

UNITED STATES
PATENT AND TRADEMARK OFFICE



USPTO hour: trademark pendency and preventing fraudulent filings

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Discussion topics

- Fiscal year (FY) 2025 priorities
- Trademark pendency and quality
- Trademark register protection
- Trademarks IT systems

Discussion topic

FY 25 priorities

Trademarks priorities – FY 2025



Discussion topic

Trademark pendency and quality

FY 2025 pendency and quality targets

- Goals
 - 6.7 months first action pendency
 - 13.0 months disposal pendency
 - 1.72 million balanced disposal units (BDs)
 - 95.5% first action compliance
 - 97.0% final compliance

Trademarks priorities – FY 2025

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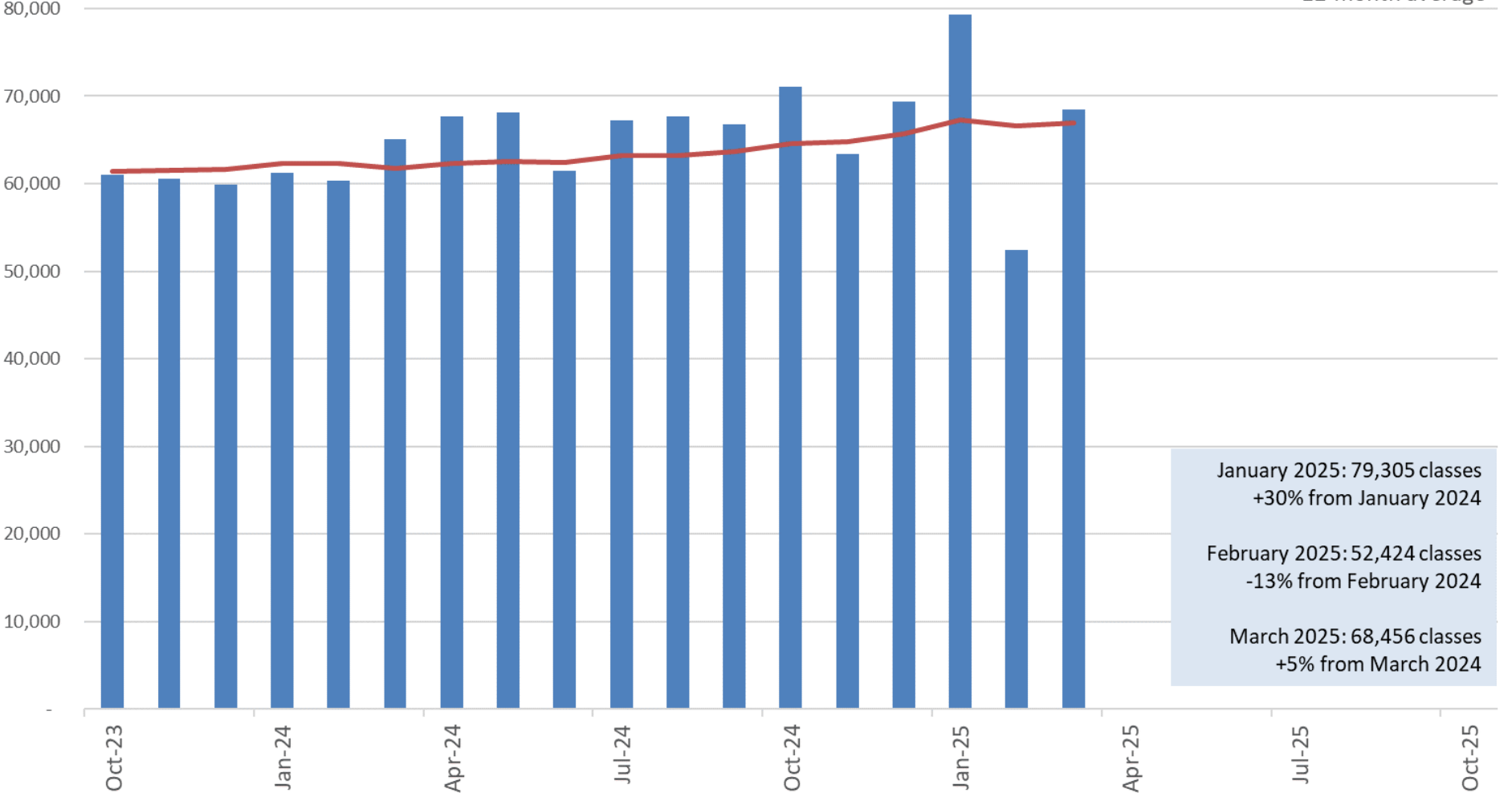


