

# Chapter 600 Attorney, Representative, Correspondence, and Signature

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*NOTE: This chapter sets forth the procedures for recognition of representatives, signature of documents, and establishing and maintaining the correspondence address in pending applications for registration, and documents filed with the Post Registration Section of the United States Patent and Trademark Office (USPTO). For a statement of practice concerning representation of others, signature of documents, and establishing and maintaining the correspondence address in proceedings before the Trademark Trial and Appeal Board (Board), parties should refer to the Trademark Trial and Appeal Board Manual of Procedure (TBMP), Chapter 100, which is available on the USPTO website, or contact the Board at (571) 272-8500.*

## **601 Requirement for Representation Based on Domicile of Mark Owner**

### **37 CFR §2.11 Requirement for representation.**

(a) An applicant, registrant, or party to a proceeding whose domicile is not located within the United States or its territories must be represented by an attorney, as defined in § 11.1 of this chapter, who is qualified to practice under § 11.14 of this chapter. The Office cannot aid in the selection of an attorney.

An applicant's or registrant's domicile will determine whether the applicant or registrant is required to be represented before the USPTO by an attorney who is an active member in good standing of the bar of the highest court of a U.S. state, Commonwealth, or territory or the District of Columbia (a "qualified U.S. attorney"). [37 C.F.R. §§2.11\(a\), 11.1, 11.14\(e\)](#); see [TMEP §602](#).

An applicant or registrant whose domicile is not located within the United States or its territories must be represented by a qualified U.S. attorney. [37 C.F.R. §2.11\(a\)](#).

An applicant or registrant whose domicile is located within the United States or its territories may represent themselves in prosecuting an application or maintaining a registration or may be represented by a qualified U.S. attorney. [37 C.F.R. §§11.1, 11.14\(e\)](#).

In the case of joint owners, if any single owner of the application or registration is domiciled in the United States, the applicants or registrants are not required to appoint a qualified U.S. attorney unless the U.S. address appears to be incorrect.

The USPTO cannot aid an applicant or registrant in selecting a qualified attorney. [37 C.F.R. §2.11\(a\)](#). To find the names of attorneys who are licensed to practice law in the U.S. and handle trademark matters, consult telephone listings or the internet, or contact the attorney referral service of a U.S. state or local bar association (see the American Bar Association's Consumers' Guide to Legal Help). For more information about selecting a U.S.-licensed trademark attorney, see the USPTO website.

### **601.01 Determining an Owner's Domicile**

For a natural person, domicile is the permanent legal place of residence, which is the place the person resides and intends to be the person's principal home. [37 C.F.R. §2.2\(o\)](#).

For a juristic entity, domicile is the principal place of business, which is the entity's headquarters where its senior executives or officers ordinarily direct and control the entity's activities and is usually the center from where other locations are controlled. [37 C.F.R. §2.2\(o\)-\(p\)](#).

Determining whether an applicant's or registrant's domicile is within or outside the United States is based on the applicant's or registrant's street address. When necessary, the USPTO may require an applicant or registrant to furnish information or documentation to support an applicant's or registrant's domicile address. See [37 C.F.R. §2.11\(b\)](#); [TMEP §601.01\(b\)](#).

An address that does not identify an actual street address or that functions as a mail forwarding address generally may not serve as a domicile address because it does not identify the location of the place the person resides and intends to be the person's principal home (for a natural person) or the location of a juristic entity's headquarters where the entity's senior executives or officers ordinarily direct and control the entity's activities (for a juristic entity). [TMEP §601.01\(c\)\(i\)](#).

### **601.01(a) Owners with a Non-U.S. Domicile**

*Examination and post-registration.* If a submission lists a foreign address (i.e., any street address that is located outside of the United States and its territories) as the applicant's or registrant's domicile, and the applicant or registrant is not represented by a qualified U.S. attorney, the examining attorney or post-registration examiner will issue an Office action that requires the applicant or registrant to appoint a qualified U.S. attorney as its representative and to provide that attorney's bar information. The Office action will also include any other applicable refusals and/or requirements.

*Section 66(a) applications.* The requirement for a foreign-domiciled applicant to appoint a qualified U.S. attorney is not a filing-date requirement for an initial §66(a) application because these are transmitted to the USPTO by the International Bureau (IB) and generally do not include an appointment of an attorney authorized to practice before the USPTO. If an Office action must issue for other refusals and/or requirements, the examining attorney will require the applicant to appoint a qualified U.S. attorney as its representative and to provide that attorney's bar information. See [TMEP §714.05](#) regarding the deadline within which all refusals and/or requirements must be notified to the IB. If, however, a §66(a) application is otherwise in condition for approval for publication upon first action, the examining attorney may approve the application for publication and should not require the applicant to appoint an attorney authorized to practice before the USPTO or to provide an email address. See [TMEP §803.05\(b\)](#) regarding applicant's email address as a required element of an application.

If the applicant responds, but does not appoint a qualified U.S. attorney, the examining attorney will issue a final action as to the requirement to appoint such an attorney and all other unresolved refusals and/or requirements, if the file is otherwise in condition for a final action. If the registrant responds in a post-registration matter, but does not appoint a qualified U.S. attorney, the post-registration specialist will issue a second action maintaining the requirement to appoint such an attorney and maintaining all prior unresolved refusals and/or requirements.

If the applicant or registrant responds by appointing a qualified U.S. attorney, the examining attorney or post-registration examiner will withdraw the requirement to appoint such an attorney. If the applicant or registrant responds by amending to an acceptable U.S. street address, but does not appoint a qualified U.S. attorney, the USPTO will follow the procedures in [TMEP §606.01\(b\)](#). If the applicant or registrant responds by amending its domicile address to a presumptively unacceptable type of domicile address, such as an address that does not identify an actual street address or that functions as a mail forwarding address, the USPTO will follow the procedures in [TMEP §601.01\(c\)](#).

If the examining attorney or post-registration examiner issues an Office action that (1) maintains only a requirement to appoint a qualified U.S. attorney and/or for additional information under [37 C.F.R. §2.11\(a\)](#), [\(b\)](#), and/or [\(c\)](#), or (2) maintains only the requirement for an insufficient information fee under [37 C.F.R. §2.22\(b\)](#) in addition to one or all of the requirements under [37 C.F.R. §2.11\(a\)](#), [\(b\)](#), and/or [\(c\)](#), an applicant or registrant may only seek review of the requirement(s) by filing a petition to the Director under [37 C.F.R. §2.146](#), [37 C.F.R. §§2.11\(f\)](#), [2.165](#), [2.186](#), [7.40](#).

Further, if it is clear that the applicant or registrant is foreign-domiciled and has not appointed a qualified U.S. attorney to represent it, then amendments to the application or registration are not authorized and may not be entered. If it is not clear whether the applicant or registrant is foreign-domiciled, and the examining attorney or post-registration examiner must issue the requirements regarding domicile and to appoint a qualified U.S. attorney, then amendments to the application or registration are not authorized and may not be entered until the applicant or registrant establishes that its domicile is in the United States. For example, the examining attorney may not contact an applicant to authorize an examiner's amendment or to issue a priority action in this situation.

*Petitions, requests for reinstatement, and post-publication amendments.* If the USPTO receives a petition to the Director, a request for reinstatement, or a post-publication amendment filed by a foreign domiciliary, an attorney or paralegal in the Office of the Deputy Commissioner for Trademark Examination Policy will notify the filer that appointment of a qualified U.S. attorney is required and of any other deficiencies. The applicant or registrant will be granted additional time to appoint a qualified U.S. attorney and to supplement the petition or request for reinstatement, as appropriate. If the applicant or registrant does not appoint a qualified U.S. attorney and submit any additional necessary information within the time allowed, the petition or request for reinstatement will be denied or the amendment will not be entered. Filing a petition does not extend the time for responding to an outstanding Office action or other statutory deadline.

*TTAB proceedings.* The TTAB will suspend proceedings when requiring a foreign-domiciled party to appoint a qualified U.S. attorney to represent it and inform the party of the time frame within which it must appoint such an attorney. [TBMP §114.01](#).

## **601.01(b) Owners with a U.S. Domicile**

If a U.S. address (i.e., any street address that is located within the United States and its territories) is listed as the applicant's or registrant's domicile in any submission, an applicant or registrant may, but generally need not, appoint a qualified U.S. attorney as its representative.

Examining attorneys and post-registration examiners normally will not question an otherwise acceptable U.S. street address of a foreign citizen or entity provided in an application or post-registration maintenance filing unless they receive specific guidance to question the address. Under some circumstances, the USPTO will require the applicant or registrant to provide documentation to support its U.S. address. *See* [37 C.F.R. §§2.11\(b\), 2.61\(b\), 2.189](#). For example, if the applicant or registrant is a foreign citizen or entity with a U.S. street address, and is not represented by a qualified U.S. attorney and the examining attorney or post-registration examiner receives specific guidance that the address should be questioned and that documentation may be necessary to support the U.S. street address, the examining attorney or post-registration examiner will issue an Office action requiring the applicant or registrant to either appoint a qualified U.S. attorney or provide documentation supporting the specified U.S. street address. In such cases, the Office action will also include all other applicable refusals and/or requirements. If the applicant or registrant responds by appointing a qualified U.S. attorney, the examining attorney or post-registration examiner will withdraw the requirement for documentation supporting the U.S. street address. The requirement will be reissued if the qualified U.S. attorney withdraws or is subsequently revoked.

An applicant or registrant who provides acceptable documentation supporting its U.S. address is not required to appoint a qualified U.S. attorney.

If the applicant responds but does not appoint a qualified U.S. attorney or provide the information necessary to support its U.S. street address, the examining attorney will issue a final action as to the requirements regarding domicile, to appoint a qualified U.S. attorney, and all other unresolved refusals and/or requirements,

if the application is otherwise in condition for final action. If the registrant responds in a post-registration matter but does not appoint a qualified U.S. attorney or provide the information necessary to support its U.S. street address, the post-registration examiner will issue a second action maintaining the requirements regarding domicile, to appoint a qualified U.S. attorney, and all other unresolved refusals and/or requirements.

Examples of documents that can support a U.S. street address include the following:

(a) *For an individual*, documentation showing the name and listed address of the individual, such as one of the following:

- (i) a current, valid signed rental, lease, or mortgage agreement;
- (ii) a current, valid homeowner's, renter's, or motor vehicle insurance policy; or
- (iii) a computer-generated bill issued by a utility company dated no earlier than 60 days before the application or post-registration document filing date.

(b) *For a juristic entity*, documentation showing that the address is the applicant's or registrant's business headquarters, such as a current, valid signed rental, lease, or mortgage agreement for commercial office space that is not for a coworking or similar facility.

However, the above documentation will not support a U.S. address that is otherwise identified as an unacceptable type of domicile address. See [TMEP §601.01\(c\)\(i\)](#). Examining attorneys and post-registration examiners must not accept such documentation as satisfying a domicile address requirement when the address is an unacceptable type of domicile address.

## **601.01(c) Examination Procedures for Reviewing Domicile Addresses**

### **601.01(c)(i) Determining the Acceptability of Domicile Addresses**

Addresses that do not identify an actual street address or that function as a mail forwarding address are presumptively unacceptable as domicile addresses.

Such addresses include post-office (P.O.) boxes, "care of" (c/o) addresses, commercial mail receiving agency (CMRA) addresses, registered agent (RA) addresses, private mailboxes (PMB), Army Post Office (APO) addresses, Fleet Post Office (FPO) addresses, Diplomatic Post Office (DPO) addresses, and Highway Contract Route (HCR or HC) addresses. These addresses, along with virtual office and shared workspace addresses, can be a mailing address, but generally may not serve as domicile addresses because they do not identify the location of the place the person resides and intends to be the person's principal home (for a natural person) or the location of a juristic entity's headquarters where the entity's senior executives or officers ordinarily direct and control the entity's activities (for a juristic entity).

Examining attorneys and post-registration examiners are not required to confirm or research a listed domicile address in the initial application or maintenance filing, but they must require the applicant or registrant to provide an acceptable domicile address if:

- (1) it is apparent that the address is an unacceptable type of domicile address (e.g., P.O. box, c/o, PMB, APO, FPO, DPO, HCR or HC appears in the address); or
- (2) the examining attorney receives specific guidance that the domicile address should not be accepted.

Examining attorneys and post-registration examiners must also require a domicile address if an applicant or registrant fails to provide a street address entirely or provides a clearly invalid address (e.g., 123 Street Name, Your City, State, 12345).

Examining attorneys and post-registration examiners must require an acceptable domicile address even if the applicant or registrant provided the unacceptable domicile address in the masked “Domicile Address” field. In such cases, an examining attorney or post-registration examiner should not list the exact address in the Office action. However, if evidence is being attached to the Office action to support the inquiry, an examining attorney may attach evidence that identifies the address if necessary. Applicant may then later petition the USPTO to have that information redacted.

No requirement for a street address should be made to U.S. government entities or federally recognized American Indian and Alaska Native tribes with a U.S. post-office box address. In addition, although APO, FPO, and DPO addresses are presumptively unacceptable as a domicile address, such addresses are considered U.S. addresses even if located in a foreign country.

*Domicile address may not be obtained by examiner’s amendment.* Not all applicants understand that domicile address information entered by examiner’s amendment will become part of the public record. Therefore, examining attorneys may not obtain and enter an applicant’s domicile address by examiner’s amendment, even if the applicant indicates an understanding that domicile information entered in this manner will not be hidden or “masked.”

### **601.01(c)(ii) Evaluating a New Domicile Address Provided in Response to a Domicile Address Requirement**

When an applicant or registrant provides a new domicile address in response to a domicile address requirement, the examining attorney or post-registration examiner must conduct an internet search of the new domicile address unless it is apparent from the address itself that the new address is an unacceptable type of domicile address or is a foreign address. See [TMEP §601.01\(c\)\(i\)](#).

Examining attorneys may request assistance from the Trademark Law Library with this search. Post-registration examiners may request assistance by emailing the Post Registration internal mailbox. After completing a search, examining attorneys must upload a Note to the File (also referred to as a Public Note or Notation to File) indicating that they conducted a search. After registration, a Note to the File will be entered after the search is conducted.

The examining attorney or post-registration examiner must take the appropriate action set forth below, based on the relevant circumstances.

*Acceptable domicile address based on the applicant’s or registrant’s entity type.* If the new address is an acceptable type of domicile address based on the applicant’s or registrant’s entity type, it may be accepted. However, the examining attorney or post-registration examiner must raise any new issues resulting from the new domicile address (e.g., if a pro se applicant or registrant provides a foreign domicile address, then U.S. counsel is required if one was not already appointed (see [TMEP §601.01\(a\)](#))).

*Unacceptable domicile address and no arguments or evidence submitted.* If the new address is an unacceptable type of domicile address (see [TMEP §601.01\(c\)\(i\)](#)) and the applicant or registrant did not provide any arguments or evidence as to why the address complies with the requirement for a domicile address, the requirement must be maintained and/or made final, as appropriate.

*Unacceptable domicile address and arguments or evidence submitted.* If the new address is an unacceptable type of domicile address based on the applicant’s or registrant’s entity type and the applicant or registrant



provides any arguments or evidence in the form of documentation, the examining attorney or post-registration examiner must follow the procedures set forth in [TMEP §601.01\(c\)\(iii\)](#).

### **601.01(c)(iii) Reviewing General Arguments or Evidence Provided in Response to a Domicile Address Requirement**

Examining attorneys and post-registration examiners must evaluate any arguments, including any explanations, or evidence regarding a domicile address on a case-by-case basis, whether included in the initial application or maintenance filing, or in a response.

Any assertion that the domicile address is in fact the applicant's or registrant's principal place of business (for a juristic entity) or the place the person resides and that is intended to be the person's principal home (for a natural person) must be made in a formal written response.

Only in rare cases may an otherwise unacceptable type of domicile address (*see* [TMEP §601.01\(c\)\(i\)](#)) be accepted based on the applicant's or registrant's arguments. If uncertain about whether the provided domicile address should be accepted, the examining attorney should consult their managing or senior attorney. Post-registration examiners should consult their lead.

If a juristic applicant or registrant submits documentation such as an annual report identifying its principal office or business address as a post-office box or a registered agent address, such documentation does not establish that the address is the applicant's or registrant's domicile address. Examining attorneys and post-registration examiners must not accept such documentation as satisfying a domicile address requirement when the address is an unacceptable type of domicile address. See [TMEP §601.01\(c\)\(i\)](#) for presumptively unacceptable types of domicile addresses.

When a requirement for an acceptable domicile address is maintained or made final, the requirement may be satisfied by providing a new, acceptable domicile address. See [TMEP §601.01\(c\)\(ii\)](#) for information about evaluating a domicile address provided in response to a domicile address requirement. Alternatively, the applicant or registrant may file a petition to the Director to waive the domicile address requirement because of an extraordinary situation. *See* [TMEP §1708.01](#).

If the applicant or registrant responds to the requirement to provide an acceptable domicile address by stating that they filed a petition to the Director to waive the domicile address requirement, the examining attorney or post-registration examiner must follow the procedures set forth in [TMEP §601.01\(c\)\(v\)](#). See [TMEP §716.02\(i\)](#) for circumstances when action may be suspended by the examining attorney pending a decision on a petition to the Director to waive the domicile address requirement.

If the applicant or registrant asserts they have "no fixed physical address," the examining attorney or post-registration examiner must follow the procedures set forth in [TMEP §601.01\(c\)\(iv\)](#).

### **601.01(c)(iv) Reviewing "No Fixed Physical Address" Explanation**

An otherwise unacceptable type of domicile address may not be accepted based on a detailed explanation that the applicant or registrant has "no fixed physical address." Such an explanation is not considered sufficient to satisfy the requirement for an acceptable domicile address. Because the applicant or registrant is essentially requesting a waiver of the domicile address rule, the appropriate mechanism for considering these explanations/arguments is a petition to the Director. See [TMEP §1708.01](#) regarding petitions to the Director to waive the domicile address requirement.



*“No fixed physical address” explanation in the initial application or maintenance filing.* If the applicant or registrant provides an unacceptable type of domicile address and asserts it has “no fixed physical address” in the initial application or maintenance filing, a requirement for an acceptable domicile address must be issued. However, the “Domicile Address” field in the electronic forms allows a juristic applicant or registrant to provide the name, title, and domicile address of an individual with legal authority to bind the applicant or registrant when the entity itself has no fixed physical address. Therefore, if the address provided in this field is an acceptable domicile address type for an individual, the examining attorney or post-registration examiner will not issue a requirement for an acceptable domicile address.

*“No fixed physical address” explanation in applications not yet approved for publication or maintenance filings not yet accepted and/or acknowledged as of August 30, 2023.* If an applicant or registrant provides, or has provided, a statement that it has “no fixed physical address,” and the application has not been approved for publication or the maintenance filing has not been accepted and/or acknowledged as of August 30, 2023, the explanation cannot be accepted and the requirement for a domicile address must be maintained and/or made final, as appropriate, in accordance with the following guidance:

*If the applicant or registrant was advised in the most recent Office action that it could provide a detailed explanation and the applicant or registrant does not respond to the domicile address requirement,* the domicile address requirement must be made final if the application is otherwise in condition for final action. After registration, the examiner must issue a subsequent action maintaining the domicile address requirement and advising the registrant of the option to petition the Director if the maintenance filing is otherwise in condition for an action providing the petition option. If the applicant or registrant subsequently provides a “no fixed physical address” explanation in a response, the examining attorney or post-registration examiner must proceed as provided below.

