

A scenic view of a university campus. In the foreground, a wooden bench with a metal frame sits on a lush green lawn. A paved path winds through the grass, leading towards several large, multi-story brick buildings with many windows. The sky is bright blue with scattered white clouds. The overall atmosphere is peaceful and academic.

Trademark Operations Update

July 28, 2017

Mary Boney Denison
Commissioner for Trademarks

UNITED STATES
PATENT AND TRADEMARK OFFICE



Continuing Resolution

- Funded through September 30, 2017.

A wide-angle photograph of a university campus. In the foreground, a wooden bench with metal armrests sits on a lush green lawn. A paved path curves through the grass to the left. In the background, several multi-story brick and white buildings are visible under a bright blue sky with scattered white clouds. Large green trees are on the right side of the frame.

Filings/Staffing

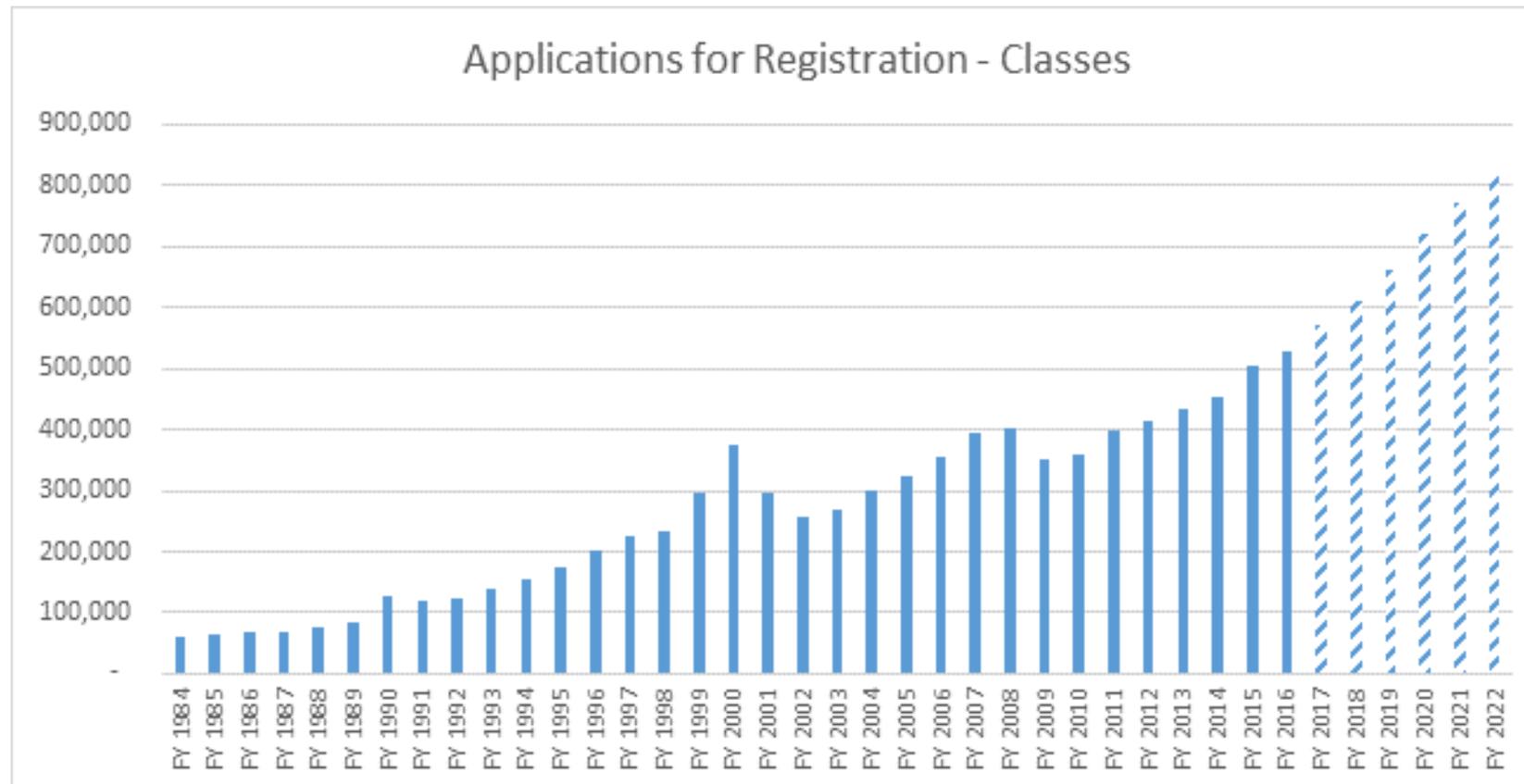
July 28, 2017

UNITED STATES
PATENT AND TRADEMARK OFFICE



New Application Filings

- FY 2016: 530,270 classes filed
- Projecting **568,000** fee paid classes this fiscal year. This is an increase of 7.1% over the previous fiscal year.



