

From: [Susan Sullivan](#)
To: [Fee.Setting](#); [TM.FR Notices](#); [Cain, Catherine](#)
Subject: Concern About Proposed Fee for Letter of Protest on Trademark Applications
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As a small business owner for the past 30+ years, and a legitimate trademark owner, I have a great concern about the proposed \$100-\$200 fee for filing a Letter of Protest (LOP) against people filing frivolous trademark applications using common words and phrases.

Over the past several years there has been an increasing number of trademark "bullies" that register frivolous, and very common words as trademarks. Their intention is to take down any competitor's product that contains that trademarked word. These are common, everyday words and phrases like "dogs", "hot sauce", "the party", "dictionary" or "Sunday". Yes, these common words and short phrases were allowed to be trademarked! They should never have been approved, and were not following the USPTO's own guidelines for approval.

These frivolous trademarks inhibit the ability of many thousands of small business owners to make a living, especially within the online apparel industry. A Letter of Protest from a concerned citizen / business owner is a way to help bring this to the attention of the USPTO. The LOP usually contains proof of many instances of prior use in commerce of the protested words. This assists the examiner in their research, and at no additional cost.

You may think the intent of the trademark was not to limit the word for other uses, but the way the online apparel industry works is that we would never be able to even list a design online with an approved, but frivolous, trademark, like the word "Dogs". There are dozens of online marketplaces like Amazon, Etsy, Zazzle, Redbubble, Spreadshirt, CafePress, etc., that sell custom printed products, like T-shirts, mugs, tote bags, caps, and much more. Many use automated software that will reject any product that contains a registered trademark word or phrase in the design, or in the written description of the product. The person who was awarded one of these frivolous trademarks can go after everyone who uses the common word or phrase in their own original work. So the person who trademarked "Dogs", can send out takedown notices for designs that say "I love Dogs", "I want to pet all the Dogs", "Dogs make me happy", etc. And all the competitors would come down. All because they include that common word that was allowed to be trademarked. We no longer have a free market. The only way to fight this restriction of trade is by stopping it before it ever happens - with a Letter of Protest.

These trademark "bullies" abuse the trademark system, and use it to get rid of competitors in the online apparel industry. It is only right that the person filing for a trademark should pay the costs for the system to work properly. They are paying to protect their brand, not a "design", which should be covered under copyright law. Raising the trademark application fee would also, maybe, eliminate some of these silly applications. Charging more for the application is a way to create more revenue that would pay for the expense of research and validation of TRUE trademarks, not the hijacking of common, everyday words to restrict your competitors.

Please do not take away our First Amendment right to protest by charging the high sum of \$100-\$200 for each letter of protest. If we cannot protest, and bring awareness of these ludicrous applications, then the trademark bullies get their way, and the people who try to protect the free market against unethical business practices will effectively be stopped.

Susan Sullivan