

## CHANGES: INDEX TO CHANGES IN TMEP APRIL 2017

Attention is directed to the following changes in the April 2017 TMEP.

SECTION	CHANGE
TMEP	Incorporated changes in accordance with relevant precedential decisions reported prior to March 1, 2017.
104	Miscellaneous stylistic edits.
108.01	Miscellaneous stylistic edit.
108.03	Miscellaneous stylistic edit.
109.01	Miscellaneous stylistic edits. Deleted reference to Trademark Image Capture and Retrieval System (TICRS).
109.02	Revised to clarify that the USPTO does not create paper files or retain paper copies of trademark documents submitted in paper form and only creates paper copies documents sent to applicants or registrants who have not authorized communication by email.
109.03	Miscellaneous stylistic edits.
111	Revised to clarify the procedure for purchasing certified copies of trademark documents. Miscellaneous stylistic edits.
204.03	Clarified procedure when supplemental Office action is issued because payment of an application filing fee was returned to the USPTO unpaid, refused, or charged back. Miscellaneous stylistic edits.
401.01	Clarified procedure when voluntary amendment is submitted before an application is assigned to an examining attorney. Miscellaneous stylistic edits.
608.02	Added hyperlink to exclusion orders issued by the Commissioner for Trademarks.
611.05(b)	Clarified procedure when the record does not contain the name of the person who entered an electronic signature.
702.01	Clarified that voluntary amendments are subject to the same examination standards as amendments made in response to a refusal or requirement.
704.01	Added cross references. Corrected cross reference.
705.01	Clarified that voluntary amendments must be acknowledged. Added cross references. Deleted sentence regarding “capable” and “incapable.”
706.01	Added statement that applicant may not directly challenge the Office’s determination under the clear-error standard that a new requirement or refusal must issue case citation and supporting case citation. Miscellaneous stylistic edits.
712.03	Clarified procedure when the correspondence address was changed as a result of a submission by an unauthorized party.
713	Added cross references.
714.05(d)	Clarified that procedures refer to situations where no appeal has been filed. Added cross reference.
716.02(g)	Clarified that section also refers to a request to record a limitation.
716.05	Clarified that upon receipt of a proper response to such a suspension inquiry, the examining attorney must issue a new suspension letter.
803.02	Added requirement when the owner of a mark is a trust. Added cross reference.
803.03(i)	Added example of when “limited company” is acceptable and deleted last sentence in first paragraph.

<b>SECTION</b>	<b>CHANGE</b>
806.02(a)	Clarified example regarding situation where only some of the goods/services in a class share a dual basis under §44 and §1(b).
816.02	Clarified that the effective filing date is not changed to the filing date of the allegation of use if the application includes a §44(d) filing basis with a priority filing date in addition to the §1(b) basis.
901.03	Updated case citation.
904.03(a)	Clarified procedure for labels or tags whose appearance suggests that they are not in actual use in commerce. Added cross references.
904.03(g)	Added case citation.
904.04(a)	Changed section title to: Drawing or “Picture” of the Mark; Digitally Created or Altered Specimen. Added minor clarifications regarding types of improper specimens. Added cross reference.
1011.01	Clarified that if the foreign registration shows a series of marks, the mark on the drawing in the U.S. application must be a substantially exact representation of one of the marks depicted in the foreign registration.
1011.02	Clarified that if the foreign registration shows a series of marks, the mark on the drawing in the U.S. application must be a substantially exact representation of one of the marks depicted in the foreign registration.
1202.07(a)(ii)	Added downloadable publications and publications recorded on electronic media as examples of media to which section applies.
1202.07(a)(iii)	Added downloadable publications and publications recorded on electronic media as examples of media to which section applies.
1202.07(b)	Clarified that section pertains to non-downloadable publications.
1207.01(d)(xi)	Added cross reference.
1209.01(c)(iii)	Added case citation.
1209.03(v)	Added case citations.
1212.01	Added case citation and deleted two case citations.
1212.02(f)(i)	Changed “statement verified by the applicant” to “verified statement.”
1212.02(f)(ii)(B)	Miscellaneous stylistic edits. Added cross references.
1212.05(d)	Updated rule citation. Changed “signed by the applicant” to “properly signed.” Added new example and clarified last example.
1212.06(e)(v)	Added new section pursuant to addition of precedential decision: Family of Marks
1212.07	Clarified that amendments to the nature of an acquired-distinctiveness claim based on five years’ use must be verified.
1213.03(a)	Clarified that the voluntary disclaimer of a surname is not an appropriate response to a surname refusal.
1301.02(f)	Updated case citation.
1301.04(e)	Updated case citation.
1301.04(f)	Updated case citation.
1301.04(f)(ii)	Updated case citation.
1301.04(h)(iii)	Updated case citation.
1306.05(b)(ii)	Added case citation.
1306.05(c)	Added case citation.
1306.05(d)	Added case citation.