Trademark Performance: Pendency

FY 2017 Trademark Performance Measures	FY 2017 Targets	FY 2017 June Results
First Action Pendency First action pendency from date of filing to first office action in months.	2.5 – 3.5	2.5
Disposal Pendency Disposal pendency from date of filing to issuance of a notice of allowance, registration, or abandonment – excluding suspended and inter partes proceedings.	12.0	10.1

Trademark Performance: Quality

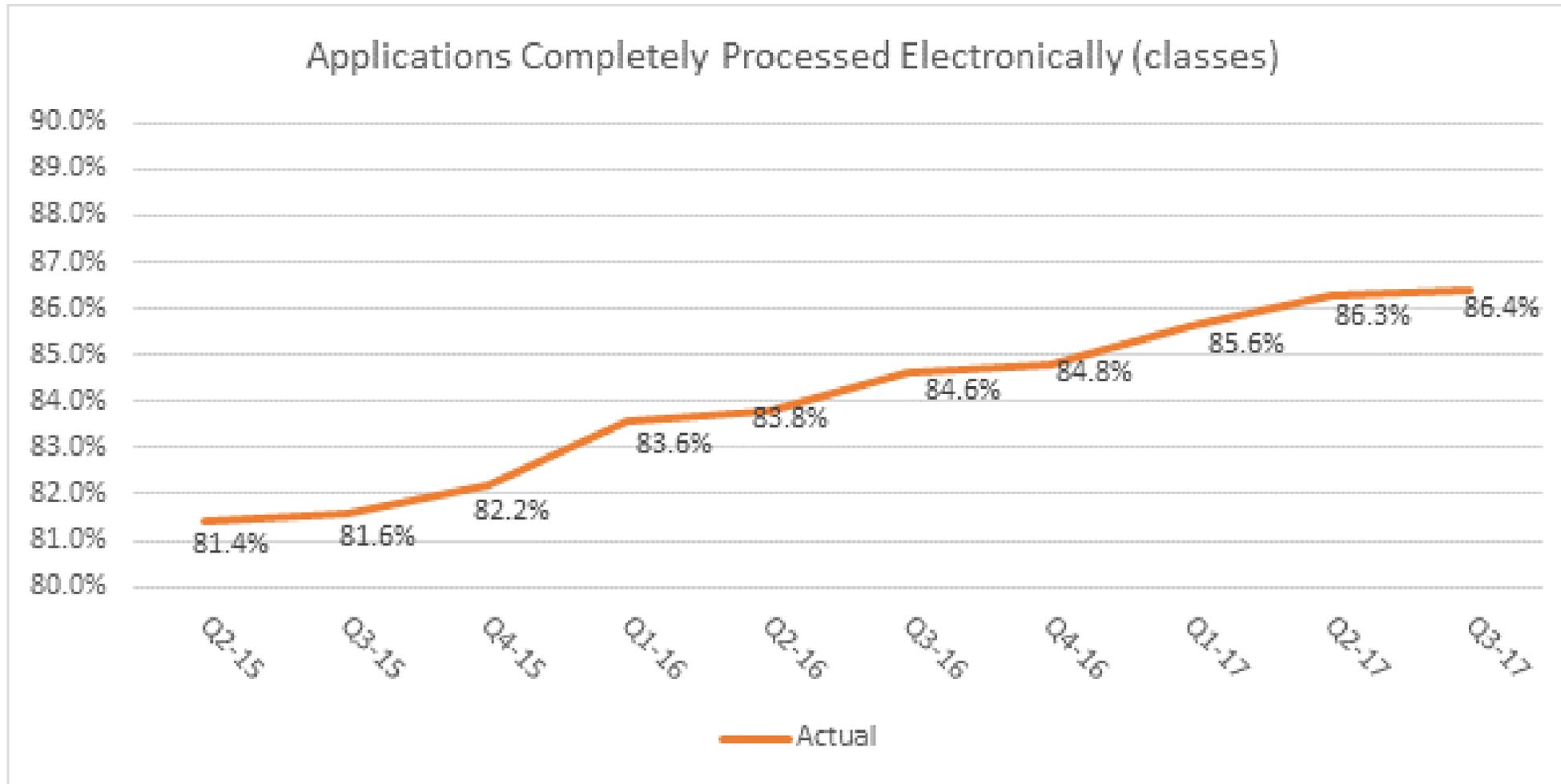
FY 2017 Trademark Performance Measures	FY 2017 Targets	FY 2017 June Results
First Action Compliance In-process review evaluation of the statutory bases for which the Office raises issues and or refuses marks for registration based on the first office action.	95.5%	97.3%
Final Action Compliance In-process review evaluation of the statutory bases for which the Office raises issues and or refuses marks for registration based on the examiner's approval or denial of the application.	97.0%	98.2%
Exceptional Office Action Measure indicating the comprehensive quality of the first Office action search, evidence, writing and decision making.	42.0%	45.9%



