

**From:** [zara\\_zoka-check@yahoo.co.uk](mailto:zara_zoka-check@yahoo.co.uk)  
**To:** [Fee.Setting](#); [TM.FR Notices](#); [Cain, Catherine](#)  
**Subject:** Response to Proposed Fee for Letters of Protest  
**Date:** Monday, September 30, 2019 5:21:56 PM

---

## To Whom It May Concern

It has been brought to my attention that there is a proposal to charge a fee of \$100 or more for submitting evidence in a letter of protest for newly filed trademarks.

In the last 4-5 years millions of people have been able to own their own businesses online through selling on platforms such as Amazon, Etsy and Ebay for example, selling merchandise and products with common and funny phrases.

However what also has been on the rise has been many frivolous trademark applications of these common and ornamental phrases. By frivolous we mean phrases or words that people are trying to trademark without having any intention of creating a real brand behind it and for the sole intention of killing off competition selling on the aforementioned platforms.

This also leads to the issue of:-

- Stopping entrepreneurship by unfairly killing off competition
- Leaving the customer with few and poor options of products and services.
- Kills off innovation

These platforms (Amazon, Etsy and Ebay) do not get involved with legal issues between parties, so if a trademark holder reports another seller using their "frivolous trademark" in their designs or products, the platforms will effectively take down the "so called infringed listing" but more worrying that that, they could ban the seller for life from selling on the platform which effectively takes away their lively hood.

Sellers have to check daily on the USPTO website to see if new or even existing products are infringing. As you can see it's not a practical solution especially with thousands or even hundreds of products.

Below are a few example of "frivolous trademarks" that should not have been given a Trademark due to being ornamental, common use and not even having the evidence of use as a brand.

Trademarked Phrase	Registration Number	Trademarked Phrase	Registration Number
OWL NIGHT LONG	5619113	I LOVE MY BIG SISTER	4749476
HIPPIE VIBE	5613418	FOOTBALL MOM	4783661
YES WEED CAN	5612526	VOLLEYBALL LIFE	5180887
BIG HAIR DON'T CARE	5608267	BASEBALL MOM	4783660
TIME TO BE	5585786	SOFTBALL MOM	4783658
OH SHIP!	5580170	I LOVE MY BIG SISTER	4749476

SOMBUNNY IS PREGNANT	5579855	I WORK HARD	4686987
STARTUPPRENEUR	5578576	I'D RATHER BE WITH MY DOG	4680605
I ONLY MAKE BOYS	5576414	I LOVE MY WIFE	4541673
WHEN LIFE	5571376	I'M THE BIG BROTHER	2166736
DUMPSTER DIVER	5571028	I'M THE BIG SISTER	2153621
WE ALL HAVE OUR MOMENTS	5570168	WORKING ON THE ALBUM	5561056
EXCEED YOUR QUIT	5570051	COUNTRYHOLIC	5561038
BEARDIFUL	5568770	GET YOUR BEER ON	5560890
DO GOOD BE KIND	5563924	WOAH	5560872
PARK SLOPE	5563011	BROKEN ENGLISH	5560624
WAKE UP BE HAPPY	5562958	MERMAID	5650588
WHAT'S YOUR SUPERPOWER?	4169154	Dogs	5843989

The only recourse sellers have at the moment is to file LOPs, once it is registered many don't have the money or resources to fight every frivolous trademark.

Charging \$100 to file an LOP would be disastrous for the industry, we sellers just cannot afford to pay this amount finding information that with all due respect should be the responsibility of USPTO.

I hope that the USPTO reconsiders their decision in implementing the proposed fee. A better alternative would be to add the cost to the original trademark application to cover USPTO's operational costs.

Yours Sincerely,  
Zavhara Zoka  
Business owner