Forge the path to 4 1/2

- Lower first action pendency
- Decrease disposal pendency
- Boost total balanced disposals

Monthly Application Filings (Classes) Since FY24

Monthly Filings
12-month average

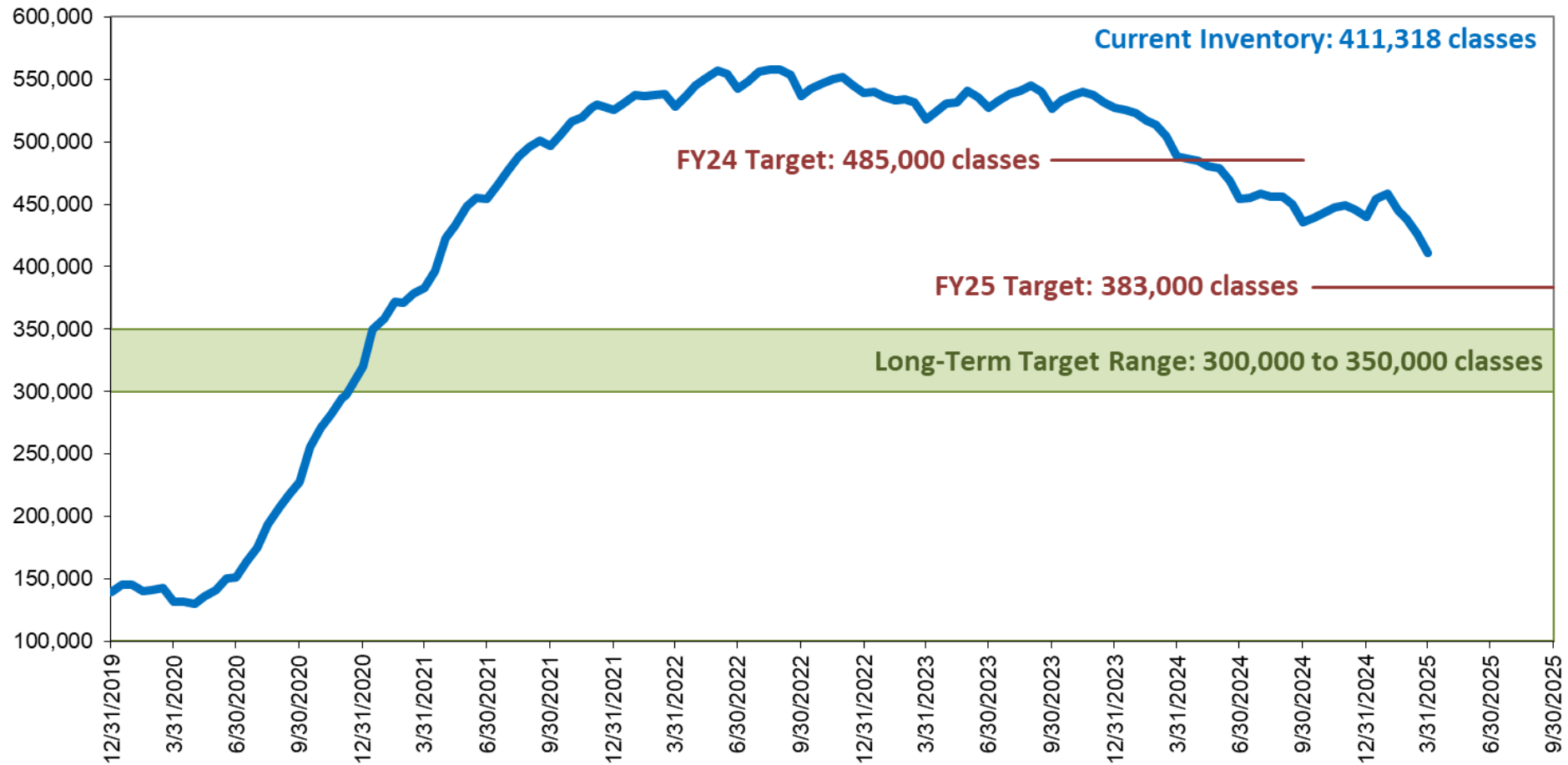


January 2025: 79,305 classes
+30% from January 2024

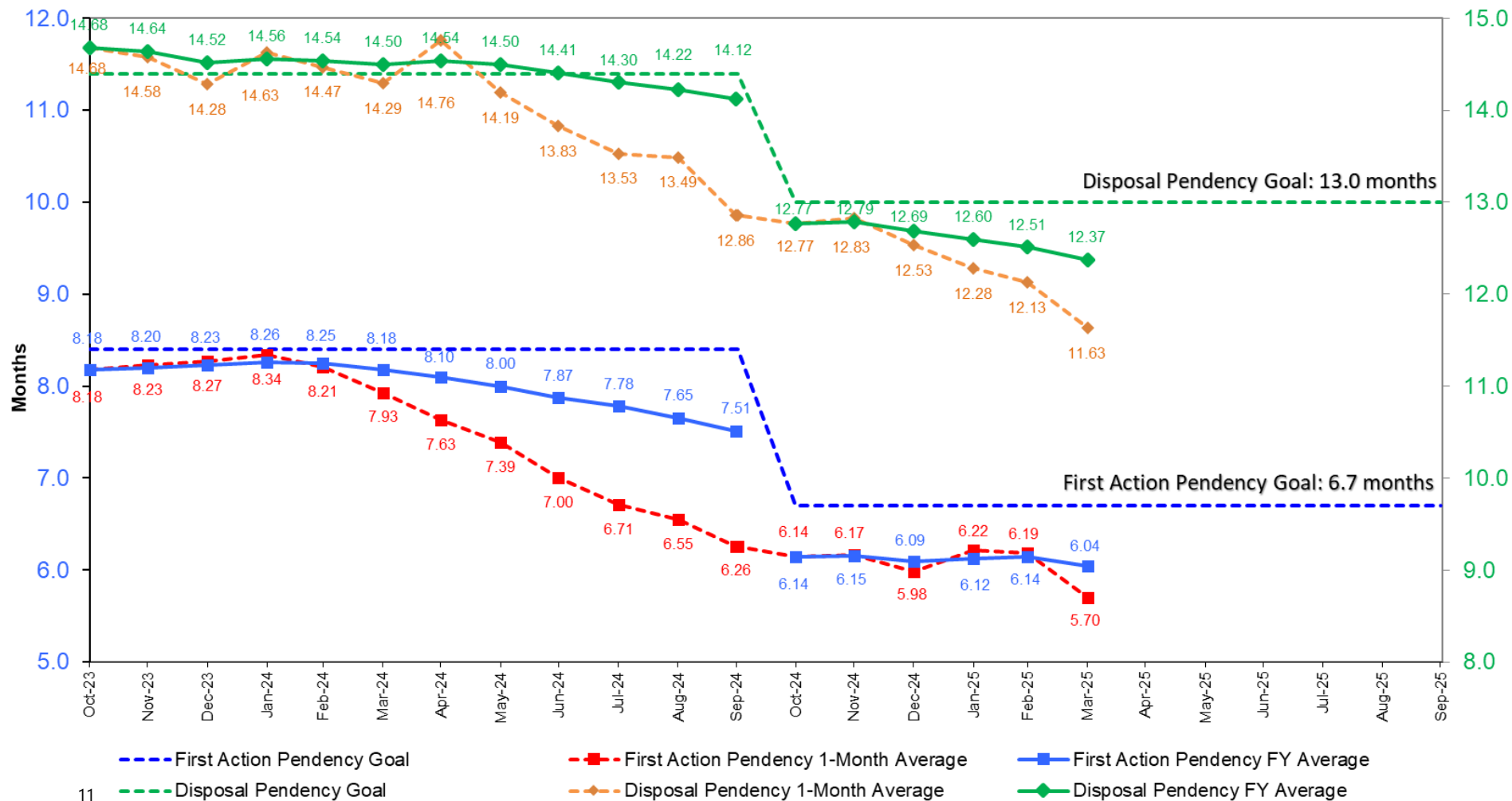
February 2025: 52,424 classes
-13% from February 2024

March 2025: 68,456 classes
+5% from March 2024

Unexamined application inventory



FY 2024-FY 2025 pendency



Maintaining quality in decision-making

Trademarks performance measures	FY 2025 targets	FY 2025 Q2 results
First action compliance In-process review evaluation of the statutory bases for which the USPTO raises issues and/or refuses marks for registration based on the first office action	95.5%	96.0%
Final action compliance In-process review evaluation of the statutory bases for which the USPTO raises issues and/or refuses marks for registration based on the examining attorney's approval or denial of the application	97.0%	98.8%

Discussion topic

Trademark register protection

Trademarks priorities – FY 2025

(cont'd 2)



Escalate the fight versus fraud

- Clear the inventory
- Spread the word
- Increase efficiency



Why does register integrity matter?

