

# PUBLIC SUBMISSION

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**Docket:** PTO-T-2018-0021

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-2018-0021-0028

Comment-Montgomery2

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## General Comment

I oppose this proposed rule-making.

In my opinion, this proposed change is incompatible with the USPTO's goal of fostering international cooperation in intellectual property law.

If the worry is fraudulent specimens and misunderstanding by applicants of U.S. law, the solution is to only allow attorneys to represent clients. Thus, a client either files pro se or with the assistance of an attorney. The USPTO and state bar associations have limited power in disciplining domestic or foreign representatives, therefore, a rule for only attorneys and pro se would solve the problem of rogue representatives who are scamming clients with little to no consequences.

The USPTO is supposed to treat foreign and domestic applicant's as equally as possible. This is part of the USPTO's broader goal of international cooperation. Many attorneys are dual citizens or are licensed in multiple countries. Treating people differently based on their nationality or location will hurt U.S. attorneys who practice in front of the USPTO and other IP offices. This rule sets the precedent that the U.S. treats Americans different than non-Americans. When other countries see such rule-making coming from the US, they will copy such behavior and use it to justify their unequal policies.

I understand the desire to curb poor applications and deadwood on the Registers, however treating people unequally by nationality is not the solution. I would welcome a rule change requiring that only attorneys and pro se applicants can practice in front of the USPTO, or even a trademark agent like the patent side of the USPTO.

In sum, if the goal is to curb poor applications, the best thing is to regulate all attorneys and bar all representatives from practicing. Treating applicant's differently based on their nation of origin is antithesis to the USPTO's current programs to foster international cooperation. Protectionist policies like this proposed rule always hurt U.S. companies and attorneys.

Thank you,  
Kate Montgomery, Esq.