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To: [Fee.Setting](#); [TM.FR Notices](#); [Cain, Catherine](#)
Subject: No to Letter of Protest fees, Yes to Online Searches for Widespread Use
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To whom it may concern:

I am writing against the proposed fees for filing a Letter of Protest.

There would be no need to charge for the increased workload of evaluating letters of protest if examiners would simply perform a routine online search for all category 025 applications to check if the expression is already in widespread use. This is the main issue raised in most letters of protest to the USPTO.

Why so many letters of protest? Bad actors are abusing the United States trademark system to corner the market for best-selling phrases on apparel and household items. Once they have obtained a popular trademark, they immediately issue takedown requests to all the major online retailers and print-on-demand companies. When this occurs, upstanding businesses are hurt by the loss of income and their reputation may be damaged on the platform they sell their designs on, like Etsy or Amazon.

Small businesses currently need to file letters of protest for frivolous trademarks because they have zero faith that the examiner will first make a common sense search of the Internet to see if a phrase is in widespread use. Here are just a few examples of trademarks that should not have been granted.

Christmas

NOEL
HOPE
JESUS
DABBING SANTA
BUMPS FIRST CHRISTMAS
SANTA PAWS
SANTA CLAWS
SECRET SANTA

Thanksgiving

THANKFUL
MASHED POTATOES
TURKEY BOWL
(FRIENDSGIVING - letter of protest filed)

Halloween

BOO-YA
PETER PETER
(I'M JUST HERE FOR THE BOOS – letter of protest filed)

Easter

SOMEBUNNY IS PREGNANT
WILL TRADE SISTER FOR EASTER EGGS
WILL TRADE BROTHER FOR EASTER EGGS
SOME BUNNY LOVES ME

Fourth of July

1776
LIBERTY
DON'T TREAD ON ME
INDEPENDENCE DAY

Family relationships

MOTHER
FOOTBALL MOM
BASEBALL MOM
SOFTBALL MOM
AWESOME DAD
THIS GUY
I'M THE BIG SISTER
I'M THE BIG BROTHER
I LOVE MY BIG SISTER
I LOVE MY WIFE
MARINE DAD
PAPA THE MAN THE MYTH THE LEGEND
AWESOME GRANDPA

Life events

BRIDE TO BE
BRIDE'S MAID
MOMMY TO BE
THE MAN BEHIND THE BUMP
THIS LADY IS GOING TO BE A GRANDMA

Pets

DOGS
CATS
I'D RATHER BE WITH MY DOG
WORKING HARD SO MY DOG CAN HAVE A GOOD LIFE
BIRD NERD

Food

HONEY
TACOTARIAN
FEED ME TACOS
BEERS

A simple online search would have shown the examiner that these words were indeed in widespread use and do not function as a trademark.

As a small business owner, I cannot afford to file for cancellation of these erroneously granted trademarks. All I can do is monitor the hundreds of pending applications for frivolous trademarks and file a letter of protest to try to help the examiner see what is obviously already for sale online.

How I create a Letter of Protest:

1. Search online for the proposed trademark phrase on Amazon, Google Shopping, Etsy, and RedBubble.
2. Send screenshots to the examiner showing the hundreds of products currently using that phrase from multiple stores.

For the life of me I cannot understand why online searches for widespread use are not already a requirement for all apparel trademark evaluations!

As a small business owner, I do not have the time to police all these trademarks. I want to trust that the good examiners working at the USPTO are performing their due diligence and paying attention to the common phrases being used on apparel.

Most designers and artists have thousands of shirts in their catalog for sale across multiple platforms. Each month hundreds of trademarks are applied for. I do my best to review who is filing for phrases that impact my business, and remove freshly trademarked items from the marketplace before I am penalized. I want to keep my business accounts on Amazon and other platforms in good standing.

The Letter of Protest needs to remain free. Please do not penalize small businesses for trying to help the USPTO perform an accurate evaluation. By all means, penalize the bad actors who waste the examiner's time with frivolous trademark applications.

The USPTO needs to adapt their trademark examining process to include online retailers and the print on demand industry (comprised of 200-300 companies that print and ship original artwork created by independent designers).

The USPTO is already costing me time and earnings by the way examiners currently evaluate trademarks without looking at the online marketplace.

Do not require me to pay to do online searches for USPTO employees.

Do not charge me for speaking up to try to help the USPTO do their job.

Yes, keep letters of protest free, as it's one indicator of how well the USPTO is doing at their job.

Instead of increasing fees, change the examiner's process to solve this entire problem. There will be no need for so many letters of protest!

I welcome the opportunity to discuss this issue further and collaborate with the USPTO on behalf of the apparel design and print-on-demand community.

Thank you for your time and careful attention to these matters.

Sincerely,

Amber Timmerman
Business Owner