

# Public Advisory Committee Meeting Trademark Operations Update

June 5, 2015

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Commissioner for Trademarks

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Trademark Performance: Pendency

<b><i>FY 2015</i></b> <b><i>Trademark Performance Measures</i></b>	<b>FY 2015</b> <b>Targets</b>	<b>FY 2015</b> <b>April</b> <b>Results</b>
<b>First Action Pendency</b> First action pendency from date of filing to first office action in months.	<b>2.5 – 3.5</b>	<b>2.8</b>
<b>Disposal Pendency</b> Disposal pendency from date of filing to issuance of a notice of allowance, registration, or abandonment – <b>excluding</b> suspended and <i>inter partes</i> proceedings.	<b>12.0</b>	<b>10.1</b> 

# Trademark Performance: Quality

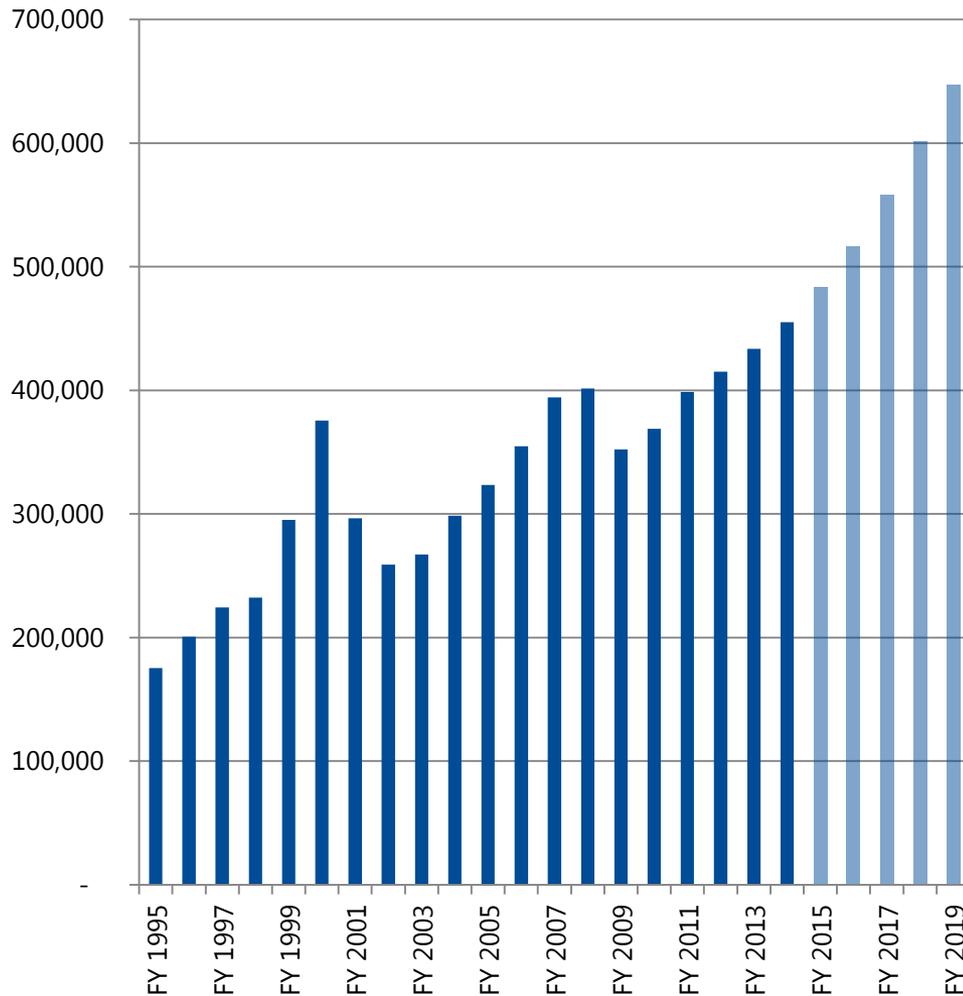
<b><i>FY 2015</i></b> <b><i>Trademark Performance Measures</i></b>	<b>FY 2015</b> <b>Targets</b>	<b>FY 2015</b> <b>April</b> <b>Results</b>
<b>First Action Compliance</b> In-process review evaluation of the statutory bases for which the Office raises issues and or refuses marks for registration based on the first office action.	<b>95.5%</b>	<b>96.1%</b>
<b>Final Action Compliance</b> In-process review evaluation of the statutory bases for which the Office raises issues and or refuses marks for registration based on the examiner's approval or denial of the application.	<b>97.0%</b>	<b>97.3%</b>
<b>Exceptional Office Action</b> Measure indicating the comprehensive quality of the first Office action search, evidence, writing and decision making.	<b>36.0%</b>	 <b>53.4%</b>