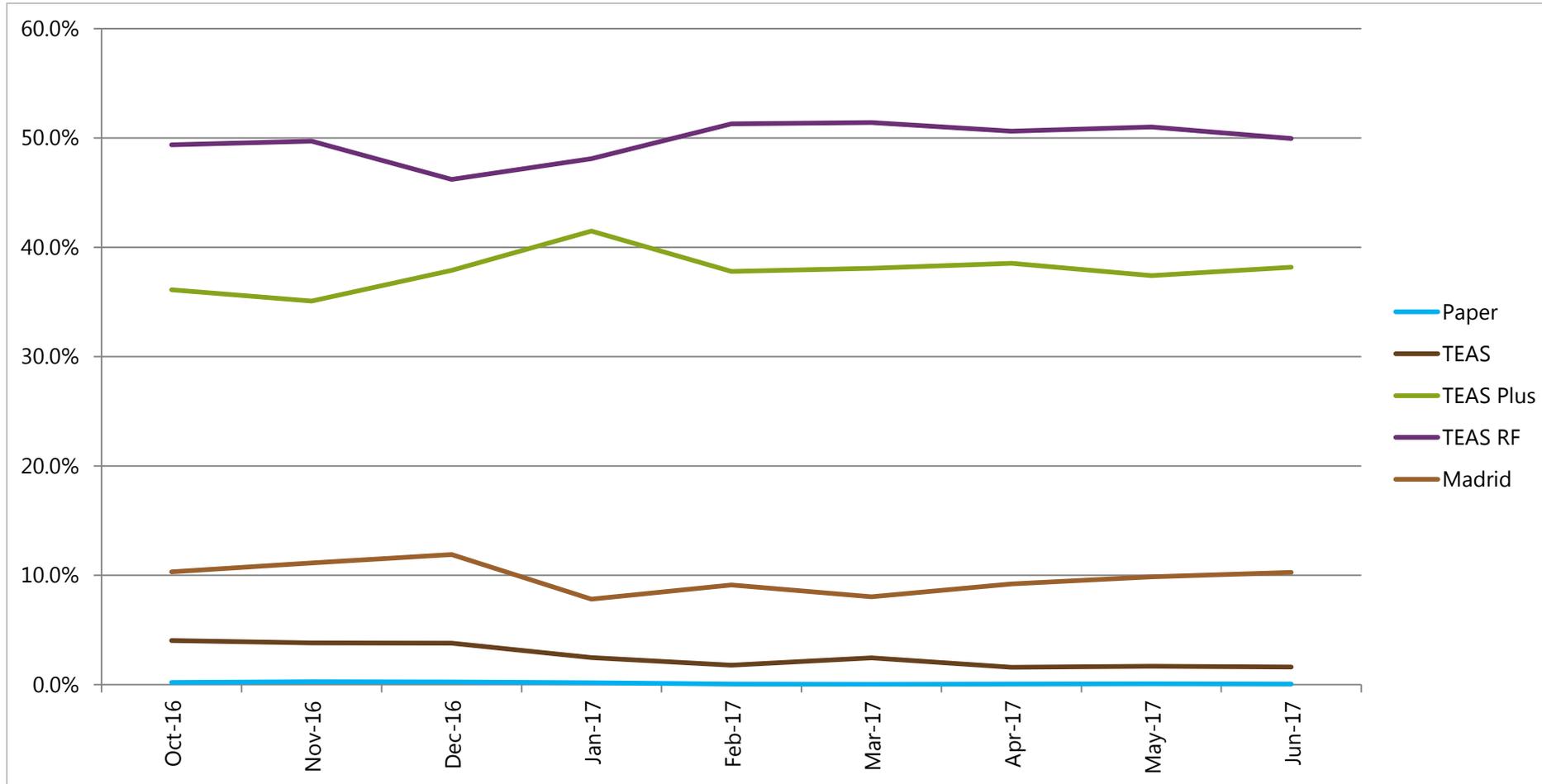
E-Government Statistic

- Original goal was to have all applications submitted electronically; Currently at the 99.9% range
- Goal shifted from application to two-way electronic communication throughout the entire registration process
- Continue to encourage end-to-end electronic processing by users
- Mandatory electronic filing on the horizon for the next Fiscal Year.