*If the applicant or registrant was advised in the most recent Office action that it could provide a detailed explanation and the applicant or registrant responds by providing a detailed explanation,* the examining attorney or post-registration examiner must maintain the domicile address requirement in a new nonfinal action, explain that the detailed explanation does not satisfy the requirement, and inform the applicant or registrant of the response options set forth in TMEP §601.01(c)(iv)(A).

*After the applicant or registrant has been advised of the updated response options,* if the applicant or registrant continues to respond only by submitting arguments, the domicile address requirement must be made final if the application is otherwise in condition for final action. After registration, the examiner must issue a subsequent action maintaining the domicile address requirement and advising the registrant of the option to petition the Director if the maintenance filing is otherwise in condition for an action providing the petition option.

*“No fixed physical address” explanation in approved applications or accepted and/or acknowledged maintenance filings before August 30, 2023.* It is not necessary to withdraw the application from publication if an application with a detailed explanation that the applicant has “no fixed physical address” was approved for publication before August 30, 2023. Similarly, it is not necessary to rescind an acceptance and/or acknowledgement of a maintenance filing with a detailed explanation that the registrant has “no fixed physical address” made before August 30, 2023. Additionally, if the application is withdrawn from publication for another reason, or the acceptance and/or acknowledgment of a maintenance filing is rescinded for another reason, examining attorneys and post-registration examiners are not required to raise a new domicile address requirement when a “no fixed physical address” explanation was previously accepted.

*Companion applications not yet approved for publication or companion maintenance filings not yet accepted and/or acknowledged* that contain an unacceptable domicile address, with or without an explanation, cannot

be accepted merely because the same address was accepted in approved or published companion applications or accepted and/or acknowledged companion maintenance filings.

### **601.01(c)(iv)(A) Response Options for Applicants or Registrants with “No Fixed Physical Address”**

An applicant or registrant who asserts it has “no fixed physical address” is limited to the response options set forth below.

*Individual applicant or registrant.* An individual who has claimed not to have a permanent legal place of residence because they have “no fixed physical address” may satisfy the domicile address requirement by providing an acceptable domicile address in the “Domicile Address” field of a response form, such as when an applicant or registrant has subsequently obtained a permanent legal place of residence at a fixed physical address.

*Juristic applicant or registrant.* A juristic applicant or registrant that has claimed it has no fixed physical address may satisfy the domicile address requirement by providing: (1) a new acceptable domicile address such as when an applicant or registrant has subsequently obtained a fixed physical address that is the applicant’s or registrant’s principal place of business; or (2) the full name, title, and acceptable domicile address of a person with legal authority to bind the juristic applicant or registrant (e.g., one of the officers, if a corporation, or one of the partners, if a partnership) if the applicant or registrant does not have a fixed physical address for its principal place of business. The name, title, and domicile address may be included in the “Domicile Address” field to keep it hidden from public view. Alternatively, the applicant or registrant may provide the name, title, and address in the body of the response or the name and title in the response and the individual’s address in the “Domicile Address” field. Only information in the “Domicile Address” field is masked. See [TMEP §601.01\(e\)](#). The examining attorney or post-registration examiner may presume that the person identified directs and controls the entity’s activities if the person’s title indicates they have legal authority to bind the juristic applicant or registrant. See [TMEP §611.06-06\(h\)](#) for more information about persons who have legal authority to bind various types of entities.

*Option to file a petition to waive the domicile address requirement .* Alternatively, the applicant or registrant may file a petition to the Director to waive the domicile address requirement based on an extraordinary situation. See [TMEP §1708.01](#). However, filing a petition to waive the requirement is not considered a response to an Office action. The applicant must still file a response to avoid abandonment of the application. See [37 C.F.R. §2.146\(g\)](#); [TMEP §1705.06](#).

See [TMEP §601.01\(c\)\(v\)](#) regarding checking the record for a petition to the Director to waive the domicile address requirement and [§716.02\(l\)](#) for circumstances when action may be suspended by an examining attorney pending a decision on a petition to the Director to waive the domicile address requirement.

### **601.01(c)(iv)(B) Reviewing the Name, Title, and Domicile Address of an Individual with Legal Authority to Bind the Juristic Entity**

If a juristic applicant or registrant provides the name, title, and domicile address of an appropriate individual who has legal authority to bind the applicant or registrant, the new address must be searched to determine acceptability in accordance with the procedures set forth in [TMEP §601.01\(c\)\(ii\)](#).

However, if a juristic applicant indicates the new domicile address provided is that of an individual, but does not provide a full name and/or title, or provides a title that does not clearly indicate the individual has

legal authority to bind the applicant (e.g., manager for a corporate entity), the domicile address requirement must be maintained, or made final if the application is otherwise in condition for final action, as appropriate. Similarly, if a juristic registrant indicates the new domicile address provided is that of an individual, but does not provide a full name and/or title, or provides a title that does not clearly indicate the individual has legal authority to bind the registrant, the domicile address requirement must be maintained in a subsequent post-registration action providing the petition option, if the maintenance filing is otherwise in condition for an action providing the petition option.

In all cases, the examining attorney or post-registration examiner must also raise any other issues resulting from the new domicile address (e.g., if the applicant or registrant provides a foreign domicile address for the individual, then the applicant or registrant must be represented by a qualified U.S. attorney (*see* [TMEP §601.01\(a\)](#))).

*Protecting hidden or masked information.* If an Office action is issued that questions the validity of the domicile address or the name and title of an individual named by the applicant or registrant, and the applicant or registrant provided this information in the hidden “Domicile Address” field, the examining attorney or post-registration examiner must not list the address or name in the Office action. The examining attorney or post-registration examiner may, however, reference the title if the title provided indicates the individual does not have legal authority to bind the applicant or registrant. If evidence is being attached to the Office action to support an inquiry, an examining attorney may attach evidence that identifies the address if necessary. Applicant may then later petition the USPTO to have that information redacted.

### **601.01(c)(v) Checking the Record for a Petition to the Director to Waive the Domicile Address Requirement**

Prior to issuing or maintaining a domicile address requirement, the examining attorney or post-registration examiner must check the record to ensure that a petition to the Director to waive the domicile address requirement has not been filed or granted. The petition will be uploaded into all referenced records. The examining attorney or post-registration examiner must carefully review the record for a notice of pending petitions. The final petition decision will also be uploaded to all relevant records. See [TMEP §1708.01](#) regarding petitions to the Director to waive the domicile address requirement.

If a petition to the Director to waive the domicile address requirement has been granted, a requirement for a domicile address must not subsequently issue.

If an applicant or registrant asserts in a response that it has filed a petition to waive the domicile address requirement or was granted a waiver of the requirement, but a petition, Note to the File (also referred to as a Public Note or Notation to File), or other notice of a pending petition does not appear in the record, the examining attorney or post-registration examiner must contact the Petitions Office to inquire whether a petition was filed or decided.

See [TMEP §716.02\(d\)](#) for circumstances when action may be suspended by the examining attorney pending a decision on a petition to the Director to waive the domicile address requirement.

*Holding a post-registration filing.* Post-registration examiners will hold action on a post-registration filing pending a petition decision. If a petition to the Director is pending after a continued domicile address requirement has been issued in a post-registration filing, and the filing appears to be otherwise in condition for acceptance and/or acknowledgement, the post-registration examiner should hold the filing pending a decision on the petition. Once the petition decision is issued, a petitions attorney or paralegal will notify the

lead that a decision has issued and the post-registration examiner may proceed with appropriate action on the post-registration filing.

### **601.01(d) Domicile Address Must Be Kept Current**

*37 CFR §2.189 Requirement to provide domicile address.*

An applicant or registrant must provide and keep current the address of its domicile, as defined in § 2.2(o).

An applicant or registrant must provide and keep current its domicile address, as defined in [TMEP §601.01](#), and inform the USPTO of any changes to that address. See *In re Chestek PLLC*, 92 F.4th 1105, 1113, 2024 USPQ2d 297, at \*8 (Fed. Cir. 2024) (domicile address requirement affirmed). An applicant or registrant can update its domicile address with the USPTO by using the trademark electronic filing system's Change Address or Representation form. See [TMEP §601.01\(e\)](#) regarding how an applicant or registrant can hide such an address from public view.

### **601.01(e) Hiding the Domicile Address**

Most forms in the trademark electronic filing system allow an applicant or registrant to specify the owner's mailing address, which is publicly viewable, and a separate domicile address, which is masked or hidden from public view. If the applicant or registrant provides the same address as its mailing address and domicile address, the address will be viewable by the public. To hide the applicant's or registrant's domicile address from public view, the applicant or registrant must provide a mailing address that differs from its domicile address and enter the domicile address into the dedicated "Domicile Address" fields on the Owner Information page within most electronic forms.

If an Office action is being issued that questions the validity of a domicile address that was hidden from public view, an examining attorney or post-registration examiner must not list the exact address in the Office action. However, if evidence is being attached to the Office action to support the inquiry, an examining attorney may attach evidence that identifies the address if necessary. Applicant may then later petition the USPTO to have that information redacted.

## **601.02 Communications with Applicant or Registrant Who Is Represented by an Attorney**

*37 CFR §2.18(a)(2)*

If an attorney is recognized as a representative pursuant to § 2.17(b)(1), the Office will correspond only with that attorney, except as set forth in paragraphs (a)(2)(i) through (iv) of this section. A request to change the correspondence address does not revoke a power of attorney. The Office will not correspond with another attorney from a different firm and, except for service of a cancellation petition and notices of institution of expungement or reexamination proceedings, will not correspond directly with the applicant, registrant, or a party to a proceeding, unless:

- (i) The applicant or registrant files a revocation of the power of attorney under § 2.19(a) and/or a new power of attorney that meets the requirements of § 2.17(c);
- (ii) The attorney has been suspended or excluded from practicing in trademark matters before the USPTO;
- (iii) Recognition of the attorney has ended pursuant to § 2.17(g); or
- (iv) The attorney has been falsely, fraudulently, or mistakenly designated under § 2.17(b)(4).

If an applicant or registrant is represented by a qualified U.S. attorney, the USPTO will conduct business only with that attorney, unless that representation is terminated, a new power of attorney is properly filed, or until recognition ends. [37 C.F.R. §2.18\(a\)\(2\)](#). See [TMEP §604.03](#) regarding duration of recognition, [§606](#) regarding revocation of an attorney, and [§607](#) regarding withdrawal of an attorney. See also [TMEP](#)

[§602.01](#) regarding communicating with an attorney from the same U.S. law firm as the appointed U.S. attorney.

If the applicant or registrant contacts the USPTO regarding the application or registration, they will be advised that the USPTO will only conduct business with the qualified U.S. attorney. USPTO employees may answer general questions about the application or registration record and the procedures for obtaining and maintaining a registration, and are encouraged to refer the applicant or registrant to publicly available information on the USPTO's website. See [TMEP §1805](#) regarding general inquiries from the public.

The USPTO will not accept responses or amendments authorized or signed by the applicant or registrant if there is a qualified U.S. attorney of record. See [37 C.F.R. §2.18\(a\)\(2\)](#). See [TMEP §§611–611.06\(h\)](#) regarding signatures on documents filed in the USPTO. See [TMEP §707.01](#) and [§708.02](#) regarding individuals who can authorize examiner's amendments and priority actions.

An applicant or registrant may revoke the authority of a qualified U.S. attorney to represent the applicant or registrant, or the attorney could withdraw from representing the applicant or registrant. [37 C.F.R. §2.19\(a\)\(1\)](#), [\(b\)](#). However, in these circumstances, an applicant or registrant whose domicile is located outside the United States or its territories is required to be represented, and must appoint a new qualified U.S. attorney as its representative, with whom the USPTO will correspond. [37 C.F.R. §2.11\(a\)](#).

See [TMEP §604.04](#) regarding changes of attorney and [TBMP §§114–114.08](#) regarding representation of parties to proceedings before the Trademark Trial and Appeal Board.

## **602 Persons Authorized to Practice Before USPTO in Trademark Matters**

### ***37 CFR §2.17(a) Authority to practice in trademark cases.***

Only an individual qualified to practice under §11.14 of this chapter may represent an applicant, registrant, or party to a proceeding before the Office in a trademark case.

### ***37 CFR §11.5(b) Practice before the Office.***

Practice before the Office includes, but is not limited to, law-related service that comprehends any matter connected with the presentation to the Office or any of its officers or employees relating to a client's rights, privileges, duties, or responsibilities under the laws or regulations administered by the Office for the grant of a patent or registration of a trademark, or for enrollment or disciplinary matters. Such presentations include preparing necessary documents in contemplation of filing the documents with the Office, corresponding and communicating with the Office, and representing a client through documents or at interviews, hearings, and meetings, as well as communicating with and advising a client concerning matters pending or contemplated to be presented before the Office. Nothing in this section proscribes a practitioner from employing or retaining non-practitioner assistants under the supervision of the practitioner to assist the practitioner in matters pending or contemplated to be presented before the Office.

\* \* \*

(3) Practice before the Office in trademark matters. Practice before the Office in trademark matters includes, but is not limited to, consulting with or giving advice to a client in contemplation of filing a trademark application or other document with the Office; preparing or prosecuting an application for trademark registration; preparing an amendment that may require written argument to establish the registrability of the mark; preparing or prosecuting a document for maintaining, correcting, amending, canceling, surrendering, or otherwise affecting a registration; and conducting an opposition, cancellation, or concurrent use proceeding; or conducting an appeal to the Trademark Trial and Appeal Board.

### ***37 CFR §11.14 Individuals who may practice before the Office in trademark and other non-patent matters.***

(a) Attorneys. Any individual who is an attorney as defined in §11.1 may represent others before the Office in trademark and other non-patent matters. An attorney is not required to apply for registration or recognition to practice before the Office in trademark and other non-patent matters. Registration as a patent practitioner does not itself entitle an individual to practice before the Office in trademark matters.

(b) Non-lawyers. Individuals who are not attorneys are not recognized to practice before the Office in trademark and other non-patent matters, except that individuals not attorneys who were recognized to practice before the Office in trademark matters under this chapter prior to January 1, 1957, will be recognized as agents to continue practice before the Office in trademark matters. Except as provided in the preceding sentence, registration as a patent agent does not itself entitle an individual to practice before the Office in trademark matters.

(c) Foreigners. (1) Any foreign attorney or agent not a resident of the United States who shall file a written application for reciprocal recognition under paragraph (f) of this section and prove to the satisfaction of the OED Director that he or she is a registered and active member in good standing before the trademark office of the country in which he or she resides and practices and possesses good moral character and reputation, may be recognized for the limited purpose of representing parties located in such country before the Office in the presentation and prosecution of trademark matters, provided: The trademark office of such country and the USPTO have reached an official understanding to allow substantially reciprocal privileges to those permitted to practice in trademark matters before the Office. Recognition under this paragraph (c) shall continue only during the period that the conditions specified in this paragraph (c) obtain.

(2) In any trademark matter where a foreign attorney or agent authorized under paragraph (c)(1) of this section is representing an applicant, registrant, or party to a proceeding, an attorney, as defined in § 11.1 and qualified to practice under paragraph (a) of this section, must also be appointed pursuant to § 2.17(b) and (c) of this chapter as the representative who will file documents with the Office and with whom the Office will correspond.

(d) Recognition of any individual under this section shall not be construed as sanctioning or authorizing the performance of any act regarded in the jurisdiction where performed as the unauthorized practice of law.

(e) Appearance. No individual other than those specified in paragraphs (a), (b), and (c) of this section will be permitted to practice before the Office in trademark matters on behalf of a client. Except as specified in § 2.11(a) of this chapter, an individual may appear in a trademark or other non-patent matter in his or her own behalf or on behalf of:

- (1) A firm of which he or she is a member;
- (2) A partnership of which he or she is a partner; or
- (3) A corporation or association of which he or she is an officer and which he or she is authorized to represent.

(f) Application for reciprocal recognition. An individual seeking reciprocal recognition under paragraph (c) of this section, in addition to providing evidence satisfying the provisions of paragraph (c) of this section, shall apply in writing to the OED Director for reciprocal recognition, and shall pay the application fee required by § 1.21(a)(1)(i) of this subchapter.

Only an individual qualified to practice under [37 C.F.R. §11.14](#) may represent an applicant or registrant in trademark matters before the USPTO. [37 C.F.R. §2.17\(a\)](#). Under [37 C.F.R. §11.14](#), only the following individuals may represent an applicant or registrant in a trademark case:

*An attorney as defined in [37 C.F.R. §11.1](#) (i.e., an attorney who is an active member in good standing of the bar of the highest court of a U.S. state, Commonwealth, or territory or the District of Columbia) (a “qualified U.S. attorney”) (see [TMEP §602.01](#));*

*A Canadian attorney or agent who has been granted recognition by the Director of Enrollment and Discipline (OED Director) for the limited purpose of representing parties located in Canada, pursuant to [37 C.F.R. §11.14\(c\)](#), and who is working under a qualified U.S. attorney who has been appointed as the applicant’s or registrant’s representative (see [TMEP §§602.03-602.03\(a\)](#)); or*

*An individual who is not an attorney but was recognized to practice before the USPTO in trademark cases prior to January 1, 1957.*

See [TMEP §602.03\(a\)](#) regarding Canadian attorneys and agents, and [TBMP §§114–114.08](#) regarding representation of parties to Board proceedings.

## 602.01 Attorneys Licensed to Practice in the United States

An attorney who is an active member in good standing of the bar of the highest court of a U.S. state (which includes the District of Columbia and any U.S. Commonwealth or territory) may practice before the USPTO in trademark matters. [37 C.F.R. §§2.17\(a\), 11.1](#) (see definitions of Attorney and State), [11.14\(a\)](#). No application for recognition to practice before the USPTO in trademark matters is necessary. The USPTO



does not give an examination for eligibility or maintain a register of U.S. attorneys entitled to practice in trademark cases. An attorney meeting the requirements of [37 C.F.R. §11.14](#) who (1) files a power of attorney pursuant to [37 C.F.R. §2.17\(c\)](#), (2) is identified as a representative in a document submitted on behalf of an otherwise unrepresented applicant or registrant, or (3) signs a document on behalf of an applicant or registrant who is otherwise unrepresented will be recognized as the representative of the applicant or registrant. [37 C.F.R. §2.17\(b\)\(1\)](#). A telephone call from an attorney does not satisfy the “appearance” requirements of [37 C.F.R. §2.17\(b\)](#).

Only individuals, not law firms, are entitled to be recognized to represent an applicant or registrant. *See also* [37 C.F.R. §2.17\(c\)\(1\)](#).

