

International Trademark Association (INTA) Comments in Response to:
**Request for Comments Regarding Changes in Requirements for Collective Trademarks
and Service Marks, Collective Membership Marks and Certification Marks**

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The International Trademark Association (INTA) appreciates the opportunity to provide comments in response to the USPTO’s request for comments regarding changes to the rules of practice regarding collective trademarks and service marks, collective membership marks and certification marks. The USPTO Subcommittee of INTA’s Trademark Office Practices Committee prepared the following comments.

INTA acknowledges that the proposed revisions are intended to make the rules consistent with current practice, rather than to change current practice, and agrees that they fulfill this objective. INTA supports this effort to enhance consistency between the rules and practice, and notes that such efforts are especially helpful to less experienced practitioners and pro se applicants who may not have the benefit of experience to guide them.

INTA recommends the following minor revisions to the proposed rules for clarification and to avoid possible misinterpretation:

Rule 2.41(e)

INTA recommends amending proposed Rule 2.41(e) to clarify that, although geographic indications are considered certification marks, Rule 2.41(d) does not apply to geographic indications of origin:

“Paragraph (d) does not apply to geographical matter in a certification mark certifying regional origin because section 2(e)(2) of the Act does not apply to certification marks that are indications of regional origin.”

Rule 2.56(d)(3)

Given the rapid evolution of technology related to data storage media and to minimize the need for future amendments, INTA recommends amending proposed Rule 2.56(d)(3) to delete references to specific forms of media in which non-bulky specimens of use may be submitted:

“In the absence of non-bulky alternatives, the Office may accept a specimen of use in any appropriate medium.”

Rule 2.88(i)

Rule 2.88(i) provides for the filing of a statement of use in a concurrent use application. In view of the provision in Rule 2.42(a) which requires that a concurrent-use applicant assert use in commerce under Section 1(a) of the Trademark Act in filing the application, INTA recommends that the comments to final Rule 2.88(i) clarify that the filing of a statement of use would arise only in the rare circumstance in which a proper amendment to concurrent use occurred in a Section 1(b) application and only when the jurisdictional requirements of Trademark Act 2(d) relating to concurrent use are satisfied.

Conclusion

In conclusion, INTA commends the USPTO for proposing revisions to the rules of practice that enhance clarity and supports the adoption of the proposed rules with the minor clarifications suggested in its comments.