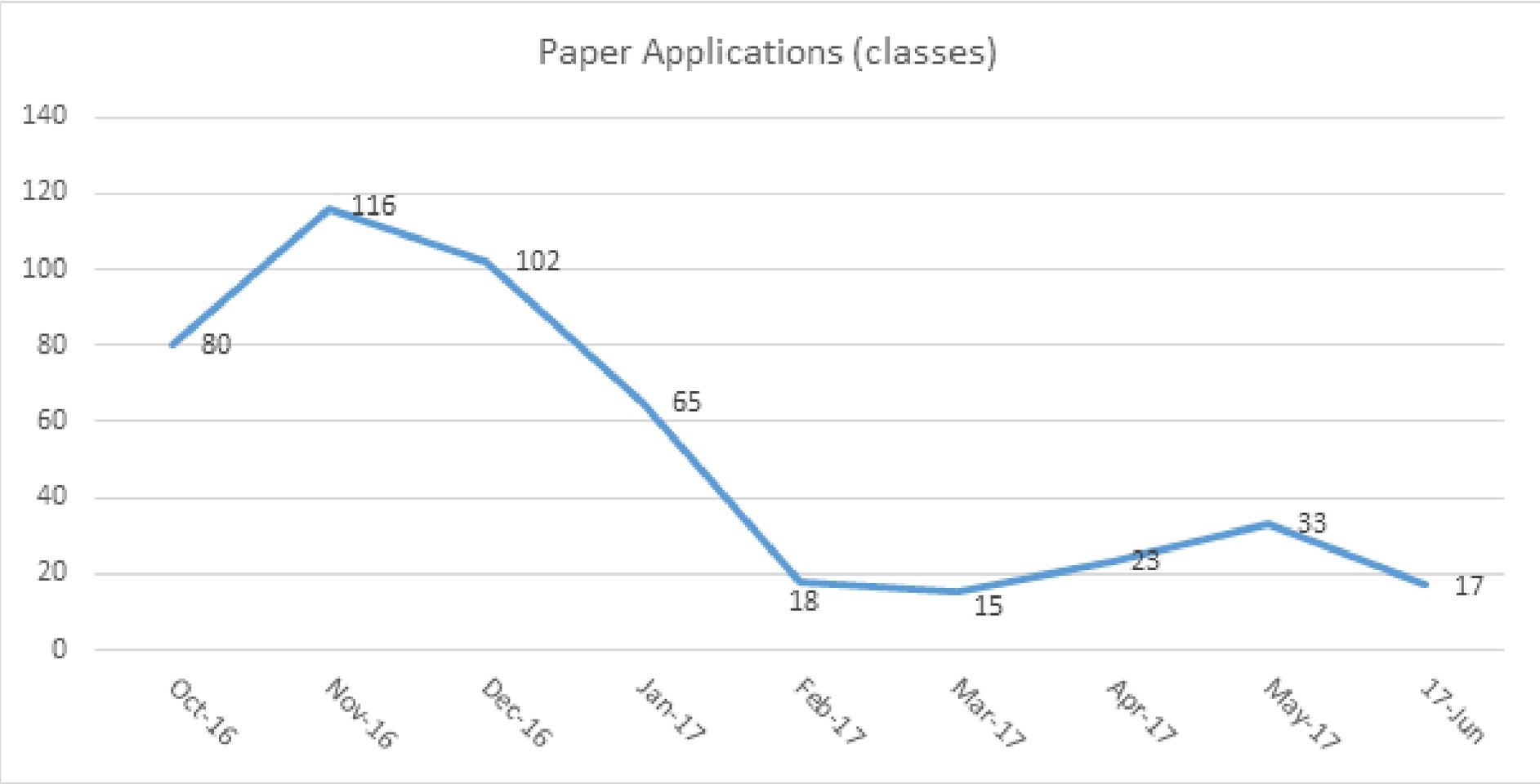
E-Government



Application Filings by Type



Fee Change Effect on Paper Applications



Trademark Organization Staffing

- 838 Trademark employees (7% of USPTO)
- 555 examining attorneys (66% of Trademarks)
- 77% of examining attorneys telework full time
- Examining Attorney hiring completed for the fiscal year

New Examining Attorneys and Law Offices

- **Traditional:** split up new hires to fill slots in law offices already in existence
- **Training:** All new examining attorneys in one training law office; Law Offices 120, 121, 122, 123 and 125 have been created this way
- **Virtual Law Offices:** Law Offices 102, 118, 119, and 124 are virtual offices

TEAPP Pilot

- Telework Enhancement Act of 2010 allows employees to waive right to travel expenses for reasonable number of mandatory trips to USPTO. **Program set to expire December 8, 2017;** working with Congress on possible solutions
- Hoping to either make TEAPP program permanent or extend further
- It has been very successful for us. Now have 114 employees in 30 different states as part of the program
- Expansion to Puerto Rico recently (no Trademark employees yet)

Improve Customer Experience

- Hired Chief Customer Experience Administrator and two plain language writers
- Implementing Deloitte Recommendations such as: Improving website, making searching more understandable, making ID selection process easier to use and simplifying the filing process
- *Regulatory Reform*: <https://www.uspto.gov/about-us/uspto-working-group-regulatory-reform>; looking into striking some regulations
- Deputy Commissioner Marsh currently working on Regulatory Reform for Trademarks
- *Formulating Customer Experience Strategic Plan for 2018-22*

TSDR Improvements

- Improvements include:
 - New maintenance tab where system will tell you maintenance filing dates
 - Easier to print maintenance data

TSDR - New Maintenance Tab

Trademark Status & Document Retrieval (TSDR) ?

SEARCH MULTI-SEARCH ?

US Serial, Registration, or Reference No. ▼ 4076958 Status Documents



STATUS DOCUMENTS MAINTENANCE ?

Download ▲ Print Preview

Status results found

EXAMPLE:

TSDR - If Mark Registered <5 Years, System Will Display 3 Dates

STATUS DOCUMENTS MAINTENANCE ?