**Increases
business
certainty**

**Reduces
litigation costs**

IP abuses

Scam 1: fraudulent filing firms

- Foreign filing firms rent credentials of U.S.-licensed attorneys in order to file thousands of applications on behalf of foreign applicants and to circumvent U.S. rules.

Scam 2: false association and impersonator scams

- Scammers send misleading invoices to trademark owners that make it seem like they are affiliated with the USPTO to solicit unnecessary services.
- Scammers create low-cost trademark filing or logo design websites to entice business of novice filers, gradually increasing the pressure to add on additional unnecessary services and fees.
- Scammers use spoofed USPTO emails and phone numbers and mockups of USPTO communications regarding the application or registration to inflate fees, include unnecessary services, and force victims to pay fees to a fake USPTO payment portal.

Register protection methods

Prevent abuses:

Educate customers about scams and partner with other federal agencies and law enforcement to prevent victimization

Increase security of the filing system by requiring ID-verified USPTO.gov accounts to file submissions

Require U.S.-licensed attorneys for foreign-domiciled applicants and registrants

Punish abusers:

Identify and remove suspicious applications with suspected rule violations from examination and refer for administrative review

Impose discipline on U.S. attorneys who circumvent USPTO rules on behalf of foreign applicants by working with the Office of Enrollment and Discipline (OED)

Issue sanctions to terminate applications and registrations determined to be invalid

Initiate nonuse proceedings and audits against scam registrations

What's next?

Three year plan

Clear inventory: develop docket system and automated workflow for Register Protection Office staff to dispose of administrative review cases more quickly

Spread the word: increase use of social media scam alerts; Educate customers about USPTO rules; Partner with other agencies and business groups to warn potential victims

Efficiency: implement role-based access controls in Trademark Center

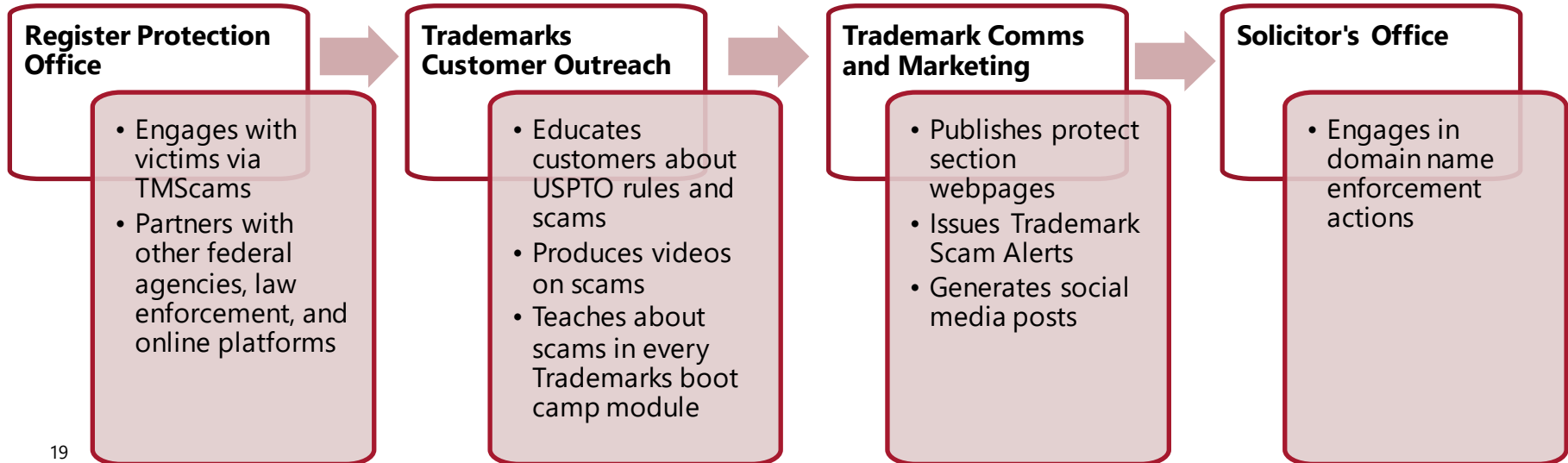
Efficiency: develop fraud algorithm to automatically divert suspicious filings into administrative review docket system