# Recent Rulemakings: Collective and Certification Marks

- Planning to issue final rulemaking notice shortly
- Provides public more detailed guidance for registering and maintaining these marks
- Codifies current USPTO Practice
- Important change: certification mark owners filing maintenance documents must include certification standards if not in record or have changed
- Rules package remains relatively unchanged from proposed rules where feedback was welcomed.



# New Application Filing Levels



- FY 2014: 455,017 classes
- FY 2015: 483,000 classes projected – 6% increase
- Swings ranged from a 27% increase (1999 and 2000) to a 21% decrease (2001)
- Expect 7% to 8% increases from 2016 through 2020

# Trademark Staffing

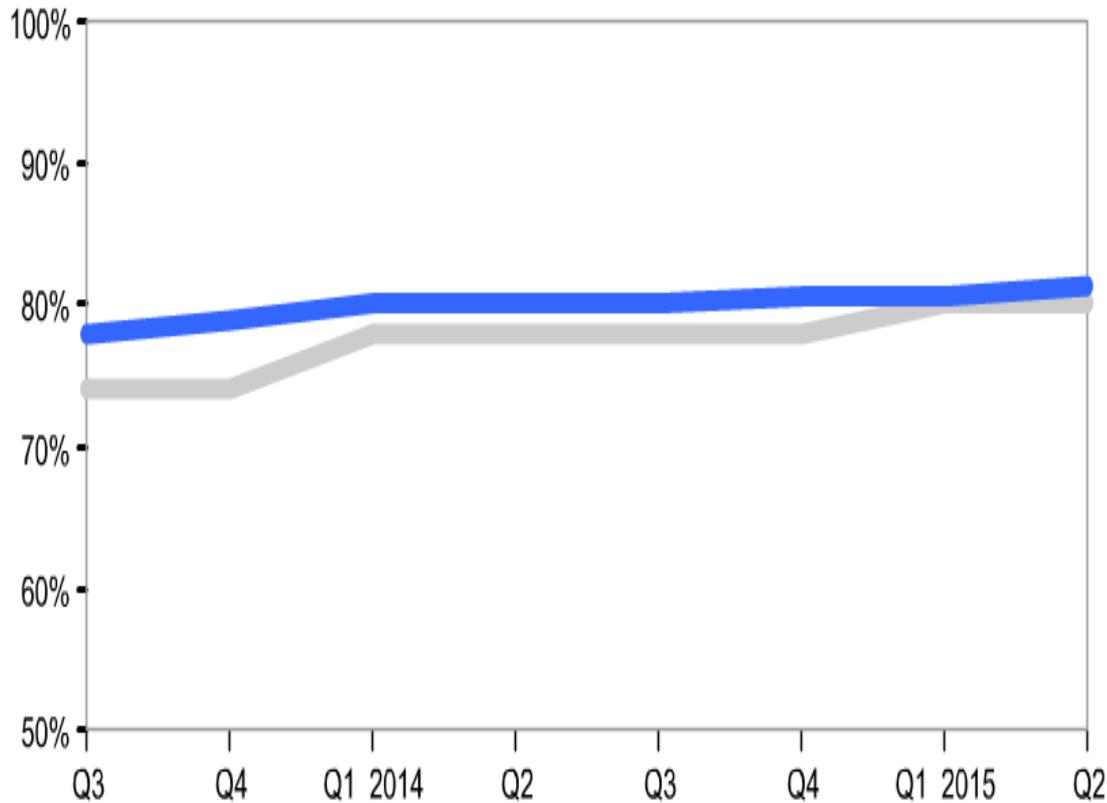
- 729 Trademark employees
- 464 examining attorneys (64% of Trademarks)
- Almost 85% of examining attorneys telework full time
- Examining attorneys are located in 29 different states; Telework Enhancement Act Pilot Program (TEAPP)
- Hired 43 examining attorneys in FY15 (21 started in March, the rest in May)

# Training Pilot Program to New Examining Attorneys

- All new examining attorneys in one law office
- Called Law Office 120
- Traditionally we would split up this group and send to various law offices already in existence

# E-Government

## Applications Completely Processed Electronically (classes)



The overall percentage of applications that are processed electronically from filing to disposal.