Download Print Preview

§8 (6 year) Affidavit of Continuing Use Due Dates:

Earliest date §8 can be filed:	Dec. 15, 2020	←
Latest date §8 can be filed without paying additional fee:	Dec. 15, 2021	←
Latest date §8 can be filed by paying an additional fee:	Jun. 15, 2022	←

TEAS- July Improvements

- New alert messages when payment system is unavailable
- Simplified form language for “saving form” data v. downloading portable data
- Revised declarations
- Simplified filing receipts and information on fraudulent solicitations
- Enhanced ability to update attorney and domestic representative addresses

B. TEAS – “Save Form” Button

■ **STEP 3:** To download and save the form data, click on the **Save Form** button at the bottom of this page. The information will be saved to your local drive. To begin the submission process with saved data, you must open a new form, and click on the "Browse/Choose File" button displayed on the initial form wizard page, at "[OPTIONAL] To access previously-saved data, use the "Browse/Choose File" button below to access the file from your local drive."
REMINDER: Do NOT try to open the saved .obj/.xml form directly. You must return to the very first page of the form, as if starting a brand new form, and then use the specific "Browse/Choose File" button on that page to import the saved file. Clicking on the "Continue" button at the bottom of that first page will then properly open the saved version of your form.

■ **STEP 4:** Read and check the following:

Important Notice:

(1) Once you submit this application, we will not cancel the filing or refund your fee. The fee is a processing fee, which we do not refund even if we cannot issue a registration after our substantive review. This is true regardless of how soon after submission you might attempt to request cancellation of the filing. Therefore, please review **ALL** information carefully prior to transmission.

(2) All information you submit to the USPTO at any point in the application and/or registration process will become public record, including your name, phone number, e-mail address, and street address. By filing this application, you acknowledge that **YOU HAVE NO RIGHT TO CONFIDENTIALITY** in the information disclosed. The public will be able to view this information in the USPTO's on-line databases and through internet search engines and other on-line databases. This information will remain public even if the application is later abandoned or any resulting registration is surrendered, cancelled, or expired. To maintain confidentiality of banking or credit card information, only enter payment information in the secure portion of the site after validating your form. For any information that may be subject to copyright protection, by submitting it to the USPTO, the filer is representing that he or she has the authority to grant, and is granting, the USPTO permission to make the information available in its on-line database and in copies of the application or registration record.

(3) Be aware that private companies **not** associated with the USPTO often use trademark application and registration information from the USPTO's databases to [mail or e-mail trademark-related solicitations](#) (samples of non-USPTO solicitations included).

If you have read and understand the above notice, please check the box before you click on the **Pay/Submit** button. **REMINDER:** Because you are filing under TEAS Plus, please be sure you have entered the following, if applicable within the facts of your application: (1) claim of prior registration(s); (2) translation; (3) transliteration; (4) consent of individual identified in mark; and (5) concurrent use claim. Otherwise, you will lose TEAS Plus status and be required to pay an additional \$125 fee.

■ **STEP 5:** If you are ready to file electronically:

Click on the **Pay/Submit** button *below*, to access the site where you will select one of three possible payment methods. After successful entry of payment information, you can complete the submission to the USPTO. A valid transaction will result in a screen that says **SUCCESS!** Also, we will send an e-mail acknowledgment within 24 hours.

WARNING: Click on the Pay/Submit button **ONLY** if you are now entirely prepared to complete the Pay/Submit process. After clicking the button, you can **NOT** return to the form, since you will have left the TEAS site entirely. Once in the separate payment site, you **must** complete the Pay/Submit process within **30 minutes**. If you are not prepared to complete the process now, you should select the "Save Form" option to save your form, and then complete the Pay/Submit process later. Or, if you have discovered any error, use the "Go Back to Modify" button to make a correction.

WARNING: Fee payments by credit card may **not** be made from 2 a.m. to 6 a.m. Sunday, Eastern Standard Time. If you are attempting to file during that specific period, you **must** use either (1) the deposit account or electronic funds transfer payment method; or (2) the "Save Form" option to save your form, and then complete the Pay/Submit process later for a credit card payment.

The “Download Portable Data” button on the Validation Page has been renamed “Save Form” for clarity.