Efficiency: verify attorney credentials for USPTO.gov accounts with an "attorney" user role

Prevent abuse: scam awareness

Scam awareness efforts

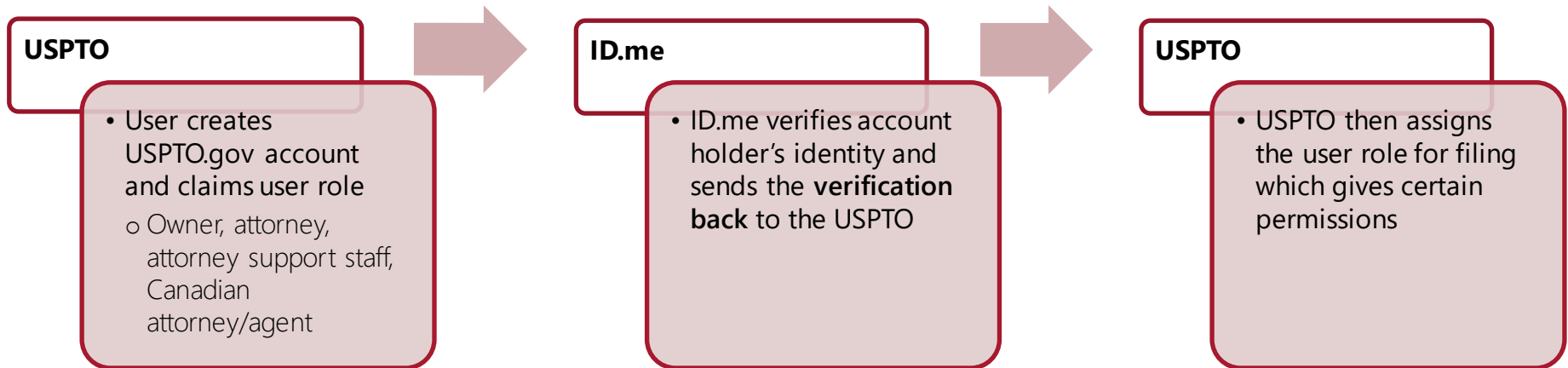
- Educate customers about scams
- Collect latest scam information from victims
- Provide assistance and resources to victims
- Work with other federal agencies to promote scam awareness
- Provide information to law enforcement and online platforms
- Bring domain name enforcement actions



Prevent abuse: trademark ID-verified USPTO.gov accounts

Trademark ID-verified USPTO.gov accounts

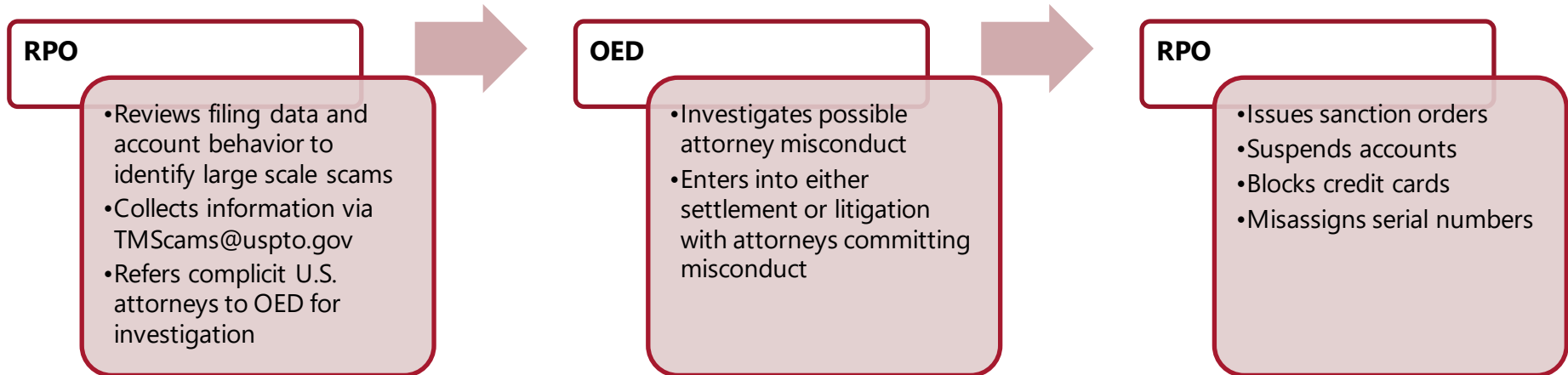
- Know who is filing
- Monitor their filing behavior
- Suspend access to electronic forms to prevent further abuses
- Control what they can file through role-based access controls, once developed, in Trademark Center



