

PUBLIC SUBMISSION

As of: 3/18/19 9:24 AM
Received: March 17, 2019
Status: Posted
Posted: March 18, 2019
Tracking No. 1k3-98tw-drle
Comments Due: March 18, 2019
Submission Type: API

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-2018-0021-0033

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General Comment

The new policy is obviously targeting on trademark filings from China. But the believe that filings from China are of low-quality and hampering US trademark integrity is just baseless.

If we take the rate of registered marks to filings as a kind of successful rate of applying a trademark and thus a kind of "quality" index of the filings, we will see, that the "quality" of China filings is better than all foreign countries in average, better than Canada, and even better than US filings. The successful rate of China flings is 50.42% if we put 5 years (2014-2018) number together, as compared to 38.18% of Canada, and 37.99 of all foreign countries. The successful rate of US in 2018 is only 42.42%.

So, forcing all foreign applicants (30% are from China) to hire US attorneys is not the right solution of any problems that may exist. It is simply a discrimination to all foreign applicants, it will be an unfair punishment to tens of thousands (if not millions) SMEs from foreign countries.

By the way, I personally believe that hiring qualified/certified trademark agents/attorneys is the best practice recommendable to all applicants including foreign applicants. It is simply wrong and unfair to treat domestic and foreign applicants differently.

Attachments

Compare China Filings with US and Other Foreign Countries