Go Back to Modify

Save Form

Pay/Submit

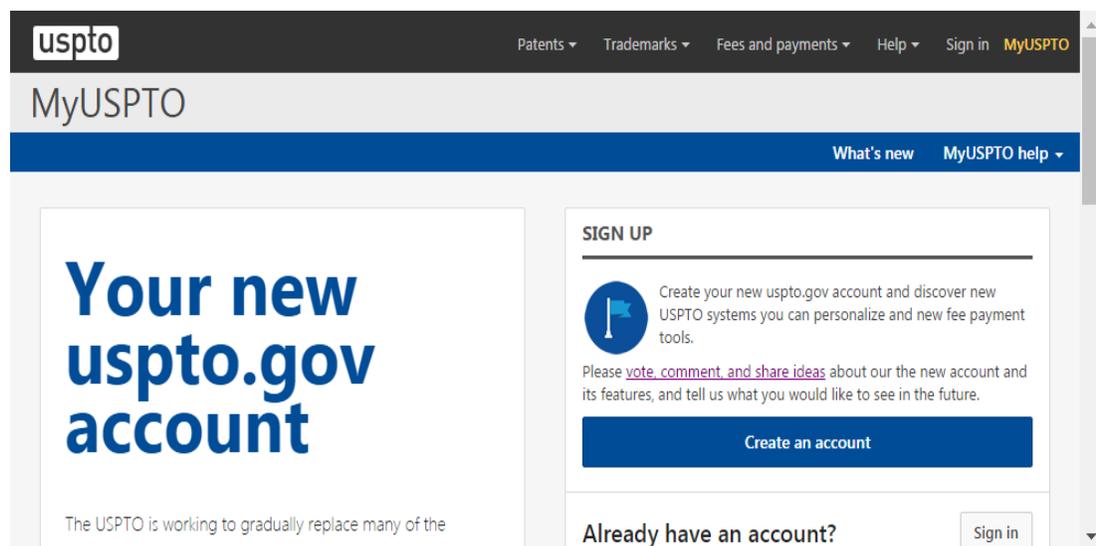
My.USPTO.gov Update

- **Recent Enhancements**

- Merged dockets to track both applications and registrations in one “collection”
- Increased docket size to track status of up to 1000 applications/registrations in one “collection”. (Can already create as many dockets or “collections” as needed)
- The user can now specify which collections they wish to be emailed about.
- Email notifications from the Trademark Official Gazette widget. The user can now be notified when a new Trademark Official Gazette issue is published.
- Sign up at my.uspto.gov, and please provide feedback and suggestions.



The uspto.gov user account



<https://account.uspto.gov>

- Users **register once** to set up a profile and establish the account credentials (login/password)
- Users can then **sign-in** using the credentials, **and access all USPTO systems that have adopted the uspto.gov user accounts**
 - MyUSPTO, Financial Manager, Patent Maintenance Fee storefront have already adopted the uspto.gov user accounts
 - Many more USPTO systems are moving to **adopt** the uspto.gov user accounts. Stay tuned!



Please provide your feedback online

The screenshot displays the MyUSPTO website interface. At the top left is the 'uspto' logo. The top navigation bar includes links for 'Patents', 'Trademarks', 'Fees and payments', 'Help', 'Ramesh Pai', and 'MyUSPTO'. Below this, the 'MyUSPTO BETA' logo is visible. A blue horizontal bar contains 'What's new' and 'MyUSPTO help'. A dropdown menu is open from 'MyUSPTO help', with the 'Feedback' option highlighted in yellow and circled in blue. Other options in the menu include 'FAQs' and 'Tutorial'. The main content area features three panels: 'USPTO FEES BETA' with sub-sections for Patent, PCT, Trademark, and General; 'TRADEMARK APPLICATION DOCKET ALPHA' with a 'Create a new collection' button; and 'TRADEMARK POST-REGISTRATION DOCKET ALPHA' with a 'Create a new collection' button.

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Patents ▾ Trademarks ▾ Fees and payments ▾ Help ▾ Ramesh Pai ▾ MyUSPTO

MyUSPTO BETA

What's new MyUSPTO help ▾

+ Feedback

FAQs

Tutorial

USPTO FEES BETA

Patent PCT Trademark General

Application filing Search Examination

TRADEMARK APPLICATION DOCKET ALPHA

Each collection allows you to store and monitor up to twenty applications. You can create as many collections as you need.

Create a new collection

TRADEMARK POST-REGISTRATION DOCKET ALPHA

Each collection allows you to store and monitor up to twenty registrations. You can create as many collections as you need.

Create a new collection

Trademark App Open Source Code on Github

- Recently published source code for a mobile application for trademarks
- Receive a push notification anytime the status of a trademark application changes
- Try it and let us know what you think
- See: <https://github.com/USPTO/TrademarkStatusApp>



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News and Initiatives

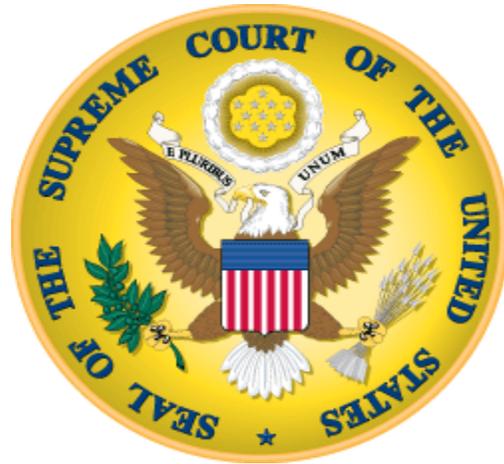
July 28, 2017

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PATENT AND TRADEMARK OFFICE



Tam Decision

- Guidance sent out in June
- Will await *Brunetti* Decision regarding how to process applications for scandalous marks



Post Registration Amendments to IDs Due to Technology Evolution

- In response to user feedback, we developed a method for users to petition our office to make technology changes due to evolution.
- Since September 1, 2015, 131 petitions have been filed. Of the 131 petitions received, 56 have been granted, 23 have been dismissed, and 29 have recently published for public comment but no decision has issued. 2 petitions have been denied.
- 85 amendments currently appear on the USPTO webpage at <http://www.uspto.gov/trademark/trademark-updates-and-announcements/proposed-amendments-identifications-goods-and-services>

New Rule

- Final Rule now in effect July 8, 2017 for revival of abandoned applications, reinstatement of abandoned applications and cancelled or expired registrations, and petitions to the Director in the Federal Register.