### Legend

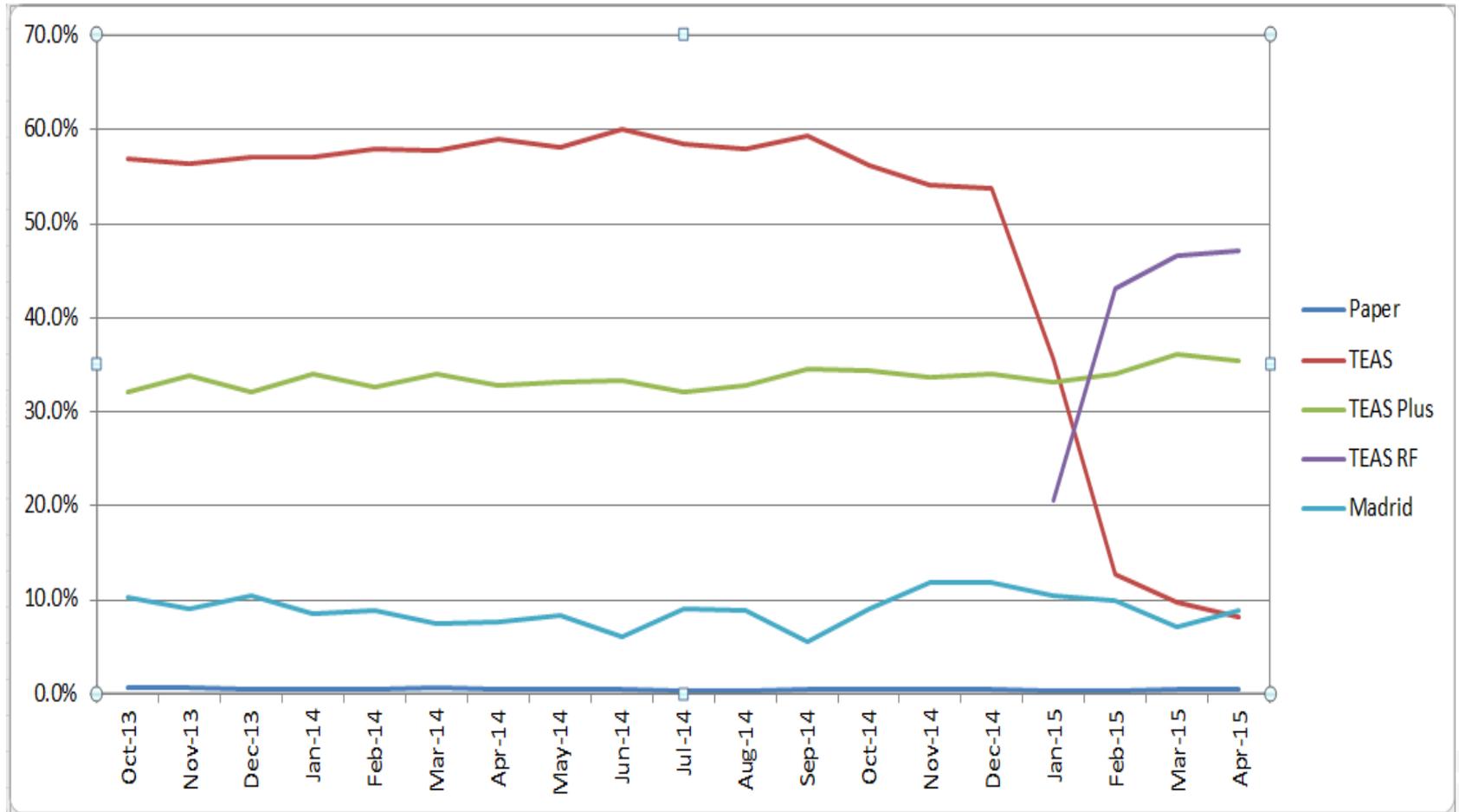


# Initial Application Fee Levels

- **TEAS Plus Application:**  
\$225 per class of goods/services
- **TEAS Reduced Fee (RF) Application\*:**  
\$275 per class of goods/services
- **TEAS Regular Application:**  
\$325 per class of goods/services
- **Paper Application:**  
\$375 per class of goods/services