Attorneys who have not specifically been mentioned in a power of attorney generally may not communicate with the USPTO regarding specific application- or registration-related business, unless they are from the same firm as the recognized attorney. If an attorney from the same U.S. firm as the attorney of record claims to be authorized by the attorney of record to conduct business and approve amendments with respect to a specific application or registration, the USPTO will permit the attorney to conclude business, and will note this fact in any resulting examiner’s amendment, priority action, or Office action. *See generally* [37 C.F.R. §2.17\(b\)\(1\)](#).

## **602.01(a) Attorney Identification Information Required**

### ***37 CFR §2.17 Recognition for representation.***

(b)(3) Bar information required. A practitioner qualified under [§ 11.14\(a\)](#) of this chapter will be required to provide the name of a State, as defined in [§ 11.1](#) of this chapter, in which he or she is an active member in good standing, the date of admission to the bar of the named State, and the bar license number, if one is issued by the named State. The practitioner may be required to provide evidence that he or she is an active member in good standing of the bar of the specified State.

### ***37 CFR §2.22 Requirements for a base application.***

(a)(19) An application for registration under section 1 and/or section 44 of the Act that meets the requirements for a filing date under [§ 2.21](#) will be subject only to the filing fee under [§ 2.6\(a\)\(1\)\(iii\)](#) if it includes: An applicant whose domicile is not located within the United States or its territories must designate an attorney as the applicant’s representative, pursuant to [§ 2.11\(a\)](#), and include the attorney’s name, postal address, email address, and bar information.

### ***37 CFR §2.32 Requirements for a complete trademark or service mark application.***

(a)(4) The application must be in English and include the following: When the applicant is, or must be, represented by an attorney, as defined in [§ 11.1](#) of this chapter, who is qualified to practice under [§ 11.14](#) of this chapter, the attorney’s name, postal address, email address, and bar information.

If the applicant is represented by an attorney qualified under [37 C.F.R. §11.14](#), or is required to appoint such an attorney due to its foreign domicile, the applicant must include the individual attorney’s name, postal address, email address, and bar information in a Section 1 or 44(a) application, or in a subsequent submission in a Section 66(a) application. [37 C.F.R. §§2.11\(a\), 2.22\(a\)\(19\), 2.32\(a\)\(4\)](#).

The bar information for the attorney includes (1) the name of the U.S. state, Commonwealth, or territory, or the District of Columbia, in which the attorney is an active member in good standing; (2) the date of the attorney’s admission to the bar in the named U.S. state, Commonwealth, or territory, or District of Columbia; (3) the bar license number, if one is issued by the U.S. state, Commonwealth, or territory or the District of Columbia; and (4) a statement that the attorney is an active member in good standing of the bar of the listed U.S. state, Commonwealth, or territory or District of Columbia.



This information must be provided for the attorney of record (i.e., the primary attorney). The attorney must provide the number used by the U.S. state, Commonwealth, or territory that licenses the attorney, which number may be called by different names, including a bar, membership, account, or identification number.

The majority of the trademark electronic filing system forms include specific fields to enter attorney bar information for the attorney of record. If an applicant's or registrant's attorney's bar information and/or the statement that the attorney is an active member in good standing of the referenced bar is omitted or incomplete, the examining attorney will issue an Office action requiring the attorney bar information and/or statement of active bar membership in good standing.

In cases where attorney bar information is required and all other outstanding issues may be resolved by examiner's amendment, the examining attorney may email or call the attorney about the outstanding issues, obtain the attorney's bar information, and ask that the attorney agree to a statement of good standing, if it is not already in the record. An associate attorney authorized to represent the applicant may also authorize an examiner's amendment for the primary attorney or record's bar information and a statement of good standing.

Attorney bar information entered in the bar information fields on the "Attorney Information" page of the electronic forms will be hidden from public view. The USPTO makes an effort to mask these fields only as a courtesy, to make it harder for the data to be scraped for improper or other purposes, not because the data is private. If entered anywhere else in the electronic forms, the attorney bar information will not be hidden. Attorney bar information is a matter of public record, and attorneys should be aware that this information may sometimes be available on filings. If the examining attorney obtains the bar information to enter it by examiner's amendment, the amendment will not include the specific information but rather will indicate only that the bar information has been provided. If an applicant emails the attorney bar information to the USPTO, an examining attorney must follow the normal procedure for making relevant email communications part of the record and will not hide such information, unless the applicant's attorney requests that it be hidden. See [TMEP §709.04](#).

### **602.01(b) Invalid Attorney Identification Information**

If a submission includes clearly invalid attorney identification information (e.g., John Doe, a series of question marks or letters/numerals, a single name, or the word "test"), the listed attorney does not appear to be a qualified U.S.-licensed attorney, or the listed attorney has not consented to represent the applicant, the examining attorney or post-registration specialist must (1) remove the attorney identification information from the correspondence section of the Trademark database and enter the applicant's or registrant's address, and (2) issue an Office action notifying the applicant or registrant that the listed attorney does not appear to be a qualified practitioner or has not consented to represent the applicant or registrant. In such cases, correspondence must be sent directly to the applicant or registrant at the address specified in the initial application or post-registration maintenance document. In addition, for a foreign-domiciled applicant, any Office action issued must make requirements for appointment of a qualified U.S. attorney and domicile information, if applicable.

If the attorney identification information appears valid, but circumstances call into question the veracity of the information, the examining attorney or post-registration staff must (1) remove the attorney identification information from the correspondence section of the Trademark database and enter the applicant's or registrant's address, and (2) issue an Office action notifying the applicant or registrant that the listed attorney does not appear to be a qualified U.S. attorney or has not consented to represent the applicant or registrant. In addition, the Office action must include a requirement for the attorney's identification information (including bar credentials) if appropriate, and, for a foreign-domiciled applicant, requirements for appointment of a qualified U.S. attorney and domicile information, if applicable.

See [TMEP §601.01](#) regarding the requirement to provide the owner's domicile and for foreign domiciliaries to appoint a qualified U.S. attorney to represent them at the USPTO.

## 602.02 Non-Attorneys

### *37 CFR §2.17(f) Non-lawyers.*

A non-lawyer may not act as a representative except in the limited circumstances set forth in §11.14(b) of this chapter. Before any non-lawyer who meets the requirements of §11.14(b) of this chapter may take action of any kind with respect to an application, registration or proceeding, a written authorization must be filed, signed by the applicant, registrant, or party to the proceeding, or by someone with legal authority to bind the applicant, registrant, or party (e.g., a corporate officer or general partner of a partnership).

### *37 CFR §11.14(b) Non-lawyers.*

Individuals who are not attorneys are not recognized to practice before the Office in trademark and other non-patent matters, except that individuals not attorneys who were recognized to practice before the Office in trademark matters under this chapter prior to January 1, 1957, will be recognized as agents to continue practice before the Office in trademark matters. Except as provided in the preceding sentence, registration as a patent agent does not itself entitle an individual to practice before the Office in trademark matters.

Non-attorneys are not permitted to practice before the Office except under the limited circumstances specified in [37 C.F.R. §11.14\(b\)](#), set forth above. 5 U.S.C. §§500(b), (d); [37 C.F.R. §§2.17\(f\), 11.14\(e\)](#).

Where the USPTO suspects that a non-attorney may be engaging in unauthorized practice before the Office, the applicant or registrant may be required to provide information regarding the type of assistance rendered, the identity of the person(s) providing such assistance, and the compensation provided or charged. [37 C.F.R. §2.11\(c\)](#).

See [TMEP §608.01](#) regarding unauthorized practice, and [TMEP §§611–611.06\(h\)](#) regarding signature of documents filed in the USPTO.

## 602.03 Foreign Attorneys and Agents

### *37 CFR §2.17 Recognition for representation.*

(e) Foreign attorneys and agents. Recognition to practice before the Office in trademark matters is governed by [§11.14\(c\)](#) of this chapter.

### *37 CFR §11.14(c) Foreigners.*

(1) Any foreign attorney or agent not a resident of the United States who shall file a written application for reciprocal recognition under paragraph (f) of this section and prove to the satisfaction of the OED Director that he or she is a registered and active member in good standing before the trademark office of the country in which he or she resides and practices and possesses good moral character and reputation, may be recognized for the limited purpose of representing parties located in such country before the Office in the presentation and prosecution of trademark matters, provided: the trademark office of such country and the USPTO have reached an official understanding to allow substantially reciprocal privileges to those permitted to practice in trademark matters before the Office. Recognition under this paragraph (c) shall continue only during the period that the conditions specified in this paragraph (c) obtain.

(2) In any trademark matter where a foreign attorney or agent authorized under paragraph (c)(1) of this section is representing an applicant, registrant, or party to a proceeding, an attorney, as defined in § 11.1 and qualified to practice under paragraph (a) of this section, must also be appointed pursuant to § 2.17(b) and (c) of this chapter as the representative who will file documents with the Office and with whom the Office will correspond.

### *37 CFR §11.14 (f) Application for reciprocal recognition.*

An individual seeking reciprocal recognition under paragraph (c) of this section, in addition to providing evidence satisfying the provisions of paragraph (c) of this section, shall apply in writing to the OED Director for reciprocal recognition, and shall pay the application fee required by §1.21(a)(1)(i) of this subchapter.

Generally, only an attorney as defined in [37 C.F.R. §11.1](#) may practice before the USPTO in trademark matters on behalf of an applicant or registrant. 5 U.S.C. §500(b), (d); [37 C.F.R. §§2.17\(a\), 11.14\(a\), \(e\)](#). In very limited circumstances, foreign agents or attorneys that are registered and active members in good standing before the trademark office in the country in which they reside may file an application for reciprocal recognition to represent parties located in that country. [37 C.F.R. §11.14\(c\), \(f\)](#). Foreign patent attorneys and agents may not practice before the USPTO in trademark matters. See [37 C.F.R. §11.14\(c\)\(1\)](#).

A foreign attorney or agent may be recognized to represent parties located in the country in which the foreign attorney or agent resides and practices, only if:

- (1) The foreign attorney or agent applies in writing to the OED Director for reciprocal recognition and pays the fee required by 37 C.F.R. §1.21(a)(1)(i);
- (2) The foreign attorney or agent proves to the satisfaction of the OED Director that the foreign attorney or agent is a registered and active member in good standing before the trademark office of the country in which the foreign attorney or agent resides and practices and possesses good moral character and reputation;
- (3) The trademark office of that foreign country allows substantially reciprocal privileges to those permitted to practice before the USPTO; and
- (4) An attorney, as defined under [37 C.F.R. §11.1](#), is appointed pursuant to [37 C.F.R. §2.17\(b\)](#) and [\(c\)](#) as the representative who will file documents with the USPTO and with whom the USPTO will correspond. [37 C.F.R. §§2.17\(a\), 11.14\(c\), \(f\)](#).

The OED Director will grant recognition of an attorney in the form of a written communication. A foreign attorney or agent not previously recognized to practice before the USPTO in trademark cases should allow adequate time to file and obtain recognition before representing a party before the USPTO. The application for reciprocal recognition must be filed and granted prior to practicing before the USPTO in trademark matters. Currently, a Canadian trademark attorney or agent who is registered and an active member in good standing with the Canadian Intellectual Property Office is the only foreign attorney or agent who may be recognized as meeting the above criteria. See [TMEP §602.03\(a\)](#) regarding Canadian trademark attorneys and agents.

If a USPTO employee suspects that an individual who does not meet the requirements of [37 C.F.R. §11.14\(c\)](#) is engaging in unauthorized practice by representing applicants or registrants in trademark matters, the employee should bring the matter to the attention of the Office of the Deputy Commissioner for Trademark Examination Policy.

### **602.03(a) Canadian Trademark Attorneys and Agents**

Currently, Canadian trademark attorneys or agents who are registered and active members in good standing with the trademark branch of the Canadian Intellectual Property Office are the only foreign attorneys or agents who may be recognized by the USPTO Office of Enrollment and Discipline (OED) Director in the presentation and prosecution of trademark matters. In any trademark matter where such an attorney or agent has been recognized and is representing an applicant or registrant, a qualified U.S. attorney must be appointed as the applicant's or registrant's representative who will file documents with the USPTO and with whom the USPTO will correspond. [37 C.F.R. §11.14\(c\)\(2\)](#). See [TMEP §602.03](#) regarding recognition of foreign attorneys and agents in trademark matters.

To be recognized under [37 C.F.R. §11.14\(c\)](#), the Canadian trademark attorney or agent must file a written application to the OED Director for reciprocal recognition and pay the fee required by [37 C.F.R. §1.21\(a\)\(1\)\(i\)](#) prior to representing a party before the USPTO. The application must include proof that the individual meets the requirements of [37 C.F.R. §11.14\(c\)](#), and must be addressed to the OED Director, Mail Stop OED, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. [37 C.F.R. §11.14\(f\)](#).

Once recognized by OED, a Canadian trademark attorney or agent can only represent parties located in Canada. [37 C.F.R. §11.14\(c\)\(1\)](#). Thus, a Canadian trademark attorney or agent cannot represent a party located in the United States or in another foreign country before the USPTO. For example, a Canadian trademark attorney or agent cannot represent a Canadian national who resides in California and has access to a mailing address in Canada.

A reciprocally recognized Canadian trademark attorney or agent may on behalf of clients located in Canada: prepare, sign, and file a new application; prepare and sign other application and registration-related submissions, including responses and other formal communications, although a qualified U.S. attorney must file such submissions; otherwise communicate informally by phone or email with an examining attorney or paralegal specialist on behalf of their client to discuss the application status, the contents of the examining attorney's Office action, and possible responses to the Office action, but an appointed qualified U.S. attorney must authorize any examiner's amendments; and receive courtesy copies of USPTO communications. See [37 C.F.R. §11.5\(b\)\(3\)](#).

If a Canadian trademark attorney or agent is designated as representing an applicant or registrant in a trademark matter as another appointed attorney, the USPTO staff must verify that the attorney or agent is recognized by OED, even if the individual files a document through the trademark electronic filing system and indicates that the individual is an authorized Canadian trademark attorney or agent who has been granted recognition by OED. See [TMEP §611.02\(a\)](#) regarding signature radio buttons on electronic forms. OED maintains a combined list of recognized Canadian trademark attorneys or agents.

After verifying that the Canadian trademark attorney or agent is recognized by OED, the USPTO staff should enter an appropriate Note to the File (also referred to as a Public Note or Notation to File) in the record. If the individual has not been recognized by OED, the USPTO will treat any document filed by that individual as a document filed by an unauthorized person. See [TMEP §§611.05–611.05\(c\)](#) for information about processing these documents.

### **602.03(b) Documents Filed by Foreign Attorneys and Agents Not Reciprocally Recognized**

A foreign attorney or agent who is not reciprocally recognized under [37 C.F.R. §11.14\(c\)](#) by the USPTO (see [TMEP §602.03](#)) is not authorized to practice before the USPTO under [37 C.F.R. §11.14](#) and thus may not prepare an application, response, post-registration maintenance document, or other document to be filed in the USPTO, sign responses to Office actions, or communicate with the USPTO on behalf of any applicant or registrant. Preparing a document, authorizing an amendment to an application, and submitting legal arguments in response to a requirement or refusal all constitute examples of representation of a party in a trademark matter. See [37 C.F.R. §11.5\(b\)\(3\)](#); [TMEP §608.01](#).

If a foreign attorney or agent who does not meet the requirements of [37 C.F.R. §11.14\(c\)](#) is designated or acts as a representative of a party in a trademark matter, the USPTO will treat any document submitted by the attorney or agent as a document filed by an improper party and follow the procedures in [TMEP §§611.05–611.05\(c\)](#).

## 602.03(c) Representatives of Holders of International Registrations

In the case of an application under Trademark Act §66(a), [15 U.S.C. §1141f\(a\)](#), known in the United States as a request for extension of protection, the applicant's appointed representative, as communicated from the International Bureau of the World Intellectual Property Organization (IB), is not authorized to practice before the USPTO unless the person meets the requirements of [37 C.F.R. §11.14\(a\)](#), [\(c\)](#), and [\(f\)](#). See [TMEP §609.01\(a\)](#) regarding correspondence in §66(a) applications, and [TMEP §§611–611.06\(h\)](#) regarding signature on documents filed in the USPTO.

## 603 Standards of Conduct

### 37 CFR §11.15

Refusal to recognize a practitioner. Any practitioner authorized to appear before the Office may be suspended, excluded, or reprimanded in accordance with the provisions of this Part. Any practitioner who is suspended or excluded under this Part shall not be entitled to practice before the Office in patent, trademark, or other non-patent matters while suspended or excluded.

Part 11 of Title 37 of the Code of Federal Regulations pertains to representation of others before the USPTO.

Part 11 identifies and defines individuals entitled to practice before the USPTO, sets forth a procedure for investigations and disciplinary proceedings, and establishes rules of professional conduct and responsibility.

## 604 Recognition as a Representative

### 604.01 Three Ways to Be Recognized as a Representative

#### 37 CFR §2.17(b)

(1) Recognition of practitioner as representative. To be recognized as a representative in a trademark case, a practitioner qualified under § 11.14 of this chapter may:

- (i) File a power of attorney that meets the requirements of paragraph (c) of this section;
- (ii) Sign a document on behalf of an applicant, registrant, or party to a proceeding who is not already represented by a practitioner qualified under § 11.14 of this chapter from a different firm; or
- (iii) Appear by being identified as the representative in a document submitted to the Office on behalf of an applicant, registrant, or party to a proceeding who is not already represented by a practitioner qualified under § 11.14 of this chapter from a different firm.

(2) Authorization to represent. When a practitioner qualified under § 11.14 of this chapter signs a document or appears pursuant to paragraph (b) of this section, his or her signature or appearance shall constitute a representation to the Office that he or she is authorized to represent the person or entity on whose behalf he or she acts. The Office may require further proof of authority to act in a representative capacity.

To be recognized as a representative, a qualified U.S. attorney may:

- *File a power of attorney* signed by the individual applicant or registrant or someone with legal authority to bind a juristic applicant or registrant (e.g., a corporate officer or general partner of a partnership);
- *Sign a document* on behalf of an applicant or registrant who is not already represented by a qualified practitioner from a different firm; or
- *Appear by being identified as a representative in a document* submitted to the USPTO on behalf of an applicant or registrant who is not already represented by a qualified U.S. attorney from a different firm.

[37 C.F.R. §2.17\(b\)](#). A foreign attorney or agent who has not been recognized by the OED Director pursuant to [37 C.F.R. §11.14\(c\)](#) may not be recognized as an additional representative to the applicant's qualified U.S. attorney. See [37 C.F.R. §11.14\(c\)](#).

Generally, as long as no other qualified U.S. attorney from a different firm has been previously appointed, it is not necessary for a qualified U.S. attorney to file a power of attorney or obtain special authorization in a trademark case. A qualified U.S. attorney who signs a document or appears on behalf of an applicant or registrant will be recognized as the representative of the applicant or registrant. [37 C.F.R. §2.17\(b\)\(2\)](#). For example, a qualified U.S. attorney will be recognized as the applicant's representative if the attorney is identified as the attorney of record in the application when the application is signed by the applicant. See [37 C.F.R. §2.17\(b\)\(2\)](#).