Punish abusers: administrative sanctions and discipline

Administrative sanctions

- Remove filings containing suspected rule violations from examination
- Review filing data and USPTO.gov account behavior to evaluate whether there was widespread effort to circumvent USPTO rules
- Collect evidence of rule and terms of use violations, then issue show cause orders
- Order sanctions against entities prosecuting applications and registrations determined to be invalid



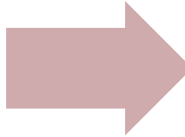
Punish abusers: nonuse cancellation

Nonuse cancellation proceedings

- Periodically, registrants must submit a maintenance filing averring that the mark is in use for all listed goods and services.
- The post registration audit program allows us to query maintenance filings and require proof of use.
- The Trademark Modernization Act allows us to initiate nonuse proceedings requested by third parties and cancel registrations where the registrant does not provide evidence of use of the challenged goods or services.
- It also authorizes the director to initiate proceedings, which we use primarily to cancel registrations obtained through specimen farm scams.

RPO audit

- Post registration audit, either random or directed
- Query use claims made in a maintenance submission
- Cancel registration if proof of use is not provided



RPO reexamination and expungement

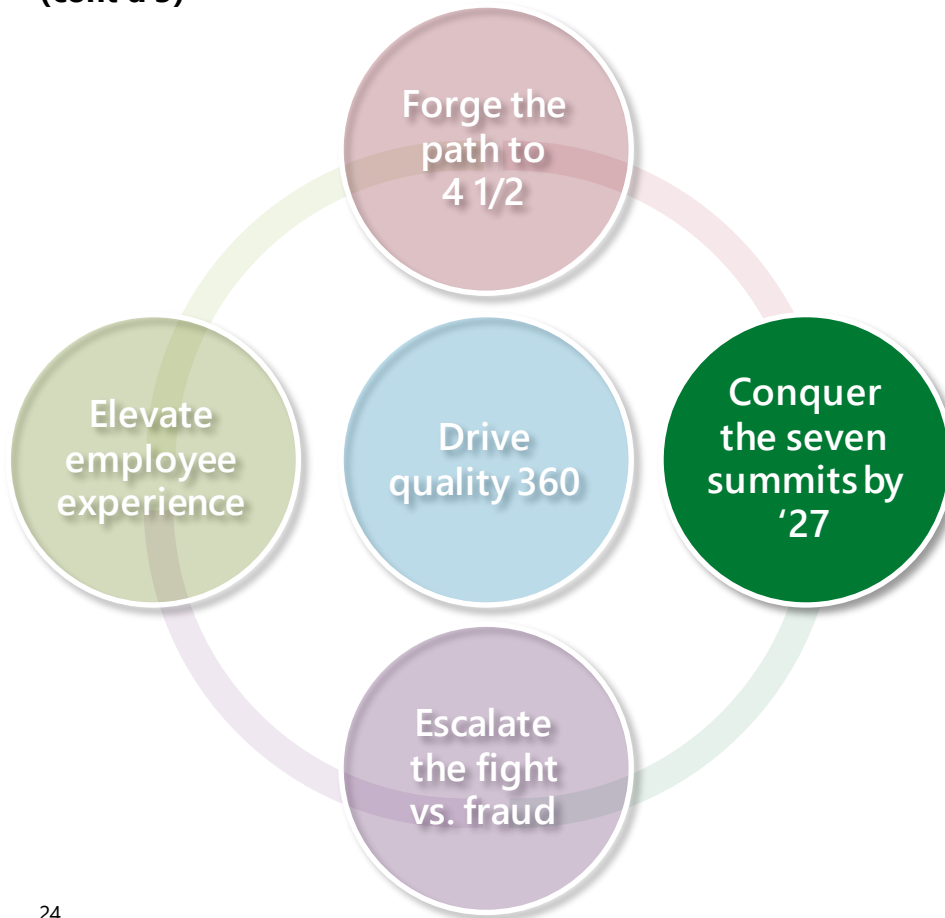
- Third party or director initiated proceeding for expungement or reexamination
- Require proof of use for all goods and services that are part of the proceedings
- Cancel registrations in whole or in part for nonuse
- Alternative to TTAB or federal court proceedings