<b>SECTION</b>	<b>CHANGE</b>
1401.02(a)	Added short title for Nice 10 <sup>th</sup> edition, version 2013. Miscellaneous stylistic edits.
1401.03(a)	Rearranged placement of first three sentences.
1401.03(c)	Added “for conflicting marks” regarding examining attorney’s search.
1401.05(a)	Miscellaneous stylistic edits.
1401.05(b)	Miscellaneous stylistic edits.
1401.07	Added examples.
1401.08	Revised to clarify that the short title of the class and the Class Headings under Nice should not be used to indicate that an application includes all goods or services in a particular class.
1401.09	Changed “items” to “goods or services.”
1401.10	Revised to include information about the “Version History” in the ID Manual; added examples to clarify with which version of the Nice Agreement amendments must comply.
1401.11	Miscellaneous stylistic edits.
1401.12	Changed “aquaria and related items” to “indoor aquaria and certain related items” to comply with Nice Alphabetical List.
1401.12(c)	Changed “filtering apparatus” to “filtration apparatus” to match ID Manual.
1401.14(a)	Changed section title to: Cosmetic and Toiletry Preparations and Soaps. Further clarified proper classification of soaps, cosmetics, and toiletry items.
1401.14(c)	Miscellaneous stylistic edit.
1401.14(e)	Clarified that “security consultancy” in Class 45 was amended to “physical security consultancy” under Nice 11 <sup>th</sup> ed.
1402.01	Clarified that terms of art must be definite and limited to a single class.
1402.03(a)	Changed “drills” to “hammer drills” and further clarified the proper use of “accessories therefor.”
1402.03(d)	Miscellaneous stylistic edit.
1402.03(e)	Added cross references and example.
1402.03(f)	Further clarified that industry terminology must be definite and limited to a single class.
1402.05(b)	Miscellaneous stylistic edit.
1402.06(a)	Miscellaneous stylistic edits.
1402.06(b)	Miscellaneous stylistic edit.
1402.07(b)	Revised Class 7 goods in example.
1402.07(c)	Revised examples.
1402.09	Clarified that registered marks in plural and punctuated/non-punctuated forms cannot be used in identifications of goods/services.
1402.11	Revised examples to align with ID Manual.
1402.11(a)(ii)	Minor revisions to align with ID Manual.
1402.11(a)(iii)	Minor revisions to align with ID Manual.
1402.11(a)(iv)	Miscellaneous stylistic edit.
1402.11(a)(viii)	Minor revision to align with ID Manual.
1402.11(a)(ix)	Examples revised to align with ID Manual.
1402.11(a)(x)	Example revised to align with ID Manual.
1402.11(a)(xi)	Added cross reference.
1402.11(b)	Added quotation from Nice General Remarks. Miscellaneous stylistic edits.

<b>SECTION</b>	<b>CHANGE</b>
1402.11(c)	Minor revision to align with ID Manual.
1402.11(e)	Added quotation from Nice General Remarks. Miscellaneous stylistic edits.
1402.11(h)	Minor revision to align with ID Manual.
1402.11(j)	Added examples.
1402.12	Clarified guidance regarding parentheses in identifications.
1715.02(b)	Miscellaneous edit.
1715.04(c)	New section: Letter-of-Protest Evidence – Trademark Trial and Appeal Board Proceedings
1904.02(a)	Revised section title: Examined as Regular Application on the Principal Register. Transferred text from current §1904.02(f).
1904.02(c)(iii)	Clarified procedures when it appears there is an error in classification.
1904.02(c)(iv)	Clarified that request for suspension must include a copy of the request for correction or request to record a limitation.
1904.02(e)	Revised section title: Corrections to an International Registration
1904.02(e)(i)	Revised section title: Corrections to Goods/Services/Classes. Clarified that goods/services added via a correction are subject to USPTO definiteness requirements. Added cross references.
1904.02(e)(ii)	Section deleted.
1904.02(e)(iii)	Section renumbered as 1904.02(f)(iii).
1904.02(f)	New section title: Restrictions to Goods/Services. Current text moved to §1904.02(a). Clarified types of restrictions. Added cross references.
1904.02(f)(i)	New section: Limitations to Goods/Services
1904.02(f)(ii)	Old section 1904.02(e)(iii). Section title revised: Limitations vs. Amendments to Goods and Services. Clarified procedures for limitations and amendments.
1904.02(f)(iii)	New section: Partial Cancellation of an International Registration.
1904.02(f)(iv)	New section: Partial Ceasing of Effect of a Basic Application/Registration.
1904.03(g)	Revised section title: Notification of Restrictions to Goods/Services with Respect to a Pending Request for Extension of Protection.
1904.03(g)(i)	Added subsection title to text of current §1904.03(g)(i): Limitations to Goods/Services. Revised text to clarify procedures and added examples.
1904.03(g)(ii)	New section: Partial Cancellation of an International Registration
1904.03(g)(iii)	New section: Partial Ceasing of Effect of a Basic Mark
1904.15	Revised section title: Notification of Restrictions to Goods/Services with Respect to a Registered Extension of Protection
1904.15(a)	Added subsection title to text of current §1904.15: Limitations to Goods/Services. Revised text to clarify procedures and added cross references.
1904.15(b)	New section: Partial Cancellation of an International Registration
1904.15(c)	New section: Partial Ceasing of Effect of an International Registration
1906.01(e)	Revised section title: Limitation, Cancellation, or Renunciation of an International Registration. Revised text to clarify procedures.