Neither a telephone call nor an email from a qualified U.S. attorney satisfies the "appearance" requirements of [37 C.F.R. §2.17\(b\)\(1\)\(iii\)](#). However, after issuance of an Office action to a pro se applicant or registrant, and prior to response, a qualified U.S. attorney may appear by being identified as the representative in a document submitted on behalf of an applicant or registrant, such as the Change Address or Representation (CAR) form. See [37 C.F.R. §2.17\(b\)\(1\)\(iii\)](#), [\(b\)\(2\)](#). Such document need not be signed by an individual with legal authority to bind (e.g., a corporate officer or general partner of a partnership) the applicant or registrant to meet the appearance requirements of [37 C.F.R. §2.17\(b\)\(1\)\(iii\)](#). Alternatively, a qualified U.S. attorney may be recognized as an unrepresented applicant's or registrant's representative by signing a document such as a CAR form or a response. See [37 C.F.R. §2.17\(b\)\(1\)\(ii\)](#).

An individual not meeting the requirements of [37 C.F.R. §2.17\(b\)\(1\)](#) will not be recognized as a representative, and may not sign responses or authorize amendments to an application. See [TMEP §611.03\(b\)](#) regarding signature on such documents. In addition, a practitioner who has been falsely, fraudulently, or mistakenly designated as a representative for an applicant, registrant, or party to a proceeding without the practitioner's prior authorization or knowledge will not be recognized as a representative. [37 C.F.R. §2.17\(b\)\(4\)](#).

Once the USPTO has recognized a qualified U.S. attorney as the representative of an applicant or registrant, the USPTO will communicate and conduct business only with that attorney or with another qualified U.S. attorney from the same firm. See [37 C.F.R. §2.18\(a\)\(2\)](#). The USPTO will not conduct business directly with the applicant or registrant, or with a qualified U.S. attorney from a different firm, unless the applicant or registrant files a new power of attorney and/or revokes the previous power, recognition of the attorney has been deemed to end pursuant to [37 C.F.R. §2.17\(g\)](#), or the attorney has withdrawn or been suspended or excluded from practice before the USPTO in trademark matters. [37 C.F.R. §2.18\(a\)\(2\)](#), [11.15](#). See [TMEP §604.03](#) regarding duration of recognition, [§605.03](#) regarding associate powers of attorney, [§606](#) regarding revocation of power of attorney, and [§607](#) regarding withdrawal of attorney of record.

See [TMEP §§609.01](#) and [609.02–609.02\(f\)](#) regarding changing the correspondence address, and [TBMP §§114–114.08](#) regarding representation of parties to Board proceedings.

## **604.02 Attorney Bar Information Required**

### ***37 CFR §2.17 Recognition for representation.***

(b)(3) Bar information required. A practitioner qualified under [§11.14\(a\)](#) of this chapter will be required to provide the name of a State, as defined in [§11.1](#) of this chapter, in which he or she is an active member in good standing, the date of admission to the bar of the named State, and the bar license number, if one is issued by the named State. The practitioner may be required to provide evidence that he or she is an active member in good standing of the bar of the specified State.



A qualified U.S. attorney will be required to provide the attorney's bar information to represent an applicant or registrant at the USPTO. [37 C.F.R. §2.17\(b\)\(3\)](#).

See [TMEP §602.01\(a\)](#) for more information regarding attorney bar information in addition to other attorney identification information.

### 604.03 Duration of Recognition

#### *37 CFR §2.17(g) Duration of recognition.*

(1) The Office considers recognition as to a pending application to end when the mark registers, when ownership changes, or when the application is abandoned.

(2) The Office considers recognition obtained after registration to end when the mark is cancelled or expired, or when ownership changes. If a practitioner was recognized as the representative in connection with an affidavit under section 8, 12(c), 15, or 71 of the Act, renewal application under section 9 of the Act, or request for amendment or correction under section 7 of the Act, recognition is deemed to end upon acceptance or final rejection of the filing.

*Pending Applications.* For purposes of recognition as a representative, the USPTO considers recognition as a qualified U.S. attorney in a pending application to end when the mark is registered, when ownership changes, or when the application is abandoned. [37 C.F.R. §2.17\(g\)\(1\)](#).

*Post Registration.* For purposes of recognition as a representative by the Post Registration Section of the Office, the USPTO considers recognition established in connection with an affidavit under [15 U.S.C. §1058](#), [§1062\(c\)](#), [§1065](#), or [§1141k](#) (affidavit under §8, §12(c), §15, or §71), a renewal application under [15 U.S.C. §1059](#) (§9 renewal application), or a request for amendment or correction under [15 U.S.C. §1057](#) (§7 request) to end upon acceptance or final rejection of the filing. [37 C.F.R. §2.17\(g\)\(2\)](#).

*Example 1:* A qualified U.S. attorney (Attorney A) signs or is identified as the registrant's attorney in an affidavit under §8, and the USPTO issues an Office action in connection with the affidavit. If another qualified U.S. attorney from a different firm (Attorney B) wants to respond to the Office action, Attorney B must file a new power of attorney and/or revocation of the previous power, signed by the registrant or someone with legal authority to bind the registrant (e.g., a corporate officer or general partner of a partnership), before the USPTO will act on the response or correspond with Attorney B.

*Example 2:* A qualified U.S. attorney (Attorney A) signs or is identified as the registrant's attorney in an affidavit under §8, and the USPTO accepts the affidavit. If another qualified U.S. attorney from a different firm (Attorney B) later files a §7 request, the USPTO will recognize and correspond with Attorney B regardless of whether a new power of attorney and/or revocation of the previous power is filed.

*Example 3:* A qualified U.S. attorney (Attorney A) signs or is identified as the registrant's attorney in an affidavit under §8, and the USPTO issues an Office action in connection with the affidavit. If another qualified U.S. attorney from a different firm (Attorney B) wants to file a §7 request before the USPTO accepts or issues a final rejection of the §8 affidavit, Attorney B must file a new power of attorney and/or revocation of the previous power, signed by the registrant or someone with legal authority to bind the registrant (e.g., a corporate officer or general partner of a partnership), before the USPTO will act on the §7 request or correspond with Attorney B.

The USPTO also considers recognition of a qualified U.S. attorney to end when the registration is cancelled or expired, or when ownership changes. [37 C.F.R. §2.17\(g\)\(2\)](#). See [TMEP §605.04](#) regarding powers of attorney filed after registration.

*Change of Ownership .* For purposes of recognition as a representative, the USPTO considers recognition of an attorney in connection with an application or registration to end when ownership changes. [37 C.F.R. §2.17\(g\)](#). After a change in ownership has been recorded, if a new qualified U.S. attorney appears or signs a document on behalf of the new owner, the USPTO will communicate and conduct business with that attorney even absent a new power of attorney and/or revocation of the previous power. [37 C.F.R.](#)



[§2.17\(b\)\(1\)\(ii\)-\(iii\)](#). If the previously recognized U.S. attorney appears on behalf of the new owner (which might occur when the new owner is a related company), the USPTO will continue to conduct business and correspond with that attorney. The previously recognized U.S. attorney does not have to file a new power of attorney and/or revocation of the previous power signed by the new owner. See [TMEP §609.02\(f\)](#) regarding correspondence after recordation of a change of ownership.

*Effect on Attorney and Correspondence Information in USPTO Records*. In the situations discussed above, when the USPTO deems recognition of a representative has ended, the USPTO will not automatically change the attorney and correspondence address in the Trademark database except as specified below, because it is possible that the previously recognized U.S. attorney still represents the applicant or registrant and wants to continue receiving correspondence. The USPTO will continue to recognize the previously recognized U.S. attorney if the attorney appears or signs a document on behalf of the applicant or registrant. [37 C.F.R. §2.17\(b\)\(1\)\(ii\)-\(iii\)](#). However, if a new qualified U.S. attorney appears or signs a document, the USPTO will recognize the new attorney pursuant to [37 C.F.R. §2.17\(b\)\(1\)\(ii\)-\(iii\)](#), and correspond with the new attorney without requiring a new power of attorney and/or revocation of the previous power. See [TMEP §§609.02–609.02\(f\)](#) regarding changes of correspondence address.

*Board Proceedings*. See [TBMP §§114–114.08](#) regarding representation of parties to Board proceedings, and [TBMP §§117–117.03](#) regarding correspondence in Board proceedings.

## **604.04 Change of Attorney**

Once the USPTO recognizes a qualified U.S. attorney as the representative of an applicant or registrant, a new qualified U.S. attorney from a different firm is not permitted to represent the applicant or registrant until:

- (1) the applicant or registrant revokes the previous power of attorney;
- (2) the applicant or registrant submits a new power of attorney naming the new qualified U.S. attorney;
- (3) recognition of the previously recognized U.S. attorney has been deemed to end pursuant to [37 C.F.R. §2.17\(g\)](#); or
- (4) the previously recognized U.S. attorney withdraws or has been suspended or excluded from practicing in trademark matters before the USPTO.

[37 C.F.R. §§2.18\(a\)\(2\)](#), [11.15](#). Until such action is taken, the new qualified U.S. attorney cannot sign responses to Office actions, authorize issuance of examiner's amendments or priority actions, expressly abandon an application, authorize a change of correspondence address, or otherwise represent the applicant or registrant. See [37 C.F.R. §2.17\(a\)](#).

If an applicant or registrant is already represented by a qualified U.S. attorney, and a new qualified U.S. attorney from a different firm wishes to take action with respect to the application or registration, the new attorney must file a revocation of the previous power of attorney and/or a new power of attorney naming the new qualified U.S. attorney, signed by the individual applicant or registrant or someone with legal authority to bind a juristic applicant or registrant (e.g., a corporate officer or general partner of a partnership), before the USPTO will accept filings by or correspond with the new attorney. See [37 C.F.R. §2.18\(a\)\(2\)](#). The new attorney may not sign the revocation of the previous power. See [37 C.F.R. §2.17\(c\)](#) and [TMEP §605.01](#) regarding requirements for power of attorney, [§606](#) regarding revocation of power of attorney, and [§607](#) regarding withdrawal of attorney of record

Absent a revocation and/or new power, if the new qualified U.S. attorney signs a response, amendment, or request to change the correspondence address, the USPTO will treat this as a document filed by an improper party and follow the procedures in [TMEP §§611.05–611.05\(c\)](#).

See [TMEP §604.03](#) regarding duration of recognition of an attorney or registrant.

See [TBMP §§114–114.08](#) regarding representation of parties to Board proceedings, and [TBMP §§117–117.02](#) regarding correspondence in Board proceedings.

## 605 Powers of Attorney

### 605.01 Requirements for Power of Attorney

#### *37 CFR §2.17(c) Requirements for power of attorney.*

A power of attorney must:

(1) Designate by name at least one practitioner meeting the requirements of §11.14 of this chapter; and

(2) Be signed by the individual applicant, registrant, or party to a proceeding pending before the Office, or by someone with legal authority to bind the applicant, registrant, or party (e.g., a corporate officer or general partner of a partnership). In the case of joint applicants or joint registrants, all must sign. Once the applicant, registrant, or party has designated a practitioner(s) qualified to practice under §11.14 of this chapter, that practitioner may sign an associate power of attorney appointing another qualified practitioner(s) as an additional person(s) authorized to represent the applicant, registrant, or party. If the applicant, registrant, or party revokes the original power of attorney (§2.19(a)), the revocation discharges any associate power signed by the practitioner whose power has been revoked. If the practitioner who signed an associate power withdraws (§2.19(b)), the withdrawal discharges any associate power signed by the withdrawing practitioner upon acceptance of the request for withdrawal by the Office.

A power of attorney must: (1) designate by name at least one individual qualified U.S. attorney; and (2) be signed by the individual applicant or registrant or someone with legal authority to bind a juristic applicant or registrant (e.g., a corporate officer or general partner of a partnership). In the case of joint applicants or registrants, all must sign. [37 C.F.R. §§2.17\(c\), 2.193\(e\)\(3\)](#). See [TMEP §611.01\(c\)](#) regarding signature of documents transmitted electronically.

A qualified U.S. attorney is not permitted to sign an original power of attorney on behalf of their client. An original power of attorney, other than one associating an additional attorney with an already recognized attorney (*see* [TMEP §605.03](#)), must be signed by the individual applicant or registrant or someone with legal authority to bind a juristic applicant or registrant (e.g., a corporate officer or general partner of a partnership). [37 C.F.R. §2.17\(c\)\(2\)](#).

The filing of a power of attorney is not mandatory in a trademark case. The USPTO will not require a separately signed power of attorney to recognize a qualified U.S. attorney as the applicant's or registrant's representative if an attorney signs a document or is identified as a representative in a document submitted to the USPTO on behalf of an otherwise unrepresented applicant or registrant. *See* [37 C.F.R. §2.17\(b\)\(2\)](#). The USPTO may require additional information or proof of the attorney's authority or competence to represent the applicant or registrant before the USPTO. [37 C.F.R. §2.17\(b\)\(2\)–\(3\)](#).

See [TMEP §604.01](#) regarding the three ways a qualified U.S. attorney may be recognized as a representative, [§609.01](#) regarding establishment of the correspondence address in a new application, and [§609.02\(a\)](#) regarding the limited situations in which the USPTO will change the correspondence address to that of a qualified U.S. attorney absent a written request to change the correspondence address.

However, if an applicant or registrant is already represented by a qualified U.S. attorney, and a new qualified U.S. attorney wishes to take action with respect to the application or registration, the new qualified U.S. attorney must file a new power of attorney and/or revocation of the previous power, signed by the individual applicant or registrant or someone with legal authority to bind a juristic applicant or registrant (e.g., a corporate officer or general partner of a partnership), before the USPTO will accept filings by or correspond with the new qualified U.S. attorney. [37 C.F.R. §2.18\(a\)\(2\)\(i\)](#). See [TMEP §604.04](#) regarding change of attorney, [§606](#) regarding revocation of power of attorney, and [§611.06](#) regarding persons with legal authority to bind juristic entities.

If two or more qualified U.S. attorneys are named in a power of attorney and one attorney changes firms, any of the named attorneys can sign and submit a request to change the correspondence address to set forth a new address, even if the new address is at a new firm. It is not necessary to submit a new power signed by the applicant or registrant when a named attorney changes firms. See [TMEP §§609.02–609.02\(f\)](#) regarding changes of correspondence address.

## 605.02 Power of Attorney Relating to More than One Application or Registration

*37 CFR §2.17(d) Power of attorney relating to multiple applications or registrations.*

The owner of an application or registration may appoint a practitioner(s) qualified to practice under [§11.14](#) of this chapter to represent the owner for all existing applications or registrations that have the identical owner name.

An applicant or registrant may appoint a qualified U.S. attorney to represent the owner for all existing applications or registrations that have the identical owner and qualified attorney. [37 C.F.R. §2.17\(d\)](#).

## 605.03 Associate Powers of Attorney

*37 CFR 2.17(c)(2)*

Once the applicant, registrant, or party has designated a practitioner(s) qualified to practice under §11.14 of this chapter, that practitioner may sign an associate power of attorney appointing another qualified practitioner(s) as an additional person(s) authorized to represent the applicant, registrant, or party. If the applicant, registrant, or party revokes the original power of attorney (§2.19(a)), the revocation discharges any associate power signed by the practitioner whose power has been revoked. If the practitioner who signed an associate power withdraws (§2.19(b)), the withdrawal discharges any associate power signed by the withdrawing practitioner upon acceptance of the request for withdrawal by the Office.

*37 CFR §2.193(e) Proper person to sign*

Documents filed in connection with a trademark application or registration must be signed as specified in paragraphs (e)(1) through (9) of this section:

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(3) Powers of attorney and revocations of powers of attorney. Powers of attorney and revocations of powers of attorney must be signed by the individual applicant, registrant or party to a proceeding pending before the Office, or by someone with legal authority to bind the applicant, registrant, or party (e.g., a corporate officer or general partner of a partnership). In the case of joint applicants, registrants, or parties, all must sign. Once the applicant, registrant or party has designated a qualified practitioner(s), the named practitioner may sign an associate power of attorney appointing another qualified practitioner(s) as an additional person(s) authorized to prosecute the application or registration. If the applicant, registrant, or party revokes the original power of attorney, the revocation discharges any associate power signed by the practitioner whose power has been revoked. If the practitioner who signed an associate power withdraws, the withdrawal discharges any associate power signed by the withdrawing practitioner upon acceptance of the request for withdrawal by the Office.

Once the applicant or registrant has designated a qualified U.S. attorney, the attorney may sign an associate power of attorney, appointing another qualified attorney -- including one from a different law firm -- as an additional person authorized to represent the applicant or registrant. Note, however, that appointment of an

associate attorney from a different law firm does not change the correspondence address from that of the attorney designated by the applicant or registrant. *See* [37 C.F.R. §2.18\(a\)\(2\)](#); [TMEP §§609, 609.01-609.02\(b\)](#).

If the applicant or registrant revokes the original power of attorney, the revocation also discharges any associate power signed by the attorney whose power has been revoked. [37 C.F.R. §2.17\(c\)\(2\)](#).

If the attorney who signed an associate power withdraws, the withdrawal discharges any associate power signed by the withdrawing attorney upon acceptance of the request for withdrawal by the USPTO. [37 C.F.R. §2.17\(c\)\(2\)](#).

## 605.04 Power of Attorney Filed After Registration

For purposes of recognition as a representative, the USPTO considers recognition as to a pending application to end with registration, when the application is abandoned, or when ownership changes. [37 C.F.R. §2.17\(g\)\(1\)](#). If recognition is established in connection with an affidavit under §8, §12(c), §15, or §71, a §9 renewal application, or a §7 request, the recognition is deemed to end upon acceptance or final rejection of the filing. [37 C.F.R. §2.17\(g\)\(2\)](#). [TMEP §604.03](#).

See also [TMEP §1612](#) regarding powers of attorney filed after registration, and [§609.02\(e\)](#) regarding changing the correspondence address after registration.

## 606 Revocation of Power of Attorney

### *37 CFR §2.19(a) Revocation.*

(1) Authority to represent an applicant, registrant or party to a proceeding before the Office may be revoked at any stage in the proceedings of a trademark case, upon written notification signed by the applicant, registrant, or party to the proceeding, or by someone with legal authority to bind the applicant, registrant, or party (e.g., a corporate officer or general partner of a partnership). In the case of joint applicants or joint registrants, all must sign.

(2) When a power of attorney is revoked, the Office will communicate directly with the applicant, registrant, or party to the proceeding, or with the new attorney or domestic representative if appropriate.

(3) A request to change the correspondence address does not revoke a power of attorney.

(4) A new power of attorney that meets the requirements of §2.17(c) will be treated as a revocation of the previous power.

Once a qualified U.S. attorney has been recognized as the representative of an applicant or registrant, the applicant or registrant may revoke the power of attorney by filing a written revocation.

*Signature.* The revocation must be personally signed by the individual applicant or registrant or by someone with legal authority to bind a juristic applicant or registrant (e.g., a corporate officer or general partner of a partnership). In the case of joint applicants or registrants, all must sign. [37 C.F.R. §§2.19\(a\)\(1\), 2.193\(e\)\(3\)](#). In-house counsel may only sign a revocation if the person also has legal authority to bind the juristic applicant or registrant (e.g., the in-house counsel is a corporate officer or general partner of a partnership).

