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Requirement of U.S. Licensed Attorney for Trademark Applicants and Registrants Not Domiciled in the United States

Comment On: PTO-T-2018-0021-0001

Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants

Document: PTO-T-2018-0021-0018

Comment-Anonymous3

Submitter Information

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General Comment

I strongly support this proposed change that would require foreign trademark applicants and registrants to be represented by a U.S. registered attorney when filing trademark documents with the USPTO.

There are numerous instances where individuals and firms in China file and prosecute trademark applications based on forged evidence and other false information. It is also not uncommon that these Chinese individuals and firms handle the U.S. applications using fake identities stolen from registered U.S. registered attorneys. Some of them even go as far as showcasing on their websites and pamphlets the names of the U.S. registered attorneys who are unaware of their identities being stolen.

In view of the above, in addition to the proposed change, I would also suggest the USPTO to set up a secured system for filing and prosecuting trademark applications, for example like the Private PAIR for patent applications. Also, it is suggested to have more stringent requirements for proving the identity of the U.S. registered attorney, e.g. requiring an affidavit from the attorney and an original letter of good standing from the state bar, in order to prevent identity theft from China.