Examination Guide: Merely Informational Matter

- Thank you for the feedback.
- Training of Examining Attorneys completed in July
- Public issuance of Exam Guide will be July 31, 2017
- Responses to comments received will be posted with public issuance on July 31, 2017

Proof of Use Initiative

- **Pilot**

- Assess the accuracy and integrity of the Register
- Required at random, additional specimens or other evidence in connection with a Section 8 or 71 Affidavit of Continued Use for 500 cases.
- For more than half of the trademark registrations selected in the pilot, the owner failed to verify the actual use of the mark for the goods/services queried, despite having previously sworn to such ongoing use as part of a Section 8 or 71 affidavit filed to maintain the registration.

Integrity of Federal Register

Suggested Methods of Improvement from Post-Registration Pilot Program

- Increase Readability of Declaration
- Continue Random Audits of Registrations
- Expungement Procedures

Part I: Increased Readability of Declaration Text

Former Declaration Format

Electronic Signature	
To electronically sign this application, enter any alpha/numeric characters (letters/numbers) of your choosing, preceded and followed by the forward slash (/) symbol. Most signatories enter their name between the two forward slashes; examples of acceptable "signatures" include: /john doe/; /jd/; or /123-4567/.	
DECLARATION	
The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.	
* <u>Signature</u>	<input type="text"/> * <u>Date Signed</u> <input type="text"/> (MM/DD/YYYY)
* <u>Signatory's Name</u>	<input type="text"/>

Revised Declaration Format

Electronic Signature
To electronically sign this application, enter any alpha/numeric characters (letters/numbers) of your choosing, preceded and followed by the forward slash (/) symbol. Most signatories enter their name between the two forward slashes; examples of acceptable "signatures" include: /john doe/; /jd/; or /123-4567/. The application may still be validated to check for missing information or errors even if the signature and date signed fields are left blank; however, you must specifically click the button for "Submit application unsigned," above.
DECLARATION
Read the following statements before signing. Acknowledge the statements by checking the boxes and signing below.
<input type="checkbox"/> Basis: If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a): <ul style="list-style-type: none"> • The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered; • The mark is in use in commerce on or in connection with the goods/services in the application; • The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and • To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
<input type="checkbox"/> And/Or If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e): <ul style="list-style-type: none"> • The signatory believes that the applicant is entitled to use the mark in commerce; • The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and • To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
<input type="checkbox"/> To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
<input type="checkbox"/> To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
<input type="checkbox"/> The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Part II: Random Audits Now Made Permanent

- USPTO will require submission of information, exhibits, affidavits or declarations, and such additional specimens to ensure that register accurately reflects marks are in use in United States for all goods/services identified in registrations in random pull of cases.
- New Rule in effect on March 21, 2017
- Rollout expected in the fall.

Part III: Expedited Cancellation Proceedings

- Request for comments published May 16, 2017.
Comments due August 14, 2017
- Four options initially considered for now; we are moving forward on two options that do not require a statutory change
- TTAB Streamlined Cancellation Proceedings
 - 1) Abandonment
 - 2) No use as of §1(a) filing date or no use as of the filing date of an AAU/SOU for §1(b)

Fraudulent Solicitations

- Raising awareness of schemes to defraud trademark owners:
 - Each office action email notification includes a link to our [Non-USPTO Solicitations page](#)
 - filing receipts now contain warning
 - With each registration, we mail a bright orange paper with the same information
 - Video on our webpage: <https://www.uspto.gov/trademarks-getting-started/non-uspto-solicitations>
 - We also have an updated list of fraudulent entities we have identified
 - Two men recently pled guilty to stealing \$1.66 million from U.S. trademark applicants and registrants; a third man was convicted of money laundering and false bank entry in connection with laundering the proceeds of a trademark scam
 - **Held joint TPAC/USPTO public roundtable this Wednesday (July 26)**
 - U.S. agencies joining us at roundtable: FTC, CBP, USPIIS, SBA, DOJ

New non-USPTO Solicitations Webpage

- Getting started
- Trademark basics
- Process overview
- Trademark FAQs
- Using private legal services
- Caution: misleading offers and notices**
- Madrid Protocol & international protection

Caution: misleading notices

Don't be fooled by potentially misleading offers and notices from private companies

Some trademark applicants and registrants have paid fees to private companies, mistakenly thinking they were paying fees required by the USPTO. We do not endorse any of these private companies and you are not required to use them.

Keep reading for information on potentially misleading offers and notices—also called solicitations—and how to identify them. You can also watch our "Solicitation Alert" video below.