In addition, the current attorney of record may not sign a revocation of power of attorney, revoking the attorney's own authority to represent the applicant or registrant. Instead, the attorney may sign and file a request to withdraw as attorney of record (*see* [TMEP §607](#)), or file a revocation signed by the applicant or registrant or by someone with legal authority to bind a juristic applicant or registrant.

A new qualified U.S. attorney generally cannot sign a revocation of the previous power of attorney, unless the new attorney is also someone with legal authority to bind the juristic applicant or registrant (e.g., a corporate officer or general partner of a partnership). A new qualified U.S. attorney may submit a revocation

and/or new appointment of power of attorney personally signed by the applicant or registrant through the trademark electronic filing system. See [TMEP §611.01\(c\)](#) regarding electronic signatures. A new qualified U.S. attorney may not sign the revocation form. [37 C.F.R. §2.19\(a\)\(1\)](#).

*Effect on Correspondence Address.* If the applicant or registrant files a new power of attorney with the revocation of the previous power of attorney, the address in the new power of attorney becomes the correspondence address of record. If the applicant or registrant files a revocation without a new power of attorney, correspondence will then be sent directly to the applicant or registrant. See [TMEP §§609.02, 609.02\(a\)](#).

*New Power Treated as Revocation.* If the applicant or registrant files a new power of attorney naming a new qualified U.S. attorney as its representative, this will be treated as a revocation of any previous power of attorney, even if the applicant or registrant does not specifically revoke the previous power. [37 C.F.R. §2.19\(a\)\(4\)](#). The appointment also revokes recognition of any previously recognized associate power of attorney. [37 C.F.R. §2.17\(c\)\(2\)](#).

*Processing Revocations Filed After Registration.* For purposes of recognition as a representative, the USPTO considers recognition of a qualified U.S. attorney in a pending application to end with registration. [37 C.F.R. §2.17\(g\)\(1\)](#). If the recognition is established in connection with an affidavit under §8, §12(c), §15, or §71, a §9 renewal application, or a §7 request, the recognition is deemed to end upon acceptance or final rejection of the filing. [37 C.F.R. §2.17\(g\)\(2\)](#); [TMEP §604.03](#).

*Board Proceedings.* See [TBMP §116.01](#) regarding revocation of authority to represent parties to Board proceedings.

## 607 Withdrawal of Attorney of Record

### *37 CFR 2.19 Revocation or withdrawal of attorney.*

\* \* \* \* \*

(b) Withdrawal of attorney. If the requirements of § 11.116 of this chapter are met, a practitioner authorized to represent an applicant, registrant, or party to a proceeding in a trademark case may withdraw upon application to and approval by the Director or, when applicable, upon motion granted by the Trademark Trial and Appeal Board. The practitioner should file the request to withdraw soon after the practitioner notifies the client of his/her intent to withdraw. The request must include the following:

- (1) The application serial number, registration number, or proceeding number;
- (2) A statement of the reason(s) for the request to withdraw; and
- (3) Either
  - (i) A statement that the practitioner has given notice to the client that the practitioner is withdrawing from employment and will be filing the necessary documents with the Office; that the client was given notice of the withdrawal at least two months before the expiration of the response period, if applicable; that the practitioner has delivered to the client all documents and property in the practitioner's file concerning the application, registration or proceeding to which the client is entitled; and that the practitioner has notified the client of any responses that may be due, and of the deadline for response; or
  - (ii) If more than one qualified practitioner is of record, a statement that representation by co counsel is ongoing.

### *37 CFR 11.116 Declining or terminating representation.*

(a) Except as stated in paragraph (c) of this section, a practitioner shall not represent a client, or where representation has commenced, shall withdraw from the representation of a client if:

- (1) The representation will result in violation of the USPTO Rules of Professional Conduct or other law;
- (2) The practitioner's physical or mental condition materially impairs the practitioner's ability to represent the client; or
- (3) The practitioner is discharged.

(b) Except as stated in paragraph (c) of this section, a practitioner may withdraw from representing a client if:

- (1) Withdrawal can be accomplished without material adverse effect on the interests of the client;
- (2) The client persists in a course of action involving the practitioner's services that the practitioner reasonably believes is criminal or fraudulent;
- (3) The client has used the practitioner's services to perpetrate a crime or fraud;
- (4) A client insists upon taking action that the practitioner considers repugnant or with which the practitioner has a fundamental disagreement;
- (5) The client fails substantially to fulfill an obligation to the practitioner regarding the practitioner's services and has been given reasonable warning that the practitioner will withdraw unless the obligation is fulfilled;
- (6) The representation will result in an unreasonable financial burden on the practitioner or has been rendered unreasonably difficult by the client; or
- (7) Other good cause for withdrawal exists.

(c) A practitioner must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a practitioner shall continue representation notwithstanding good cause for terminating the representation.

(d) Upon termination of representation, a practitioner shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The practitioner may retain papers relating to the client to the extent permitted by other law.

An attorney may permissively withdraw from representation for reasons noted in [37 C.F.R. §11.116\(b\)](#), such as where the client insists upon taking action with which the practitioner has a fundamental disagreement or the representation will result in an unreasonable financial burden on the practitioner.

An attorney is required to withdraw from representation for reasons noted in [37 C.F.R. §11.116\(a\)](#), such as where the representation violates the USPTO Rules of Professional Conduct or other law or the practitioner is discharged by the applicant or registrant.

The requirements for withdrawing as an attorney are set forth in [37 C.F.R. §11.116](#). To withdraw from representation in trademark matters, the attorney must comply with the permission and notification requirements set forth in Trademark Rule 2.19(b), [37 C.F.R. §2.19\(b\)](#). See [37 C.F.R. §11.116\(c\)](#) (stating that the "practitioner must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation"); see also [37 C.F.R. §11.1](#) (defining "tribunal" to include "the Office"). These requirements apply to all requests to withdraw, whether the withdrawal is mandatory or permissive. The USPTO also applies these requirements to a qualified U.S. attorney who was recognized by signing a document or being identified as the representative in a document submitted on behalf of a previously unrepresented applicant or registrant. See [37 C.F.R. §2.17\(b\)\(1\)\(ii\)-\(iii\)](#); [TMEP §604.01](#).

*May Not Prejudice Applicant or Registrant*. A qualified U.S. attorney may not withdraw in a way that would prejudice the applicant or registrant. [37 C.F.R. §11.116\(b\)\(1\)](#); *In re Legendary, Inc.*, 26 USPQ2d 1478 (Comm'r Pats. 1992) (denying the attorney's request to withdraw where the request was filed on the last day of the period for response to an Office action and attorney stated neither that the applicant was given due notice of the attorney's withdrawal from employment, nor that the attorney had delivered all documents and property in the attorney's file concerning the prosecution of the application to the applicant).



*Trademark Electronic Filing System Form.* Requests to withdraw must be filed using the Request for Withdrawal as Attorney of Record/Update of USPTO's Database After Power of Attorney Ends form in the trademark electronic filing system. The electronic form incorporates the requirements listed below.

*Requirements for Request.* A request to withdraw must include the following:

- (1) A statement of the reason(s) for the request to withdraw;
- (2) The application serial number or registration number; and
- (3) Either of the following;
  - A statement that the attorney has given notice to the client that the attorney is withdrawing from employment and will be filing the necessary documents with the USPTO; that the client was given notice of the withdrawal, at least two months before the expiration of the response period, if applicable; that the attorney has delivered to the client all documents and property in the attorney's file concerning the application or registration to which the client is entitled; and that the attorney has notified the client of any responses or other filings that may be due, and of the deadline for the response or filing (see [37 C.F.R. §11.116\(d\)](#)). *In re Slack*, 54 USPQ2d 1504 (Comm'r Pats. 2000); or
  - If there is more than one qualified U.S. attorney of record, a statement that representation by co-counsel is ongoing.

[37 C.F.R. §2.19\(b\)](#).

The requirement for a statement that the client was given notice of the withdrawal at least two months before the expiration of any outstanding response period does not apply where the attorney states that their representation was terminated by the applicant or registrant when less than two months remained in the response period.

The request to withdraw should be filed soon after the attorney notifies the applicant or registrant of the attorney's intent to withdraw. [37 C.F.R. §2.19\(b\)](#).

These requirements apply to all requests to withdraw, whether withdrawal is mandatory or permissive. The USPTO also applies these requirements where a qualified U.S. attorney was recognized by signing a document or being identified as the representative in a document submitted on behalf of a previously unrepresented applicant or registrant. See [37 C.F.R. §2.17\(b\)\(1\)\(ii\)-\(iii\)](#); [TMEP §604.01](#).

*Requests Filed After Registration* . For purposes of recognition as a representative, the USPTO considers recognition to end with registration. [37 C.F.R. §2.17\(g\)\(1\)](#). If the recognition is established in connection with an affidavit under §8, §12(c), §15, or §71, a §9 renewal application, or a §7 request, the recognition is deemed to end upon acceptance or final rejection of the filing. [37 C.F.R. §2.17\(g\)\(2\)](#); [TMEP §604.03](#). Accordingly, no request to withdraw is needed after recognition ends, but if one is filed and granted, it will be entered into the registration record.

*Requests Filed in Abandoned Application* . For purposes of recognition as a representative, the USPTO considers recognition as a qualified U.S. attorney in a pending application to end when the application is abandoned. [37 C.F.R. §2.17\(g\)\(1\)](#). Accordingly, no request to withdraw is needed, but if one is filed and granted, it will be entered into the application record.



*Processing Paper Requests.* For permitted paper filings (*see* [TMEP §301.01](#)), a request to withdraw filed before registration will be handled by the appropriate managing attorney, or, if a notice of allowance has issued and the application is awaiting the filing of a statement of use, by the supervisor of the ITU/Divisional Unit. After registration, a paper request for permission to withdraw will be handled by the supervisor of the Post Registration Section.

The managing attorney or supervisor will approve or deny the request, notify the applicant or registrant and the attorney of the approval or denial of the request, and place a copy of this notification in the record. If the request is approved, the managing attorney or supervisor should ensure that the correspondence address is changed in the USPTO's Trademark database. It is the responsibility of the managing attorneys or supervisors to establish procedures that permit withdrawal requests to be given priority and acted on promptly.

For a permitted paper request for permission to withdraw filed after registration (*see* [TMEP §301.01](#)), the USPTO will scan an image of the request into the Trademark database but will not update the attorney information unless the registrant concurrently takes a separate action, such as filing an affidavit under §8. [TMEP §1612](#).

If the attorney who seeks to withdraw is also the domestic representative, the managing attorney or supervisor should inquire as to whether the attorney intends to withdraw as domestic representative. This inquiry should be made by telephone or email, if possible. If the attorney withdraws as domestic representative, the managing attorney or supervisor must ensure that the "Domestic Representative" field in the USPTO's Trademark database is updated.

*Board Proceedings.* See [TBMP §§116.02–116.05](#) regarding withdrawal as the representative of a party to a Board proceeding.

## **608 Unauthorized Practice**

### **608.01 Actions by Unauthorized Persons Not Permitted**

#### *37 CFR §11.5(b)(3) Practice before the Office in trademark matters.*

Practice before the Office in trademark matters includes, but is not limited to, consulting with or giving advice to a client in contemplation of filing a trademark application or other document with the Office; preparing or prosecuting an application for trademark registration; preparing an amendment that may require written argument to establish the registrability of the mark; preparing or prosecuting a document for maintaining, correcting, amending, canceling, surrendering, or otherwise affecting a registration; and conducting an opposition, cancellation, or concurrent use proceeding; or conducting an appeal to the Trademark Trial and Appeal Board.

An individual who is not authorized under [37 C.F.R. §11.14](#) to practice before the USPTO in trademark cases ([TMEP §§602-602.03\(c\)](#)) is not permitted to represent a party in the prosecution of a trademark application, in the maintenance of a registration, or in a proceeding before the USPTO. 5 U.S.C. §500(b), (d); [37 C.F.R. §§2.17\(a\), 11.14\(a\), \(e\)](#).

An individual who does not meet the requirements of [37 C.F.R. §11.14](#) cannot: prepare an application, response, post-registration maintenance document, or other document to be filed in the USPTO; sign or submit amendments, responses to Office actions, petitions to the Director under [37 C.F.R. §2.146](#) or [§2.147](#), requests to change the correspondence address, assignments, or letters of express abandonment; authorize issuance of examiner's amendments and priority actions; or otherwise represent an applicant, registrant, or party to a proceeding in the USPTO. See [37 C.F.R. §§11.5\(b\)\(3\), 11.14](#). See [TMEP §§611.03–611.03\(i\)](#) regarding signature of documents filed in the USPTO. Requesting an amendment to an application and

submitting legal arguments in response to a refusal are examples of representation of the applicant or registrant. *See* [37 C.F.R. §11.5\(b\)\(3\)](#); [TMEP §611.03\(b\)](#). However, a non-attorney employee of a qualified U.S. attorney may work under the supervision of the attorney to prepare documents for review and signature by and assist the attorney in trademark matters before the USPTO. [37 C.F.R. §11.5\(b\)](#).

See [TMEP §602.03](#) regarding foreign attorneys and agents in general and [§602.03\(a\)](#) regarding Canadian attorneys and agents who are not authorized to practice before the USPTO except in limited circumstances.

When an applicant or registrant is represented by a qualified U.S. attorney, the USPTO will communicate only with the appointed attorney. [37 C.F.R. §2.18\(a\)\(2\)](#). Although paralegals and legal assistants may relay information between the examining attorney and the appointed attorney, they are not authorized to conduct business before the USPTO. For example, paralegals and legal assistants cannot authorize examiner's amendments or priority actions, even if only conveying the recognized attorney's approval by indicating that the recognized attorney has approved the amendment or action.

Once the USPTO recognizes a qualified U.S. attorney as representing an applicant or registrant, a new qualified U.S. attorney from a different firm is not permitted to represent the applicant or registrant until: (1) the applicant or registrant revokes the previous power of attorney; (2) the applicant or registrant submits a new power of attorney naming the new qualified U.S. attorney; (3) recognition of the previously recognized attorney has been deemed to end pursuant to [37 C.F.R. §2.17\(g\)](#); or (4) the previously recognized attorney withdraws or has been suspended or excluded from practicing before the USPTO in trademark matters. [37 C.F.R. §§2.18\(a\)\(2\), 11.15](#).

An individual who is not authorized under [37 C.F.R. §11.14](#) may receive correspondence and transmit it to the applicant or registrant. Such an individual may also sign a verification in an application- or registration-related filing, if the individual meets the requirements of [37 C.F.R. §2.193\(e\)\(1\)](#) (e.g., has firsthand knowledge of the facts and actual or implied authority to act on behalf of the applicant or registrant). *See* [TMEP §§611.03\(a\), 804.04](#).

Any individual, whether an attorney or non-attorney, who presents a document to the USPTO (whether by signing, filing, submitting, or later advocating the document) is subject to [37 C.F.R. §11.18\(b\)](#). [37 C.F.R. §2.193\(f\)](#); *see* [TMEP §611.01\(a\)](#).

If a USPTO employee suspects that an individual who does not meet the requirements of [37 C.F.R. §11.14](#) is engaging in widespread unauthorized practice by representing applicants or registrants, the employee should bring the matter to the attention of the Office of the Deputy Commissioner for Trademark Examination Policy.

See [TMEP §§611–611.06\(h\)](#) regarding signature of documents filed in the USPTO.

## **608.02 Individuals Excluded, Suspended, or Unauthorized to Practice Before the USPTO**

The Director of the USPTO may suspend or exclude a practitioner from practice before the USPTO. [35 U.S.C. §32](#); [37 C.F.R. §§11.20, 11.56](#). A suspended or excluded practitioner is not a qualified U.S. attorney and may not practice before the USPTO. *See* [37 C.F.R. §§2.17\(a\), 11.14, 11.58](#); [TMEP §602](#). Notice of the suspension or exclusion is published in the *Trademark Official Gazette* and the decision is posted in the FOIA Reading Room on the USPTO website.

In addition, the Director has inherent and express authority in [35 U.S.C. §3\(a\)-\(b\)](#) and [37 C.F.R. §11.18\(c\)](#) to manage the USPTO and the registration of trademarks and to sanction those filing trademark submissions in violation of the USPTO rules. The Director has delegated to the Commissioner for Trademarks the authority to impose such sanctions or actions permitted under [37 C.F.R. §11.18\(c\)](#) as deemed appropriate in trademark matters and to otherwise exercise the Director's authority in trademark-related matters. *See In re Zhang*, 2021 Commr. Pat. LEXIS 2, at \*10, \*23-24 (Dir USPTO 2021) (sanctions). Under [35 U.S.C. §3\(b\)\(2\)\(A\)](#), the Commissioner for Trademarks also possesses the authority to manage and direct all aspects of the activities of the USPTO that affect the administration of trademark operations. Accordingly, if the USPTO discovers that a party who does not meet the requirements of [37 C.F.R. §11.14](#) is engaged in the deliberate or widespread unauthorized practice of representing applicants and registrants before the USPTO or violates the USPTO Rules of Professional Conduct (see [37 C.F.R. pt. 11, subpt. D](#)), the Commissioner for Trademarks may sanction the party under [37 C.F.R. §11.18\(c\)](#) and may refer the party to the Office of Enrollment and Discipline for additional investigation. Sanctions may include striking an offending document, precluding a party from participating as a signatory, correspondent, or domestic representative on behalf of others in any trademark matters before the USPTO, requiring a party to be represented by a qualified U.S. attorney, terminating trademark proceedings involving the party, or any other action deemed appropriate by the Commissioner under the circumstances. *See* [35 U.S.C. §§2, 3\(b\)\(2\)\(A\)](#), [32](#); [37 C.F.R. §11.18](#). Orders concerning sanctions issued by the Commissioner for Trademarks are listed at <https://www.uspto.gov/trademark/trademark-updates-and-announcements/orders-issued-commissioner-trademarks>.

When an individual has been suspended, excluded, or precluded from practice before the USPTO, the Office of the Deputy Commissioner for Trademark Examination Policy will notify the USPTO staff accordingly. In addition, as appropriate, the USPTO may notify the affected applicants and registrants that:

- (1) The individual is not entitled to practice before the USPTO in trademark matters and, therefore, may not represent the applicant or registrant;
- (2) Any power of attorney is void *ab initio*;
- (3) The individual may not sign responses to Office actions, authorize examiner's amendments or priority actions, conduct interviews with USPTO employees, or otherwise represent an applicant, registrant, or party to a proceeding before the Office; and
- (4) All correspondence concerning the application or registration will be sent to the applicant or registrant at its address of record.

The USPTO will change the correspondence address to that of the applicant or registrant, as appropriate.

Generally, if an Office action was sent to the correspondence address of record before the relevant party's suspension or exclusion and the action remains outstanding, the USPTO will not send the applicant or registrant a supplemental action restating the refusals or requirements. See [TMEP §717.02](#) regarding non-receipt of Office actions.

When the Director of the USPTO or Commissioner for Trademarks has suspended, excluded, or precluded a particular individual from practice before the USPTO, the USPTO will treat any submission signed by such individual as improperly signed and/or non-responsive. [37 C.F.R. §§2.17\(a\)](#), [11.14](#).

