESPONSE SIGNATURE”. You must sign the “RESPONSE SIGNATURE” section.
   a. For the “DECLARATION SIGNATURE” section, you can choose to either:
      i. Sign electronically directly on the form.
      ii. Email a text version of the form to a second party for electronic signature.
      iii. Handwrite a pen-and-ink signature.
      iv. Check a box to bypass signing the declaration.

<table>
<thead>
<tr>
<th>DECLARATION SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>If a declaration is required, the declaration must be signed by the owner/holder of the registration or a person properly in behalf of the owner/holder under Trademark Rule 2.193. The radio button identifying the signatory in the Response selected.</td>
</tr>
<tr>
<td>Choose signature method</td>
</tr>
<tr>
<td>Click to choose ONE signature method:</td>
</tr>
<tr>
<td>☐ Sign electronically directly on this response form ☐ Email Text Form to second party for electronic signature ☐ Handwritten pen-and-ink signature</td>
</tr>
<tr>
<td>NOTE: To electronically sign this document, enter any alpha/numeric characters (letters/numbers) of your choosing, preceded and followed by the forward slash (/) symbol. Most signatories enter their name between the two forward slashes; examples of acceptable “signatures” include: /john doe; /jd; or/123-4567/.</td>
</tr>
<tr>
<td>☐ Check this box to bypass signing the declaration. The undersigned has elected not to submit the signed declaration, believing no supporting declaration is required under the Trademark Rules of Practice. The undersigned acknowledges that the USPTO may, upon later review, require a signed declaration.</td>
</tr>
</tbody>
</table>

b. For the “RESPONSE SIGNATURE” section, you can choose to either:
   i. Sign electronically directly on the form.
   ii. Email a text version of the form to a second party for electronic signature.

<table>
<thead>
<tr>
<th>RESPONSE SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Click to choose ONE signature method:</td>
</tr>
<tr>
<td>☐ Sign electronically directly on this response form ☐ Email Text Form to second party for electronic signature</td>
</tr>
<tr>
<td>NOTE: Do NOT sign the Declaration Signature section &quot;directly&quot; and use the &quot;email text form&quot; option for signing the Response. Both sections must be signed &quot;directly&quot; if choosing that option.</td>
</tr>
<tr>
<td>NOTE: To electronically sign this document, enter any alpha/numeric characters (letters/numbers) of your choosing, preceded and followed by the forward slash (/) symbol. Most signatories enter their name between the two forward slashes; examples of acceptable “signatures” include: /john doe; /jd; or/123-4567/.</td>
</tr>
</tbody>
</table>

| Choose signature method |

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

c. In the “RESPONSE SIGNATURE” section, select one of the three radio buttons to confirm your role in relation to the trademark registration.
2. Click the “Validate” button at the bottom of the page.
3. In step four on the validation page, check the box to show you’ve read and understood the posted notice.

4. Click “Submit” at the bottom of the form to submit your filing.
   a. If you are paying any fees, you’ll see “Pay/Submit” at the bottom of the form instead of “Submit”. Click “Pay/Submit”. You’ll be redirected to a “Make Payment” page, where you’ll enter your payment information. The form will not be submitted until payment is complete.