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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-2018-0021-0026

Comment-Anonymous6

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General Comment

I believe the proposed change is in the right direction.

Some of the Chinese municipal governments (e.g. Shenzhen City) are offering cash subsidies to the local entities who register trademarks in other countries including the U.S. The amount of cash subsidies is greater than the official fee and attorney fee combined. This results in a business in which the Chinese entities are motivated to obtain as many U.S. trademark registrations as possible (e.g. by picking arbitrary combinations of letters and numbers) with no intention to use the marks at all. This also gives rise to Chinese agencies which do pro se filings for the Chinese applicants, despite the lack of experience and knowledge in U.S. trademark practice. In many of these instances, forged specimens and materials are used by these Chinese applicants and agencies.

The following are a few articles on the internet which report on the above issues:

<https://www.gerbenlaw.com/blog/chinese-business-subsidies-linked-to-fraudulent-trademark-filings/>

<https://www.ipwatchdog.com/2018/06/25/trademark-applications-subsidized-chinese-government/id=98594/>

<https://www.wsj.com/articles/flood-of-trademark-applications-fromchinaalarms-u-s-officials-1525521600>

It is also suggested that the USPTO should set up a secured system for filing and prosecuting trademark applications, since the current system allows anyone to change the application data easily.