If the applicant or registrant is required to be represented by a qualified U.S. attorney under [37 C.F.R. §2.11\(a\)](#) and the USPTO receives a response to an Office action signed by an excluded or suspended attorney, the examining attorney or post registration specialist must issue a new non-final Office action, addressed to the applicant or registrant, requiring the applicant or registrant to appoint a new qualified U.S. attorney and to perfect the response pursuant to [37 C.F.R. §2.62\(a\)](#). *See* [TMEP §§713](#), [714.05\(a\)](#).

If the applicant or registrant is not required to appoint a qualified U.S. attorney under 37 C.F.R. §2.11(a), and the USPTO receives a response to an Office action signed by an excluded or suspended attorney, the examining attorney or post registration specialist must prepare a notice of incomplete response, addressed to the applicant or registrant, granting the applicant or registrant 30 days, or to the end of the response period for the previous Office action, whichever is longer, to perfect the response, pursuant to [37 C.F.R. §2.65\(a\)\(2\)](#). See [TMEP §§611.05–611.05\(c\)](#), [712.03](#), and [718.03\(b\)](#) for further information.

Other submissions that will be treated as improperly signed and/or non-responsive include amendments to allege use, petitions to revive or to the Director, or responses to deficiency or inquiry letters issued by USPTO specialists, paralegals, or staff attorneys. See [TMEP §1104.01\(a\)](#) regarding amendments to allege use, [§1109.02](#) regarding statements of use, and [§1705.07](#) regarding petitions.

USPTO employees must also notify the Office of the Deputy Commissioner for Trademark Examination Policy of the receipt of a document signed by an excluded, suspended, or precluded individual, or any party who appears to be engaged in the deliberate or widespread unauthorized practice of law before the USPTO.

## 609 Correspondence, with Whom Held

### *37 CFR §2.18 Correspondence, with whom held.*

(a) Establishing the correspondent. The Office will send correspondence as follows:

(1) If an attorney is not recognized as a representative pursuant to § 2.17(b)(1), the Office will send correspondence to the applicant, registrant, or party to the proceeding.

(2) If an attorney is recognized as a representative pursuant to § 2.17(b)(1), the Office will correspond only with that attorney, except as set forth in paragraphs (a)(2)(i) through (iv) of this section. A request to change the correspondence address does not revoke a power of attorney. The Office will not correspond with another attorney from a different firm and, except for service of a cancellation petition and notices of institution of expungement or reexamination proceedings, will not correspond directly with the applicant, registrant, or a party to a proceeding, unless:

- ) i ( The applicant or registrant files a revocation of the power of attorney under § 2.19(a) and/or a new power of attorney that meets the requirements of § 2.17(c);
- ) ii ( The attorney has been suspended or excluded from practicing in trademark matters before the USPTO;
- ) iii ( Recognition of the attorney has ended pursuant to § 2.17(g); or
- ) vi ( The attorney has been falsely, fraudulently, or mistakenly designated under § 2.17(b)(4).

(b) Ex parte matters. Only one correspondence address may be designated in an ex parte matter.

(c) Maintaining and changing the correspondence addresses. The applicant, registrant, or party to a proceeding must maintain current and accurate correspondence addresses, as required by § 2.23, for itself and its attorney, if one is designated. If any of these addresses change, a request to change the address, signed in accordance with § 2.193(e)(9), must be promptly filed.

(d) Post registration filings under sections 7, 8, 9, 12(c), 15, and 71 of the Act. Even if there is no new power of attorney or written request to change the correspondence address, the Office will change the correspondence address upon the examination of an affidavit under section 8, 12(c), 15, or 71 of the Act, renewal application under section 9 of the Act, or request for amendment or correction under section 7 of the Act, if a new address is provided, in accordance with paragraph (a) of this section.

### *37 CFR 2.23 Requirement to correspond electronically with the Office and duty to monitor status.*

- (a) Unless stated otherwise in this chapter, all trademark correspondence must be submitted through TEAS.
- (b) Applicants, registrants, and parties to a proceeding must provide and maintain a valid email address for correspondence.
- (c) Except for submissions under §§ 2.91, 2.93, and 2.149, if the applicant or registrant is a national of a country that has acceded to the Trademark Law Treaty, but not to the Singapore Treaty on the Law of Trademarks, the requirements of paragraphs (a) and (b) of this section do not apply.

....

See [TBMP §§117-117.08](#) for information about correspondence in Board proceedings.

## 609.01 Establishing the Correspondence Address

The correspondent in an application or registration is the appointed qualified U.S. attorney, if any. If a qualified U.S. attorney is not appointed, the correspondent is the applicant or registrant. See [37 C.F.R. §2.18\(a\)](#).

All applicants, registrants, and their appointed attorneys are required to provide and maintain a valid email address for receipt of correspondence from the USPTO, unless an exception applies. See [37 C.F.R. §§2.21\(a\)\(1\), 2.23\(b\)-\(c\), 2.32\(a\)\(2\)](#), and [7.4\(b\)](#).

The USPTO will send formal correspondence to applicants, registrants, or their appointed attorney via the provided email address, unless the applicant or registrant is exempt from the requirement to provide an email address. [37 C.F.R. §2.23\(b\)-\(c\)](#).

*If the applicant or registrant is represented by a qualified U.S. attorney*, the USPTO will correspond only with that attorney. [37 C.F.R. §2.18\(a\)\(2\)](#). For applications filed under Trademark Act Section 1 and/or Section 44, the attorney's name, postal address, email address, and bar information must be provided with the initial application. [37 C.F.R. §§2.21\(a\)\(2\), 2.32\(a\)\(4\)](#). The applicant or registrant must maintain a current and accurate correspondence address for their attorney. [37 C.F.R. §§2.18\(c\), 2.23\(b\)](#).

*If the applicant or registrant is not represented by a qualified U.S. attorney*, the USPTO will correspond directly with the applicant or registrant. [37 C.F.R. §2.18\(a\)\(1\)](#). For applications filed under Trademark Act Section 1 and/or Section 44, the applicant's name, mailing address, domicile address, and email address must be provided in the initial application. [37 C.F.R. §§2.21\(a\)\(1\), 2.23\(b\), 2.32\(a\)\(2\)](#). Further, applicants and registrants must maintain current and accurate correspondence addresses for themselves. [37 C.F.R. §§2.18\(c\), 2.23\(b\), 2.189](#).

See [TMEP §609.01\(a\)](#) regarding correspondence in §66(a) applications.

The correspondence address in the trademark electronic filing system forms is not editable, but rather is automatically populated with the information contained in the Attorney Information section, if the applicant or registrant is represented by a qualified U.S. attorney, or with the owner information, if the applicant or registrant is not represented.

In accordance with these guidelines, if an attorney is not currently recognized, the USPTO will update the Trademark database to indicate a new email address for correspondence if one is provided in an affidavit under Trademark Act §8, §12(c), §15, or §71, a §9 renewal application, or a §7 request. [37 C.F.R. §2.18\(d\)](#). Due to the length of time that may elapse between the filing of these documents (which could be ten years or more), if an attorney is not currently recognized, the USPTO will recognize as correspondent a qualified U.S. attorney who files via the trademark electronic filing system one of these documents, even absent a new power of attorney or revocation of the previous power, where the attorney correspondence address is properly provided in the "Attorney Information" section and the attorney signs the filing. *See id.* See [TMEP §604.03](#) regarding the duration of recognition as a representative.

Generally, the USPTO will not undertake double correspondence with the applicant or registrant and the applicant's or registrant's qualified U.S. attorney, or with more than one qualified attorney. [37 C.F.R. §2.18\(b\)](#). However, the applicant or registrant or the applicant's or registrant's qualified attorney may



designate one primary email address and up to four secondary email addresses for duplicate courtesy copies of the correspondence. See [TMEP §403](#) regarding treatment of outgoing correspondence that is returned as undeliverable.

*Permitted paper filing.* The USPTO will follow the same procedures listed above to establish the correspondence address for a permitted paper filing. See [TMEP §301.01](#) regarding the limited exceptions when paper submissions may be submitted.

See [TBMP §§117–117.08](#) for information about correspondence in Board proceedings and [TMEP §§609.02–609.02\(f\)](#) for information about changing the correspondence address.

## **609.01(a) Correspondence in Section 66(a) Applications and Registrations**

The USPTO will send the first Office action in an application under Trademark Act §66(a) to the International Bureau (IB). The IB will then send it to the representative designated in the international registration, or if no such representative is designated, the IB will send the first Office action directly to the applicant. [15 U.S.C. §1141h\(c\)](#); *Regulations Under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks* (Madrid Regs.) Rules 3(5) and 17(4).

Appointing an attorney authorized to practice before the USPTO to represent the applicant does not change the designated representative before the IB. *Protocol Relating to The Madrid Agreement Concerning the International Registration of Marks* (Madrid Protocol) Article 9bis(ii); Madrid Regs. Rule 3(2). To change the representative designated in the international registration, a request to record a change of the name or address of the representative designated in the international registration must be filed with the IB; it cannot be filed through the USPTO. Madrid Protocol Article 9bis(ii); Madrid Regs. Rule 3(2). Forms for changing the name or address of the designated representative are available on the IB website at <https://madrid.wipo.int>.

If the applicant's domicile address is located outside the United States or its territories, and an attorney authorized to practice before the USPTO under [37 C.F.R. §11.14\(a\)](#) has not been appointed, the first Office action will include a requirement for the applicant to appoint such an attorney and to provide the attorney's name, postal and email addresses, and bar information, as the USPTO presumes that all applicants filing under §66(a) are not represented in the initial application, regardless of whether there is a designated representative before the IB in that application. See [37 C.F.R. §§2.11\(a\)](#), [2.17\(b\)\(3\)](#), [7.25\(a\)](#); [TMEP §§602.03\(c\)](#), [1904.01\(i\)](#).

Additionally, the first Office action will include a requirement for the applicant's email address; which is not currently included in the application form that the IB transmits to the USPTO. See [37 C.F.R. §2.32\(a\)\(2\)](#). Although the applicant's email address is not required for a §66(a) application to receive a filing date, the applicant is required to provide a valid email address for receiving USPTO correspondence as one of the requirements for a complete application. [37 C.F.R. §§2.23\(b\)](#), [2.32\(a\)\(2\)](#); see [37 C.F.R. §2.21\(a\)\(1\)](#) (the rule setting forth the requirements for receiving a filing date applies only to applications based on Trademark Act Section 1 or Section 44). See [TMEP §601](#) regarding the requirement for representation dependent on domicile, [§601.01\(a\)](#) regarding applicants with a non-U.S. domicile, and [§803.05\(b\)](#) regarding applicant's email address as a required element of an application.

If, however, a §66(a) application is otherwise in condition for approval for publication upon first action, the examining attorney may approve the application for publication and should not require the applicant to appoint an attorney authorized to practice before the USPTO or to provide an email address. See [TMEP §§803.05\(b\)](#), [1904.02\(h\)](#).

After the first Office action, if the applicant has appointed a qualified U.S. attorney, such attorney will be the correspondent in the application and will receive all USPTO communications. [37 C.F.R. §2.18\(a\)\(2\)](#). An applicant must provide the attorney's name, postal address, email address, and bar information. [37 C.F.R. §2.32\(a\)\(4\)](#). The applicant must also maintain current and accurate correspondence addresses for itself and its attorney. [37 C.F.R. §2.18\(c\)](#).

If after the first action the applicant has not appointed a qualified U.S. attorney, the USPTO will send subsequent correspondence to the applicant, who is also required to maintain a valid address for correspondence. [37 C.F.R. §§2.18\(a\)\(1\), \(c\)](#) and [2.23\(b\)-\(c\)](#). The requirement to appoint an attorney authorized to practice before the USPTO under [37 C.F.R. §11.14\(a\)](#) and to provide the attorney's name, postal address, email address, and bar information will be maintained or made final, as appropriate.

See [TMEP §609.01](#) regarding establishing the correspondence address generally and [§1904.02\(h\)](#) regarding Office actions in §66(a) applications.

The USPTO will accept a properly signed request to change the applicant's or registrant's email address in a §66(a) application or a registered extension of protection of an international registration to the United States, and will send correspondence to the new address, if appropriate. See [TMEP §609.02](#) regarding changing the correspondence address. A request to change the applicant's or registrant's mailing address must be filed with the IB, not the USPTO. An applicant or registrant can update its domicile address with the USPTO by completing the trademark electronic filing system's Change of Address or Representation form. See [TMEP §§803.05\(a\), 1612.01\(b\)](#).

See [TMEP §§1906.01–1906.01\(i\)](#) regarding requests to record changes with the IB, and [§§602.03–602.03\(c\)](#) regarding foreign attorneys.

## **609.02 Changing the Correspondence Address**

Once the correspondence address is established, the USPTO will send correspondence to that address, if appropriate, until a written request to change the address is submitted, properly signed and transmitted by a qualified U.S. attorney whom the USPTO has recognized, or, if the applicant or registrant is not required to be nor is represented by a qualified U.S. attorney, properly signed and transmitted by the individual applicant or registrant or someone with legal authority to bind a juristic applicant or registrant (e.g., a corporate officer or general partner of a partnership). [37 C.F.R. §§2.11\(a\), 2.18\(a\), 2.193\(e\)\(9\)](#).

If the applicant or registrant is represented by a qualified U.S. attorney, or is domiciled outside of the United States or its territories and is required to be represented by a qualified U.S. attorney, neither the applicant nor the registrant may request to change the owner address that prepopulates the correspondence address. See [37 C.F.R. §2.18\(a\)\(2\)](#); [TMEP §609.01](#). See [TMEP §601](#) regarding the requirement for representation dependent on domicile.

The USPTO will not undertake double correspondence with the applicant or registrant and the applicant's or registrant's qualified U.S. attorney, or with more than one qualified attorney. [37 C.F.R. §2.18\(b\)](#). However, the applicant or registrant, or its qualified U.S. attorney if one is recognized, may designate one primary email address and up to four secondary email addresses for duplicate courtesy copies of the correspondence. See [TMEP §403](#) regarding treatment of outgoing email correspondence that is returned as undeliverable.

See also [TBMP §§117–117.08](#) for information about correspondence in Board proceedings.



### **609.02(a) When the Correspondence Address May be Changed Without Using the Change of Address or Representation Form**

Generally, a request to change the address for correspondence must be in writing and filed using the trademark electronic filing system's Change Address or Representation (CAR) form. See [TMEP §609.02\(b\)](#). However, the USPTO will also construe the following as a written request to change the address for correspondence:

- (1) *Electronic filings.* If a qualified U.S. attorney appears by being identified in the “Attorney Information” section in a trademark electronic filing system form as the representative on behalf of an applicant or registrant who is not already represented by another qualified U.S. attorney from a different firm, the USPTO will construe this as including a request to change the correspondence address to that of the attorney (however, the filing of an “associate power of attorney” or similar document does not change the correspondence address); or If a response to an Office action bearing a new address for the owner, or for the attorney of record if one is appointed, is submitted via the trademark electronic filing system, the USPTO will change the correspondence address to reflect this new address.
- (2) *Permitted paper filings.* If an applicant or registrant files a properly signed power of attorney (see [TMEP §605.01](#)) designating a qualified U.S. attorney, the USPTO will change the correspondence address to that of the attorney named in the power, even if the applicant or registrant does not file a separate request to change the address. See [TMEP §301.01](#) regarding the limited exceptions when paper submissions may be submitted.

[37 C.F.R. §§2.18\(a\)\(2\), 2.19\(a\)\(2\)](#).

In these situations, the USPTO will change the correspondence address without the need to file the electronic CAR form. In all other situations, a properly signed written request to change the correspondence address is required. [37 C.F.R. §2.18\(c\), 2.193\(e\)\(9\)](#). See [TMEP §609.02\(b\)](#) regarding the requirements for a request to change the correspondence address.

See also [TBMP §§117–117.08](#) for information about correspondence in Board proceedings.

### **609.02(b) Requirements for Request to Change Correspondence Address**

A request to change the correspondence address must be made in writing and be properly signed. See [37 C.F.R. §§2.18\(c\), 2.193\(e\)\(9\)](#). Generally, the request must be filed using the trademark electronic filing system's Change Address or Representation (CAR) form. [37 C.F.R. §2.23\(a\)](#); [TMEP §301](#). See [TMEP §609.02\(a\)](#) for situations where the correspondence address may be changed without using the electronic CAR form. The electronic CAR form may generally be used to change the correspondence address for any application or registration that is currently active. The CAR form will not be available when an inter partes proceeding has been initiated against the subject application or registration, or when an ex parte appeal from a decision of an examining attorney has been instituted and jurisdiction has not been restored to the examining attorney. In such cases, a request to change the correspondence address must be filed via the Board's electronic filing system.

A request to change the correspondence address cannot be entered by examiner's amendment. See [37 C.F.R. §2.18\(c\)](#).

Once the USPTO recognizes a qualified U.S. attorney as the representative of an applicant or registrant, only that attorney or another qualified attorney from the same U.S. firm may sign a request to change the

correspondence address, unless the applicant or registrant files a revocation of the previous power and/or a new power of attorney, or the previously recognized attorney files a request to withdraw. [37 C.F.R. §§2.18\(a\)\(2\), \(c\), 2.193\(e\)\(3\), \(e\)\(9\)\(i\)](#).

If the applicant or registrant is not required to be represented and/or is not represented by a qualified U.S. attorney, the request to change the correspondence address must be signed by the individual applicant or registrant or someone with legal authority to bind a juristic applicant or registrant (e.g., a corporate officer or general partner of a partnership). In the case of joint applicants or registrants, all must sign. See [37 C.F.R. §§2.18\(a\)\(1\), \(c\), 2.193\(e\)\(9\)\(ii\); TMEP §611.02](#). See [TMEP §609.01](#) regarding establishing the correspondence address and [§609.02](#) regarding changing the correspondence address.

If two or more qualified U.S. attorneys are properly appointed, any of the named attorneys can sign and submit a request to change the correspondence address to set forth a new address, even if the new address is at a new firm. See [37 C.F.R. §2.193\(e\)\(9\)\(i\)](#). It is not necessary to submit a new appointment signed by the applicant or registrant when a named attorney(s) changes firms.

See [TBMP §§117–117.08](#) for information about correspondence in Board proceedings.

### **609.02(c) Processing Requests to Change the Correspondence Address Before Registration**

Once the correspondence address is established for a particular application, the USPTO will generally not change it unless there is a properly signed written request to do so, submitted via the trademark electronic filing system's Change Address or Representation form. See [TMEP §609.02\(b\)](#) for information about the requirements for a request to change the correspondence address, and [§609.02\(a\)](#) for discussion of situations in which a request to change the correspondence address is presumed.

### **609.02(d) Changing the Correspondence Address in Multiple Applications or Registrations**

The trademark electronic filing system's Change Address or Representation form can be used to change the primary email address for correspondence in more than one application or registration by changing the attorney email address, if represented, or the owner email address, if unrepresented. An applicant, registrant, or qualified U.S. attorney may submit up to 300 application serial numbers or registration numbers at one time. Requests to change the address for more than 300 applications/registrations should not be submitted in a single form.