Discussion topic

Trademarks IT systems

Trademarks priorities – FY 2025

(cont'd 3)



Conquer the seven summits by '27

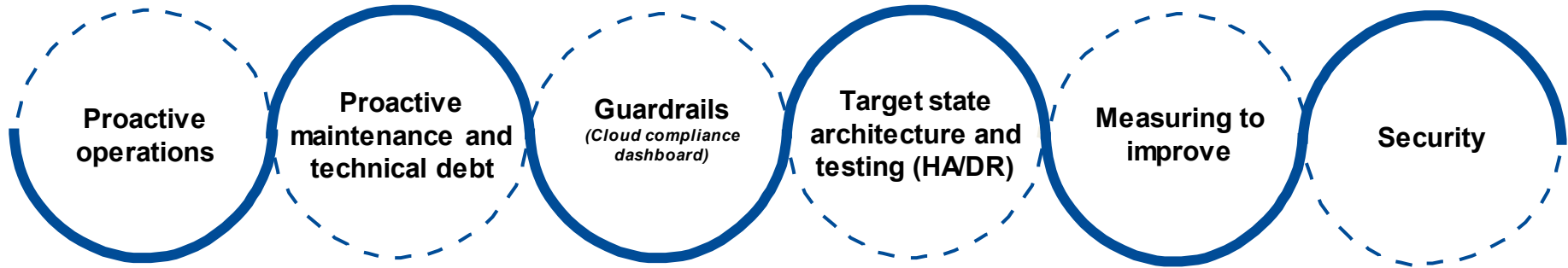
- Build secure and resilient systems
- Accelerate migration to the cloud
- Intensify and continue modernization
- Integrate AI



Trademarks IT approach – IT excellence through strong partnerships and agency-wide alignment

Resilient systems enable agility and adaptability in delivery of business value, protect business continuity, avoid the cost of down time, avoid the cost to restore/recover (including labor costs), and avoid the indirect costs of technology and tech innovation limitations.

Ultimately, more up time = more time to focus on business value delivery.



CLOUD dashboard
DevSecOps dashboard and reference pipeline
vulnerabilities catalog

Trademark product line



Trademark product descriptions



Trademark External

Trademark External is a modernized one-stop shop for Trademark applicants, practitioners, and other customers to provide a satisfying customer experience and end-to-end trademark filing engagement:

- Ability to perform a search
- Complete an application
- Check status
- Pay fees
- Respond to office actions
- Perform post registration activities

Applicants and attorneys can also file appeals, petitions, and change of assignments through Trademark External.

Trademark product descriptions

(cont'd)



Trademark Exam

Trademark Exam Center is a suite of capabilities where trademark examining attorneys and professional staff can securely log in and complete end-to-end review and processing of trademark applications/registrations. Exam Center provides the ability to:

- Manage workload
- Conduct searches of multiple databases
- Update and change application and registration data
- Communicate with internal business units and with applicants and registrants
- Check and update application and registration statuses
- Process fees and refunds

Trademark product descriptions

(cont'd 2)



Trademark Content Management Systems

The Trademark Content Management and Services (CMS) and Trademark Records Management (TRM) are the trademark content and database backbone that provides data governance to all services across Trademarks business product lines. Its focus is on data quality and integrity. It includes but is not limited to Trademark Center, Trademark Exam, Trademark International, Trademark Trial and Appeal Board, and Trademark Data and Analytics. These databases hold a core role in Trademarks business functionality.

Trademark product descriptions

(cont'd 3)



Trademark International

The Trademark International center supports the exchange of data and the requirements specific to the Madrid protocol. Madrid provides processing for electronic communications between the International Bureau (IB) and the USPTO concerning U.S. based applications for international registration and extensions of international registrations into the United States.

The Madrid Protocol is an international trademark filing and registration agreement designed to simplify and reduce the costs of foreign trademark filing. The Madrid Protocol secures protection for the international registration of marks and is organized by the International Bureau (IB), a division of the World Intellectual Property Organization (WIPO).