On this page:

- [Trademark Information Network News Video: Solicitation Alert](#)
- [What is a trademark-related solicitation?](#)
- [What kinds of trademark-related services do private companies offer?](#)
- [How can I tell the difference between potentially misleading trademark offers and notices and legitimate USPTO emails and notices?](#)
- [Are the deadlines in these offers and notices accurate?](#)
- [I received a misleading trademark offer or notice. What should I do?](#)
- [Do you have any examples of potentially misleading offers or notices?](#)

Trademark Information Network News Video: Solicitation Alert

Watch this video to learn about potentially misleading trademark offers and notices, the types of services they offer, and how to detect them.





International

July 28, 2017

UNITED STATES
PATENT AND TRADEMARK OFFICE

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TM5 on Bad Faith TM Filings

- TM5 partners – USPTO, SAIC, EUIPO, JPO, and KIPO – continue to make efforts to minimize bad faith trademark filings by:
 - (a) exchanging best practices and
 - (b) working with each other to provide more transparent information to users on how the largest trademark offices combat bad faith trademark filings.
- Most recent seminars: Tokyo, March 2016 and Kunshan City, October 2016 and Barcelona, May 2017
- JPO presented their report at the mid-year meeting in Barcelona in May.
- Next meeting likely late November 2017

Common Status Descriptors

STATUS DOCUMENTS ? Download Print Preview

Generated on: This page was generated by TSDR on 2016-05-18 15:27:11 EDT

Mark: 

US Serial Number: 85123456 Application Filing Date: Sep. 05, 2010

US Registration Number: 4168554 Registration Date: Jul. 03, 2012

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:  LIVE/REGISTRATION/Issued and Active
The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jul. 03, 2012

Publication Date: Aug. 16, 2011 Notice of Allowance Date: Oct. 11, 2011

▲ Mark Information Expand All

▲ Goods and Services

▲ Basis Information (Case Level)

▲ Current Owner(s) Information

▲ Attorney/Correspondence Information

▲ Prosecution History

▲ TM Staff and Location Information

▲ Assignment Abstract Of Title Information - Click to Load

▲ Proceedings - Click to Load

Common Status Descriptors (CSD) icons



1. LIVE/APPLICATION/Awaiting Examination—The trademark application has been accepted by the Office (has met the minimum filing requirements) and has not yet been assigned to an examiner.
2. LIVE/APPLICATION/Under Examination—The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.
3. LIVE/APPLICATION/Appeal of Refusal Pending—An appeal of the Office's final refusal to register a pending trademark application is currently pending.
4. LIVE/APPLICATION/Published for Opposition—A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.
5. LIVE/APPLICATION/Opposition Pending—The pending trademark application has been examined by the Office and was published for opposition, at which time one or more oppositors were filed but they have not yet been decided.
6. LIVE/REGISTRATION/Published for Opposition—The trademark application has been added to the Registry for that Office and has been published in a way that allows the public to challenge the registration.
7. LIVE/REGISTRATION/Opposition Pending—The registered trademark has been published for opposition, at which time one or more challenges to registration were filed but they have not yet been decided.
8. LIVE/REGISTRATION/Issued and Active—The trademark application has been registered with the Office.
9. LIVE/REGISTRATION/Cancellation/Invalidation Pending—This trademark application has been registered with the Office, but it is currently undergoing a challenge which may result in its removal from the registry.
10. DEAD/APPLICATION/Refused/Dismissed or Invalidated—This trademark application was refused, dismissed, or invalidated by the Office and this application is no longer active.
11. DEAD/APPLICATION/Withdrawn/Abandoned—The owner of the trademark application withdrew (e.g. abandoned) the application and the application is no longer active.
12. DEAD/REGISTRATION/Cancelled/Invalidated—The trademark application was registered, but subsequently it was cancelled or invalidated and removed from the registry.
13. DEAD/REGISTRATION/Surrendered—The trademark application was registered, but subsequently voluntarily removed from the registry by action of the owner.
14. DEAD/REGISTRATION/Expired—The trademark application registered, but subsequently removed from the registry when the registration was not successfully maintained.
15. OTHER—For the situation where the status is uncertain, unknown, or other than those previously identified.



Outreach

July 28, 2017

UNITED STATES
PATENT AND TRADEMARK OFFICE



Outreach

- Public outreach to small businesses and entrepreneurs regarding importance of Trademarks through 1) speaking engagements and 2) recorded instructional videos
- “Basic Facts” video over 725,000 views as of July 20, 2017
- Since the outreach program began in February 2012, at least one live program has been presented in all 50 states.
- Recent events include:
 - June 7: Darden School of Business, University of Virginia
 - June 15: Office of Innovation Development (OID) Inventor Info Chat Webinar
 - June 29: LA Times Multicultural Business Forum, Los Angeles, CA
 - July 10: Ft. Lauderdale Chamber of Commerce and Boca Raton Chamber of Commerce, FL (with Representative Deutch, Congressional Trademark Caucus)
 - July 19: Los Angeles Gay and Lesbian Chamber of Commerce, Los Angeles, CA
 - July 21: Cincinnati College of Art and Design, Cincinnati, OH

Thank You!

Mary Boney Denison
Commissioner for Trademarks
Mary.Denison@uspto.gov