### **609.02(e) Changing the Correspondence Address After Registration**

If an attorney is not currently recognized, the USPTO reestablishes the correspondence address upon the examination of an affidavit under Trademark Act §8, §12(c), §15, or §71, a §9 renewal application, or a §7 request, even if there is no new power of attorney and/or separate request to change the correspondence address. [37 C.F.R. §2.18\(d\); TMEP §609.01](#). The USPTO will update the Trademark database to indicate the name and address of the qualified U.S. attorney identified in the affidavit, renewal application, or §7 request, and update the correspondence address to that of the qualified attorney. [37 C.F.R. §§2.17\(g\)\(2\), 2.18\(d\)](#). See [TMEP §604.03](#) regarding the duration of recognition as a representative.

If the registrant is not represented by a qualified U.S. attorney, the USPTO will update the Trademark database to indicate the registrant's address as shown in the affidavit, renewal application, or §7 request as the correspondence address of record.

Once the USPTO establishes a correspondence address upon examination of an affidavit, renewal application, or §7 request, a written request to change the address is required to effect a change of address during the pendency of that filing. See [TMEP §§609.02\(a\)](#) and [\(b\)](#) regarding changing the correspondence address.

Owners of registrations must maintain current and accurate correspondence addresses for themselves and their attorneys, if an attorney is designated. [37 C.F.R. §§2.18\(c\), 2.23\(b\)](#). If any of these addresses change, a request to change the address must be promptly filed. [37 C.F.R. §2.18\(c\)](#).

To confirm that a request to change the correspondence address was received and entered into the Trademark database, the registrant may check TSDR online at <https://tsdr.uspto.gov>.

See [TBMP §§117–117.08](#) for information about correspondence in Board proceedings and [TMEP §604.04](#) regarding change of attorney.

### **609.02(f) Correspondence After Recordation of Change of Ownership**

The USPTO considers the recognition of a qualified U.S. attorney to end when ownership changes. [37 C.F.R. §2.17\(g\)\(1\)](#); [TMEP §604.03](#). Additionally, the USPTO will only communicate with the applicant or registrant, if unrepresented, or the applicant's/registrar's attorney, if represented, at the correspondence address listed in the Trademark database. See [37 C.F.R. §2.18\(a\)\(1\)-\(2\)](#).

Recordation with the Assignment Services Branch of an assignment (or other document changing title) that includes a new owner and/or attorney address does not automatically update the correspondence address in the USPTO's Trademark database. [TMEP §503.01\(b\)](#). To ensure that the Trademark database is updated to reflect the correct correspondence address, new owners must file a separate request through the trademark electronic filing system using the Change Address or Representation (CAR) form, or on paper if permitted (see [TMEP §301.01](#)), to change the correspondence address. *Id.*

If the new owner does not file a separate request through the trademark electronic filing system using the CAR form, but instead files a properly signed communication using the trademark electronic filing system (e.g., a response to an Office action or statement of use) bearing a new owner's or attorney's correspondence address in the proper fields, the USPTO will update the Trademark database to reflect the address of the new owner or the new owner's qualified U.S. attorney, if applicable, even if the new owner does not specifically request a change of the correspondence address. In this situation, the USPTO will reestablish the correspondence address, using the guidelines set forth in [TMEP §609.01](#). If the new owner is not represented by a qualified U.S. attorney, the correspondence address will be changed to reflect the address of the applicant or registrant, as set forth in the written communication. However, based on the new correspondence address, the new owner may be required to appoint a qualified U.S. attorney to represent it at the USPTO. See [TMEP §601](#) regarding the requirement for representation by a qualified U.S. attorney, as determined by the domicile of the mark owner.

If a new qualified U.S. attorney signs a document or is identified as a representative in a document submitted to the USPTO on behalf of the new owner, the USPTO will recognize the new attorney even absent a new power of attorney and/or revocation of the previous power. [37 C.F.R. §2.17\(b\)\(1\)\(ii\)-\(iii\)](#); see [TMEP §604.03](#). However, if the previously recognized qualified U.S. attorney appears on behalf of the new owner (which might occur when the new owner is a related company), the USPTO will continue to conduct business and correspond with that attorney. The previously recognized attorney does not have to file a new power of attorney signed by the new owner.

See also [TBMP §§117–117.08](#) regarding correspondence in Board proceedings and [TMEP §§505–505.02](#) regarding requests to update ownership information after recordation of a change of ownership.

### **609.03 Applicant and Registrant Have Duty to Maintain Current and Accurate Correspondence Address**

#### ***37 CFR 2.18(c)***

Maintaining and changing the correspondence addresses. The applicant, registrant, or party to a proceeding must maintain current and accurate correspondence addresses, as required by §2.23, for itself and its attorney, if one is designated. If any of these addresses change, a request to change the address, signed in accordance with § 2.193(e)(9), must be promptly filed.

#### ***37 CFR 2.23(b)***

Applicants, registrants, and parties to a proceeding must provide and maintain a valid email address for correspondence.

The owner of an application or registration has a duty to maintain a current and accurate correspondence address. [37 C.F.R. §§2.18\(c\), 2.23\(b\)](#). If the correspondence address changes, the USPTO must be promptly notified. See [37 C.F.R. §2.18\(c\)](#).

### **610 Designation of Domestic Representative by Parties Not Domiciled in the United States**

#### ***37 CFR §2.24 Designation and revocation of domestic representative by foreign applicant.***

(a) An applicant or registrant that is not domiciled in the United States may designate a domestic representative (i.e., a person residing in the United States on whom notices or process in proceedings affecting the mark may be served).

(b) The designation, or a request to change or revoke a designation, must set forth the name, email address, and postal address of the domestic representative and be signed pursuant to § 2.193(e)(8).

(c) The mere designation of a domestic representative does not authorize the person designated to represent the applicant or registrant.

*Designation of Domestic Representative.* An applicant, registrant, or party to a proceeding before the USPTO that is not domiciled in the United States may file a document designating the name, email address, and postal address of a person residing in the United States on whom may be served notices or process in proceedings affecting the mark. [15 U.S.C. §§1051\(e\), 1058\(f\), 1059\(c\), 1060\(b\), 1141h\(d\)](#); [37 C.F.R. §2.24\(a\)-\(b\)](#). If the applicant, registrant, or party does not designate a domestic representative, the USPTO will not require a designation.

Once a domestic representative is appointed, an applicant or registrant may revoke such a designation of domestic representative. A domestic representative may also withdraw as a domestic representative. To revoke the designation or to withdraw as such a representative through the trademark electronic filing system, an applicant, registrant, or domestic representative may use the Change Address or Representation (CAR) form.

*May Be Natural or Juristic Person.* The person designated as a domestic representative may be a natural person or a juristic person as defined in [15 U.S.C. §1127](#).

*Not the Same as Power of Attorney.* The designation of a domestic representative is not the same as a power of attorney. The designation serves a different purpose, namely, to provide a contact and address for service of process. The mere designation of a domestic representative does not authorize the person designated to practice before the USPTO (e.g., to prepare or prosecute the application, or represent a party in a proceeding before the USPTO). [37 C.F.R. §§2.24\(c\), 11.5\(b\)\(3\)](#). Similarly, a power of attorney does not serve as a designation of a domestic representative, unless the power of attorney specifically states that the attorney

is also the domestic representative on whom may be served notices or process in proceedings affecting the mark.

*Requirements.* A designation of domestic representative must include the name, email address, and postal address of the person designated and a clear statement that the party intends to designate this person as a domestic representative upon whom notices or process affecting the mark may be served. See [37 C.F.R. §2.24\(b\)](#). A domestic representative may be designated in the initial application for registration or in a separate designation using the electronic CAR form or post registration forms.

See [TMPEP §611.03\(h\)](#) regarding the proper person to sign the designation or revocation of domestic representative, or a withdrawal of domestic representative.

*Duration.* An appointment of domestic representative remains in effect unless specifically revoked, withdrawn from, or supplanted by appointment of a new domestic representative.

## **611 Signature on Correspondence Filed in the United States Patent and Trademark Office**

### **611.01 Signature and Certificate**

#### **611.01(a) Signature as Certificate**

##### ***37 CFR §2.193(f) Signature as certification.***

The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any document by any person, whether a practitioner or non-practitioner, constitutes a certification under §11.18(b) of this chapter. Violations of §11.18(b) of this chapter may jeopardize the validity of the application or registration, and may result in the imposition of sanctions under §11.18(c) of this chapter. Any practitioner violating §11.18(b) of this chapter may also be subject to disciplinary action. See §11.18(d) and § 11.804 of this chapter.

##### ***37 CFR §11.18 Signature and certificate for correspondence filed in the Office.***

(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, and all documents filed with a hearing officer in a disciplinary proceeding, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Office must bear a signature, personally signed or inserted by such practitioner, in compliance with §1.4(d)(1), §1.4(d)(2), or §2.193(a) of this chapter.

(b) By presenting to the Office or hearing officer in a disciplinary proceeding (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or knowingly and willfully makes any false, fictitious, or fraudulent statements or representations, or knowingly and willfully makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001 and any other applicable criminal statute, and violations of the provisions of this section may jeopardize the probative value of the paper; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances,

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of any proceeding before the Office;

(ii) The other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions or actions as deemed appropriate by the USPTO Director, which may include, but are not limited to, any combination of--

- (1) Striking the offending paper;
  - (2) Referring a practitioner's conduct to the Director of the Office of Enrollment and Discipline for appropriate action;
  - (3) Precluding a party or practitioner from submitting a paper, or presenting or contesting an issue;
  - (4) Affecting the weight given to the offending paper; or
  - (5) Terminating the proceedings in the Office.
- (d) Any practitioner violating the provisions of this section may also be subject to disciplinary action.

### 611.01(b) Requirements for Signature

All correspondence that requires a signature must bear either a handwritten signature personally signed in permanent ink by the person named as the signatory, or an "electronic signature" that meets the requirements of [37 C.F.R. §2.193\(c\)](#), personally entered by the signatory. [37 C.F.R. §2.193\(a\)](#). The USPTO will accept a signature that meets the requirements of [37 C.F.R. §2.193\(c\)](#) on all correspondence, whether included in a permitted paper submission (*see* [TMEP §301.01](#)) or in a submission through the trademark electronic filing system or the Board's electronic filing system. [37 C.F.R. §2.193\(a\)\(2\)](#). See [TMEP §611.01\(c\)](#) regarding the signature of documents filed electronically.

All documents must be personally signed or bear an electronic signature that was personally entered by the named signatory. [37 C.F.R. §2.193\(a\)\(1\)](#), [\(c\)\(1\)](#). A person may not delegate their authority to sign, and no person may sign or enter the name of another. *See In re Zhang*, 2021 Commr. Pat. LEXIS 2, at \*10, \*13 (Dir USPTO 2021) (sanctions); *In re Dermahose Inc.*, Ser. No. 76585901, 2007 TTAB LEXIS 25, at \*9 (2007); *In re Cowan*, Reg. No. 1225389, 1990 Commr. Pat. LEXIS 24, at \*6 (Comm'r Pats. 1990). For example, a paralegal, legal assistant, or secretary may not sign or enter the name of an attorney or other authorized signatory.

The first and last name, and the title or position, of the person who signs a document must be set forth immediately below or adjacent to the signature. [37 C.F.R. §2.193\(d\)](#). If the signatory's name is not provided in full or set forth in a document, the USPTO will require that the signatory's first and last name be stated for the record. This information can be entered through a Note to the File (also referred to as a Public Note or Notation to File) in the record.

Documents must be signed by a proper party. See [TMEP §611.02](#) and [§§611.03–611.03\(i\)](#) for further information.

See [TBMP §106.02](#) regarding signature of documents filed in Board proceedings, and [§106.03](#) regarding the form of submissions in Board proceedings.

### 611.01(c) Signature of Documents Filed Electronically

*37 CFR §2.193 Trademark correspondence and signature requirements.*

...

(c) Requirements for electronic signature. A person signing a document electronically must:

- (1) Personally enter any combination of letters, numbers, spaces and/or punctuation marks that the signer has adopted as a signature, placed between two forward slash ("/") symbols in the signature block on the electronic submission; or
- (2) Sign the document using some other form of electronic signature specified by the Director.



(d) Signatory must be identified. The first and last name, and the title or position, of the person who signs a document in connection with a trademark application, registration, or proceeding before the Trademark Trial and Appeal Board must be set forth immediately below or adjacent to the signature.

In a document filed in connection with a trademark application, registration, or proceeding before the Board through the trademark electronic filing system or the Board's electronic filing system, the party filing the document does not apply a conventional signature. Instead, the filer may do one of the following, depending on the document:

(1) The signatory personally enters any combination of letters, numbers, spaces, and/or punctuation marks that the signer has adopted as a signature, placed between two forward slash (“/”) symbols. [37 C.F.R. §2.193\(c\)\(1\)](#). Examples of acceptable signatures include */john doe /*, */drl /*, */s /*, and */544-4925 /*. The signatory's first and last name and title or position must be set forth immediately beneath or adjacent to the signature. [37 C.F.R. §2.193\(d\)](#);

(2) The document is filled out online and is printed. The signatory personally signs the printed document in the traditional pen-and-ink manner. The signatory's first and last name and title or position must be set forth immediately beneath or adjacent to the signature. [37 C.F.R. §2.193\(d\)](#). The signature portion, along with a declaration under [37 C.F.R. §2.20](#), if required, is scanned to create a .jpg or .pdf image file and attached to the document for electronic submission;

(3) The document is filled out online and the pdf signature page generated within the USPTO's form is sent to the signatory. The signatory signs the pdf signature page with an electronic signature generated using document-signing software that meets the requirements of [TMEP §611.01\(c\)\(ii\)](#). The signatory's first and last name and title or position must be set forth immediately beneath or adjacent to the signature. [37 C.F.R. §2.193\(d\)](#). The pdf signature page is then attached for electronic submission; or

(4) The document is completed online, and emailed to the signatory for electronic signature from within the trademark electronic filing system. The signatory personally signs the document and it is automatically returned via the trademark electronic filing system to the party who requested the signature.

The USPTO will also accept a signature that meets the requirements of paragraphs (1) and (3) above on documents that are permitted to be filed on paper. [37 C.F.R. §2.193\(a\)\(2\)](#).

All documents must be properly signed. [37 C.F.R. §§2.193\(a\)](#), [11.18\(a\)](#). The person(s) identified as the signatory must personally sign the printed form or personally enter the signatory's electronic signature, either directly on the trademark electronic filing system's form or in the emailed form. [37 C.F.R. §2.193\(a\)](#), [\(d\)](#). A person may not delegate their authority to sign, and no person may sign or enter the name of another. *See In re Zhang*, 2021 Commr. Pat. LEXIS 2, at \*10, \*13 (Dir USPTO 2021) (sanctions); *In re Dermahose Inc.*, Ser. No. 76585901, 2007 TTAB LEXIS 25, at \*9 (2007); *In re Cowan*, Reg. No. 1225389, 1990 Commr. Pat. LEXIS 24, at \*6 (Comm'r Pats. 1990). Just as signing the name of another person on paper does not serve as the signature of the person whose name is written, typing the electronic signature of another person is not a valid signature by that person. Similarly, another person may not use document-signing software to create or generate the electronic signature of the named signatory.

The Board has held that an electronic signature on an electronic transmission through the Board's electronic filing system pertains to all the attachments to the transmission. *PPG Indus., Inc. v. Guardian Indus. Corp.*, Opp. No. 91162329, 2005 TTAB LEXIS 73, at \*7 (2005) (finding that because an Electronic System for Trademark Trials and Appeals (ESTTA) filing with attachments is considered to be a single submission, the electronic signature on the ESTTA filing form pertains to any attachments).

See [TBMP §106.02](#) regarding signature of documents filed in Board proceedings, and [§106.03](#) regarding the form of submissions in Board proceedings.

### 611.01(c)(i) Electronic Signatures Generated Using Document-signing Software

Trademark Rule 2.193(c), [37 C.F.R. §2.193\(c\)](#), sets forth the requirements for electronic signatures for trademark correspondence. Under Rule 2.193(c), a person signing a submission electronically must either:

- (1) Personally enter any combination of letters, numbers, spaces, and/or punctuation marks that the signer has adopted as a signature, placed between two forward slash ("/") symbols in the signature block on the electronic submission; or
- (2) Sign the document using some other form of electronic signature specified by the Director.

37 C.F.R. §2.193(c).

In accordance with the Director's discretion to specify other forms of acceptable electronic signatures under Rule 2.193(c)(2), [37 C.F.R. §2.193\(c\)\(2\)](#), as of July 22, 2023, the USPTO began accepting documents with electronic signatures generated via third-party document-signing software, provided the signature meets the requirements set forth in [TMEP §611.01\(c\)\(ii\)](#). The Director has not specified any other form of acceptable electronic signature under Rule 2.193(c).

### 611.01(c)(ii) Requirements for Electronic Signatures Generated Using Document-signing Software

When reviewing an electronic signature that was generated using document-signing software, USPTO staff must first determine compliance with other signature requirements, such as whether it was signed by a proper person under Trademark Rule 2.193(e), [37 C.F.R. §2.193\(e\)](#). See [TMEP §611.02](#) for more information on signatures by proper parties.

Submissions must be personally signed by the individual identified in the signatory name field. See [37 C.F.R. §2.193\(a\)\(2\)](#), (d); [TMEP §611.01\(b\)](#). A person may not delegate their authority to sign, and no person may use document-signing software to enter or electronically generate someone else's signature. See *In re Zhang*, 2021 Commr. Pat. LEXIS 2, at \*10, \*13 (Dir USPTO 2021) (sanctions); *In re Dermahose Inc.*, Ser. No. 76585901, 2007 TTAB LEXIS 25, at \*9 (2007); *In re Cowan*, Reg. No. 1225389, 1990 Commr. Pat. LEXIS 24, at \*6 (Comm'r Pats. 1990); [TMEP §611.01\(b\)](#)

An electronic signature generated using document-signing software must meet both the software and signature block requirements set forth below.

*Document-signing software requirements.* Parties using third-party document-signing software must ensure that the underlying software:

- (1) Preserves signature data for later inspection in the form of a digital certificate, token, or audit trail. Examining attorneys and post-registration examiners may presume that the document-signing software retains and integrates signature data in the final pdf that is uploaded unless the Office of the Deputy Commissioner for Trademark Examination Policy notifies the examining attorney otherwise.
- (2) Generates or otherwise provides the date on which the signature was applied. If the software does not include the date of signature, the signatory must enter it on the electronic form. If the software generates a date and a different date is separately entered on the electronic form, the date generated by the software controls.
- (3) Indicates that the signature page or electronic submission form was generated or electronically signed using document-signing software.

(4) Is specifically designed to generate an electronic signature. Signatures created using other types of software, such as graphic editing software, are not acceptable.

*Signature block requirements.* Examining attorneys and post-registration examiners must ensure that the signature block comports with the requirements listed below:

(1) *Name and title.* The first and last name, and the title or position, of each person who signed the document must be set forth immediately below or adjacent to the signatory's adopted signature. If the signatory's full name is not provided, the signatory's first and last name must be stated for the record. This information can be entered through a Note to the File (also referred to as a Public Note or Notation to File).