Trademark product descriptions

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TTAB Center

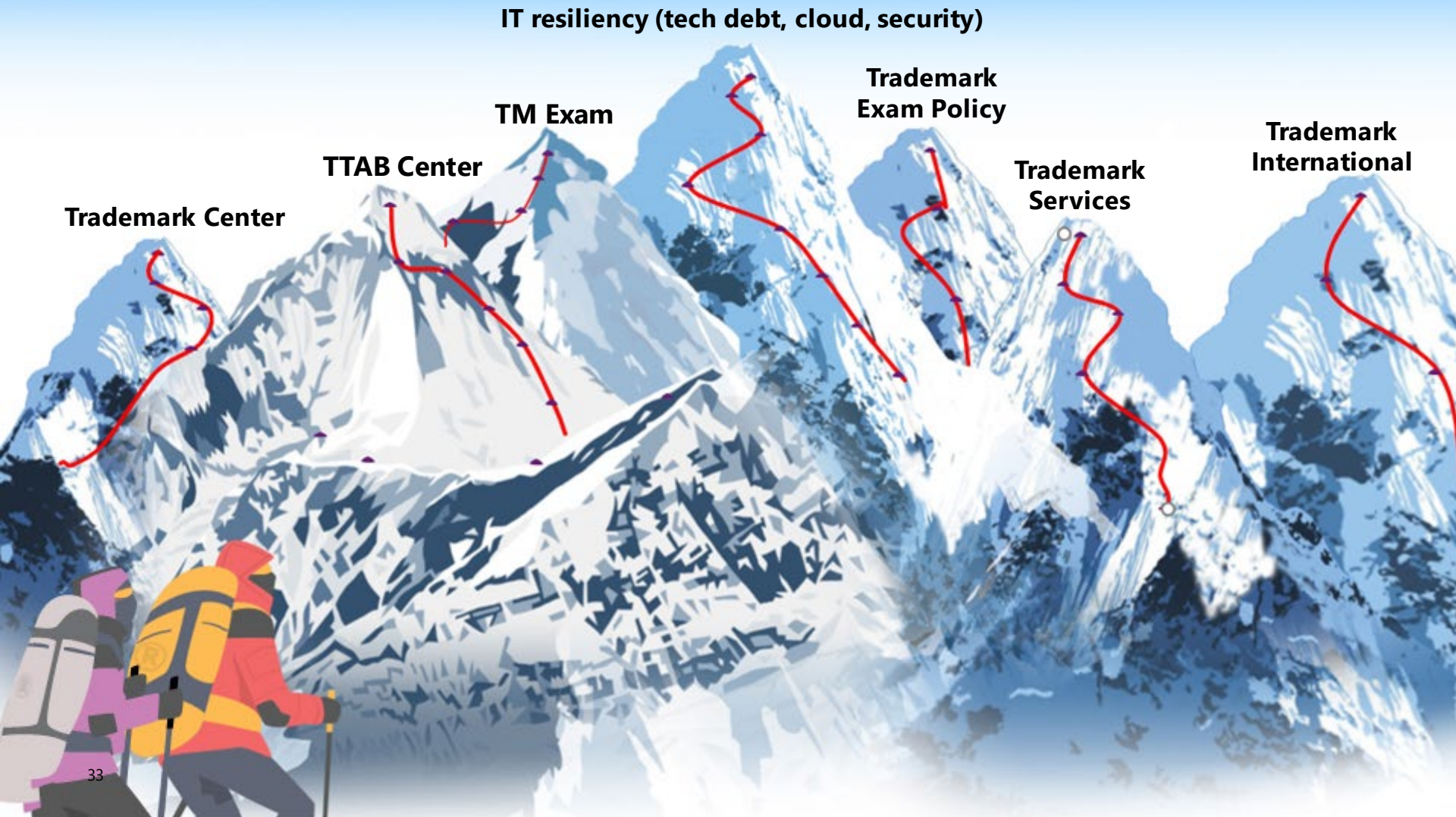
The Trademark Trial and Appeal Board Center provides an end-to-end system for the filing and processing of submissions to the TTAB and the drafting and dissemination of orders and decisions in TTAB proceedings to the public and to other Trademarks business units.

Trademark product line strategic planning overview

- Cloud acceleration
- Enhancements to address fraud
- Post-TRAM-retirement work and pay down technical debt
- Defect fixes and stabilization
- Continue Trademark Center development
- Resume modernization of Madrid
- Continue modernization of TTAB



Trademarks' "Seven summits"



Questions?



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