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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

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Comment-Anonymous8

Submitter Information

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General Comment

This proposed rule change requiring foreign applicants to be represented by a U.S. Attorney in trademark application filings is unconstitutional and no entity should be required to retain legal counsel for a trademark application filing no matter of origin. Regardless of what solution the U.S. Patent & Trademark Offices comes up with to combat fraud on the register, there should always be an option for applicants to file pro se no matter of origin or domicile.

The right to self representation predates the ratification of the constitution.

Pro se legal representation in the United States:

The Supreme Court notes that "[i]n the federal courts, the right of self-representation has been protected by statute since the beginnings of our Nation. Section 35 of the Judiciary Act of 1789, 1 Stat. 73, 92, enacted by the First Congress and signed by President Washington one day before the Sixth Amendment was proposed, provided that 'in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of counsel.'"

While I understand countries such as China and the European Union have adopted such regulations, the United States of America was founded on different values, standards and principals. With freedom comes great responsibility, as a U.S. citizen I strongly oppose this rule.