\*Option introduced January 17, 2015

# The Rise of TEAS RF



# Assignment Enhancements

- Improvements developed in large part from customer feedback
- Key improvements include:
  - Customer ability to set order of recordation of documents with same date
  - New conveyance types, e.g. merger/change of name, entity conversion, court order
  - Customer ability to add special characters, e.g. \* (asterisk)

# New ETAS Resubmission Form



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

February 24, 2015

PTAS

JOHN SMITH  
1234 MAIN ST.  
ANYTOWN, USA 12345



900000001

### United States Patent and Trademark Office Notice of Non-Recordation of an Assignment Document

The enclosed document has been examined and found non-recordable by the Assignment Recordation Branch of the U.S. Patent and Trademark Office. The reason(s) for non-recordation are stated below:

1. The submitted documentation is not acceptable to establish an assignment of the subject property.

...

To file the resubmission electronically, navigate to the ETAS website at <http://etas.uspto.gov>, click the Start Resubmission button and enter the following information:

→ Document ID: 900000001  
Access Code: VN5NHXKLHE334SF

To file the resubmission in paper, send documents to: U.S. Patent and

# Proof of Use Pilot Results

Basis for Registration	Percentage of Registrations Selected for the Pilot Deleting Goods/Services Queried Under the Pilot	Percentage of Registrations Selected for the Pilot Receiving Notices of Cancellation	Percentage of Registrations Selected for the Pilot Receiving Notices of Acceptance (Including for a Narrowed Scope of Goods/Services)
Section 1(a)	28%	18%	82%
Section 44(e)	62%	7%	93%
Section 66(a)	61%	14%	86%
Combined Section 1(a) and 44(e)	63%	12.5%	87.5%

# Post Registration Amendments to IDs Due to Technology Evolution



# Specific Requirements for Post Registration Technology Amendment

- Petitioner would need to:
  - Request waiver of ID scope rule due to extraordinary circumstances
  - Demonstrate justice supports waiver and not other party injured
  - Declare that due to technology change, cannot show use of original goods/services
  - Declare still using mark on new technological goods/services where content is the same
  - Declare that if not allowed to make change, petitioner would be forced to delete good/services

# TM-5

- Annual meeting of United States Patent Trademark Office, European Union, Japanese Patent Office, Chinese Trademark Office and Korean Intellectual Property Office
- Focus on collaboration and harmonization projects to benefit users in all Partner countries
- Website: <http://tmfive.org/main.php>
- TM5 Midterm at INTA's Annual Meeting in May
- Hosting Annual Meeting December 1-2, 2015

# Outreach

- Public outreach to small businesses and entrepreneurs regarding importance of Trademarks through 1) speaking engagements and 2) recorded instructional videos
- “Basic Facts” video is approaching 300,000 hits
- Some recent and upcoming events include:
  - June 5 Northern Kentucky University, Highland Heights, KY
  - June 10 PACE University, New York, NY
  - June 17 Free Library of Philadelphia, Philadelphia, PA
  - June 23 Small Business Development Center, Santa Fe, NM
  - June 25 INTA USPTO roundtable, Phoenix, AZ
  - June 25 Small Business Development Center, Phoenix, AZ

# Regional Offices

- Enhancing our presence in the regional offices
  - Informational brochures explaining the resources available from our Trademark Assistance Center (TAC) sent to satellite offices and have been favorably received
  - TAC will soon provide service via video conference to the regional offices
  - Annual visits to satellite offices by Commissioner or Deputy Commissioner

# Enhancing The Customer Service Experience

- Working on a plan for enhancement including:
  - Expanding customer service training
  - Improving website instructions
  - Simplification of Problem Resolution

# Thank You!

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