(2) *Date signed.* The date that the document was signed must appear with the signature. As noted in the instructions within the electronic form and appearing on the generated pdf signature page, if the document-signing software provides a date and timestamp, separate manual entry of the signature date is not required. If the signature date is manually entered and disagrees with the software-generated timestamp date, the date generated by the software controls for purposes of determining the date of signature. Regardless of the date the form was signed, the filing date for the electronic submission remains the date and time the USPTO receives the submission, in Eastern Time.

(3) *USPTO timestamp.* The pdf signature page generated within the USPTO's form must display the timestamp applied by the USPTO's electronic filing system that indicates when the signature page was created within the electronic form (i.e., prior to signature). Because the timestamp will only appear in the pdf signature page generated by the USPTO electronic filing system, the USPTO-generated pdf signature page must be used to meet the requirements for an acceptable electronic signature. A USPTO-generated pdf signature page is currently only available for verification signatures and when using the electronic Change Address or Representation (CAR) form. See [TMEP §611.02](#) regarding verification signatures.

(4) *Acceptable software type.* The software used by the signer must meet the software requirements listed above.

See [37 C.F.R. §2.193\(a\), \(c\), \(d\)](#); [TMEP §§303.01, 611.01\(b\), 804.03](#).

If the submission is signed by a proper party and all the elements listed above are satisfied, the examining attorney may presume the signature meets the requirements for an acceptable electronic signature, unless directed otherwise by the Office of the Deputy Commissioner for Trademark Examination Policy. If one or more of these requirements are not met, the signature will be treated as an unacceptable electronic signature. [37 C.F.R. §2.193\(c\)](#).

Notwithstanding the provisions above, examining attorneys and post-registration examiners retain the discretion to inquire regarding the acceptability of a signature on an electronic trademark submission or to require evidence of authenticity of such signature.

The requirements regarding submissions signed using document-signing software apply only to documents that must be signed in accordance with Rule 2.193(e). [37 C.F.R. §2.193\(e\)](#). This includes verified statements in support of an application and verified statements in support of an amendment to an application or registration, such as verified statements submitted to support a claim of acquired distinctiveness under Section 2(f). [37 C.F.R. §§2.41\(a\)\(2\)-\(3\), 2.193\(e\)](#). These requirements do not apply to agreements with third parties submitted to the USPTO as part of the record during prosecution of an application, such as an agreement between the applicant and the owner of a cited mark consenting to registration of the applicant's mark or a consent to register the name of an individual under Section 2(c). [15 U.S.C §1052\(c\)-\(d\)](#).

*Electronic signatures generated using document-signing software submitted before July 22, 2023.* Because the USPTO timestamp and USPTO-generated pdf signature page was not available before July 22, 2023,

USPTO staff may accept a declaration or verification that contains an electronic signature generated using document-signing software that was submitted before July 22, 2023 that otherwise meets the requirements set forth above. Any electronic signature generated using document-signing software submitted on or after July 22, 2023 must comply with all of the requirements set forth above, including use of the USPTO-generated pdf signature form with the relevant USPTO timestamp.

*Electronic signatures generated using document-signing software currently only acceptable for certain signatures.* The pdf signature page generated in the USPTO's forms containing the USPTO timestamp is currently only available for declarations or verifications and when using the CAR form. Accordingly, only these types of signatures, and not any other submission signatures, can meet the requirements of an acceptable electronic signature generated using document-signing software as set forth immediately above. See [TMEP §611.01](#) for the types of signatures required for filing documents with the USPTO.

## **611.02 Signatures by Authorized Parties Required**

All documents filed in the USPTO must be properly signed. The USPTO staff must review the application or registration record to determine whether the applicant or registrant is represented by a qualified U.S. attorney, and must ensure that all documents are properly signed.

Two types of signatures may be required when filing documents with the USPTO: (1) a verification signature and/or (2) a submission signature.

*Verification signature.* Verifications of facts on behalf of an applicant or registrant must be sworn to, made under oath or in an affidavit, or supported by a declaration, and properly signed by someone meeting the requirements of [37 C.F.R. §2.193\(e\)\(1\)](#). See [37 C.F.R. §2.2\(n\)](#); [TMEP §§611.03\(a\)](#), [804.04](#).

*Submission signature.* Most other submissions must be properly signed by the applicant or registrant, someone with legal authority to bind a juristic applicant or registrant (e.g., a corporate officer or general partner of a partnership), or by a qualified U.S. attorney. This includes amendments, responses to Office actions, petitions to the Director under [37 C.F.R. §2.146](#) or [§2.147](#), letters of express abandonment, requests to divide, and requests to change the correspondence address.

Generally, if the applicant or registrant is represented by a qualified U.S. attorney, the attorney must sign the submission. [37 C.F.R. §§2.193\(a\)](#), [\(e\)\(2\)\(i\)](#), [\(e\)\(5\)\(i\)](#), [\(e\)\(9\)\(i\)](#), [11.18\(a\)](#). This applies to both in-house and outside counsel. If the applicant or registrant is not represented by a qualified U.S. attorney, the submission must be signed by the individual applicant or registrant or someone with legal authority to bind a juristic applicant or registrant (e.g., a corporate officer or general partner of a partnership). In the case of joint applicants or registrants who are not represented by such an attorney, all must sign. [37 C.F.R. §2.193\(a\)](#), [\(e\)\(2\)\(ii\)](#), [\(e\)\(5\)\(ii\)](#), [\(e\)\(9\)\(ii\)](#).

See [TMEP §§611.03–611.03\(i\)](#) for guidelines as to the proper person to sign specific documents, [§§611.06–611.06\(h\)](#) for guidelines on persons with legal authority to bind various types of legal entities, and [§611.04](#) for examples of authorized and potentially unauthorized parties.

### **611.02(a) Signature Radio Buttons in Electronic Forms**

On most electronic forms in the trademark electronic filing system, the person signing the submission must confirm that the person is authorized to sign the document by clicking one of three buttons indicating that the person is:

- (1) *An owner/holder* (or a person with legal authority to bind the owner or holder) who has not previously been represented in this matter, or was previously represented by a qualified U.S. attorney who has withdrawn or whose power has been revoked;
- (2) *An authorized U.S.-licensed attorney* who is an active member in good standing of the bar of the highest court of a U.S. state (including the District of Columbia and any U.S. Commonwealth or territory) who is the owner's or holder's current attorney, or an associate thereof, and that if the owner or holder was previously represented by a different U.S.-licensed attorney associated with a different company/firm, the previous power has been revoked, the previously appointed attorney has withdrawn, a new power of attorney has been filed appointing the current attorney as either the attorney or an associate attorney; or
- (3) *An authorized Canadian trademark attorney/agent* who has been appointed to represent the owner or holder and has been granted reciprocal recognition under [37 C.F.R. §11.14\(c\)\(1\)](#) by the USPTO's Office of Enrollment and Discipline and is an authorized signatory based on [37 C.F.R. §11.14\(c\)\(2\)](#).

The USPTO will accept these statements unless there is conflicting information in the record or the USPTO is otherwise made aware of conflicting information.

*Example:* If, as part of the submitted attorney information, an attorney lists a foreign address and checks the box indicating that the attorney is an active member in good standing of the bar of the highest court of a U.S. state, the USPTO will accept this statement, as long as there is no conflicting information in the record.

*Example:* If an attorney indicates that the applicant was previously unrepresented, or that the applicant was previously represented by another attorney who has withdrawn or whose power has been revoked, when, in fact, there is another attorney of record whose power has not been revoked, the USPTO must inquire into the signatory's authority to sign, because there is inconsistent information in the record.

*Example:* If the signatory selects the owner/holder radio button, indicating that the signatory is a person with legal authority to bind a juristic applicant (e.g., a corporate officer or general partner of a partnership), but sets forth a title that the USPTO would not normally accept (e.g., accountant, paralegal, or trademark administrator), the USPTO will inquire into the signatory's authority to sign, because there is inconsistent information in the record.

*Example:* If, instead of selecting the "authorized U.S.-licensed attorney" radio button, the attorney selects one of the other radio buttons (i.e., indicating that the owner/holder is not represented by an attorney, or that the attorney is an authorized Canadian trademark attorney or agent, representing a Canadian applicant), an issue of signatory authority arises, and the USPTO will inquire into the signatory's authority to sign, because there is inconsistent information in the record.

*Exception:* If the signatory indicates that the signatory is a Canadian trademark attorney or agent who has been granted reciprocal recognition by OED, and there is a qualified U.S.-licensed attorney designated, the USPTO staff must still check the OED list to verify this information. See [TMEP §602.03\(a\)](#) for further information about Canadian trademark attorneys and agents.

See [TMEP §611.05\(a\)](#) and [§712.03](#) regarding issuance of a notice of incomplete response where there is a question as to a signatory's authority to sign.

### 611.03 Proper Person to Sign

This section provides guidelines as to the proper person to sign verifications and various other submissions. Unless otherwise specified by law, the following guidelines should be followed.

Note that if an application or registration owner who is not represented by a qualified U.S. attorney becomes deceased or legally incapacitated, only a party authorized under the relevant state law regarding wills or intestate succession may sign a document required to be signed by the owner. For example, if the owner's estate has not been settled, the executor may be an authorized party under the relevant state law. In such

situations, the document must state that the owner is deceased or legally incapacitated and that the signatory is authorized to sign under the relevant state law.

### **611.03(a) Verification**

A verification must be sworn to or supported by a declaration signed by the owner of the application or registration or a person properly authorized to verify facts on behalf of the owner. *See* [37 C.F.R. §2.2\(n\)](#). A person who is properly authorized to verify facts on behalf of an owner is:

- A person with legal authority to bind the owner (e.g., a corporate officer or general partner of a partnership);
- A person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the owner; or
- A qualified U.S. attorney who has a power of attorney from the owner.

*See* [37 C.F.R. §2.193\(e\)\(1\)](#).

Generally, the USPTO does not question the authority of the person who signs an affidavit or declaration verifying facts, unless there is an inconsistency in the record as to the signatory's authority to sign. *See* [TMEP §804.04](#).

The broad definition of a “person properly authorized to sign on behalf of an owner” in [37 C.F.R. §2.193\(e\)\(1\)](#) applies *only* to verifications of facts, such as applications for trademark registration, requests for an extension of time to respond to an Office action under [37 C.F.R. §2.62\(a\)\(2\)](#), petitions to revive under [37 C.F.R. §2.66](#), affidavits under §8 or §71 of the Trademark Act, amendments to allege use under [37 C.F.R. §2.76](#), statements of use under [37 C.F.R. §2.88](#), and declarations in support of substitute specimens or claims of acquired distinctiveness. *See* [TMEP §§611.03\(d\)](#), [711.01-01\(b\)](#), [804](#), [904.07\(a\)](#), [1104.10\(b\)\(ii\)](#), [1109.11\(a\)](#), [1212.07](#), [1604.08\(a\)](#), [1613.08\(a\)](#).

It does *not* apply to, for example, powers of attorney, revocations of powers of attorney, responses to Office actions, amendments to applications, letters of express abandonment, petitions to the Director under [37 C.F.R. §2.146](#) or [§2.147](#), consent agreements, or changes of correspondence address. *See* [TMEP §§611.03\(b\)-\(c\)](#), [\(e\)-\(i\)](#).

For example, the “Trademark Administrator” of the applicant, who has firsthand knowledge of the facts alleged in the application, may sign the verified statement in support of the application, but unless the person has legal authority to bind the applicant (e.g., is a corporate officer or general partner of a partnership), or is a qualified U.S. attorney, the person may not sign responses to Office actions or authorize examiner's amendments.

### **611.03(b) Responses, Amendments to Applications, Requests for Express Abandonment, Requests for Reconsideration of Final Actions, and Requests to Divide**

Responses, amendments to applications, requests for express abandonment, requests for reconsideration of final actions, and requests to divide must be signed in accordance with the following guidelines:

- If the applicant or registrant is represented by a qualified U.S. attorney, the attorney must sign the submission.



- If the applicant or registrant is not represented by a qualified U.S. attorney, the individual applicant or registrant or someone with legal authority to bind a juristic applicant or registrant must sign the submission. In the case of joint applicants or registrants who are not represented by a qualified U.S. attorney, all must sign the submission.

See [37 C.F.R. §§2.11\(a\), 2.62\(b\), 2.68\(a\), 2.74\(b\), 2.87\(f\), 2.163\(b\), 2.171\(b\)\(1\), 2.184\(b\)\(2\), 2.193\(e\)\(2\)](#). See [TMEP §§611.06-611.06\(h\)](#) for guidelines on persons with legal authority to bind various types of juristic entities and [§§602-602.03\(e\)](#) regarding persons who are qualified to represent others before the USPTO in trademark cases.

A request to extend the time to respond to an Office action may be signed by someone with firsthand knowledge of the facts pertaining to the extension request. See [TMEP §611.03\(a\)](#) regarding who can sign a verification and [§711.01](#) regarding requests for an extension of time to respond to an Office action with a three-month response period.

A person who is authorized to sign a verification per [TMEP §611.03\(a\)](#) is not entitled to sign responses to Office actions unless the person also satisfies the signature guidelines above.

See [TMEP §714.03](#) regarding when final action is appropriate after a pro se applicant required to have a qualified U.S. attorney files a response.

### **611.03(c) Powers of Attorney and Revocations of Powers of Attorney**

Powers of attorney and revocations of powers of attorney must be signed by the individual applicant or registrant or someone with legal authority to bind a juristic applicant or registrant. In the case of joint applicants or registrants, all must sign. [37 C.F.R. §§2.17\(c\)\(2\), 2.19\(a\)\(1\), 2.193\(e\)\(3\)](#).

*Associate powers of attorney.* Once the applicant or registrant has designated a qualified U.S. attorney, the named attorney may sign an associate power of attorney appointing another qualified U.S. attorney as an additional person(s) authorized to prosecute the application or registration. [37 C.F.R. §2.17\(c\)\(2\)](#); see [TMEP §§605.01, 605.03, 606](#).

### **611.03(d) Petitions to Revive**

A petition to revive under [37 C.F.R. §2.66](#) must be signed by someone with firsthand knowledge of the facts regarding unintentional delay. [37 C.F.R. §§2.66\(b\)\(2\), \(c\)\(2\), 2.193\(e\)\(4\)](#); [TMEP §1714.01\(e\)](#). See [TMEP §611.03\(a\)](#) regarding who can sign a verification.

However, any response to an Office action accompanying the petition must be signed in accordance with [TMEP §611.03\(b\)](#).

### **611.03(e) Petitions to the Director**

A petition to the Director under [37 C.F.R. §2.146](#) or [§2.147](#) must be signed in accordance with the following guidelines:

- If the petitioner is represented by a qualified U.S. attorney, the attorney must sign the petition.

- If the petitioner is not represented by a qualified U.S. attorney, the individual petitioner or someone with legal authority to bind a juristic petitioner must sign. In the case of joint petitioners who are not represented by a qualified U.S. attorney, all must sign.

[37 C.F.R. §§2.11\(a\), 2.146\(c\), 2.147\(a\)\(2\)\(iii\), \(b\)\(2\)\(i\), \(c\), 2.193\(e\)\(5\), 11.14\(e\); TMEP §§1705.07, 1709.01\(b\)-1709.03.](#)

See [TMEP §§611.06-611.06\(h\)](#) for guidelines on persons with legal authority to bind various types of juristic entities and [§§602-602.03\(e\)](#) regarding persons who are qualified to represent others before the USPTO in trademark cases.

Petitions to the Director include a verified statement of the facts necessitating the petition; this statement must also be properly signed. [37 C.F.R. §§2.146\(c\), 2.147\(a\)\(2\)\(iii\), \(b\)\(2\)\(i\), \(c\)](#). See [TMEP §611.03\(a\)](#) regarding who can sign a verification.

### **611.03(f) Amendment, Correction, or Surrender of Registration**

All requests for amendment, correction, or surrender of a registration must be properly signed (i.e., include a submission signature) in accordance with the following guidelines:

If the owner is represented by a qualified U.S. attorney, the attorney must sign.

If the owner is not represented by a qualified U.S. attorney, the individual owner or someone with legal authority to bind a juristic owner must sign. In the case of joint owners who are not represented by a qualified U.S. attorney, all must sign.

[37 C.F.R. §§2.11\(a\), 2.172, 2.173\(b\)\(2\), 2.193\(e\)\(6\).](#)

Requests for amendment or correction due to the registration owner's mistake must also include a verification signature in accordance with [TMEP §611.03\(a\)](#). [37 C.F.R. §§2.173\(b\)\(2\), 2.175\(b\)\(2\).](#)

See [TMEP §§611.06-611.06\(h\)](#) for guidelines on persons with legal authority to bind various types of juristic entities and [§§602-602.03\(e\)](#) regarding persons who are qualified to represent others before the USPTO in trademark cases.

### **611.03(g) Renewal Applications**

A renewal application must be signed by the registrant or the registrant's representative. [37 C.F.R. §§2.183\(a\), 2.193\(e\)\(7\)](#). See [TMEP §1606.06](#) and [§1606.07](#) regarding filing and execution of renewal applications.

### **611.03(h) Designations and Revocations of Domestic Representative**

*Designation.* The designation of a domestic representative must be signed in accordance with the following guidelines:

- If the applicant or registrant is represented by a qualified U.S. attorney, the attorney must sign; or
- If the applicant or registrant is not represented by a qualified U.S. attorney, the individual applicant or registrant or someone with legal authority to bind a juristic applicant or registrant must sign. In

the case of joint applicants or registrants who are not represented by a qualified U.S. attorney, all must sign.

[37 C.F.R. §§2.11\(a\), 2.24\(b\), 2.193\(e\)\(8\)](#).

*Revocation.* A revocation of domestic representative must be signed following the same guidelines for when a designation of a domestic representative is filed. [37 C.F.R. §§2.11, 2.24\(b\), 2.193\(e\)\(8\)](#).

*Withdrawal.* A withdrawal of domestic representative must be signed by an individual domestic representative or by someone legally authorized to bind a juristic domestic representative.

See [TMEP §610](#) regarding the designation of a domestic representative by parties not domiciled in the United States.

See [TMEP §§611.06-611.06\(h\)](#) for guidelines on persons with legal authority to bind various types of juristic entities and [§§602-602.03\(e\)](#) regarding persons who are qualified to represent others before the USPTO in trademark cases.

### **611.03(i) Requests to Change Correspondence Address in an Application or Registration**

A request to change the correspondence address in an application or registration must be signed in accordance with the following guidelines:

- If the applicant or registrant is represented by a qualified U.S. attorney, the attorney must sign; or
- If the applicant or registrant is not required to be nor is represented by a qualified U.S. attorney, the individual applicant or registrant or someone with legal authority to bind a juristic applicant or registrant must sign. See [TMEP §609.02](#). In the case of joint applicants or joint registrants who are not represented by a qualified U.S. attorney, all must sign.

See [37 C.F.R. §§2.11\(a\), 2.18\(c\), 2.193\(e\)\(9\); TMEP §609.02\(b\)](#).

See [TMEP §§611.06-611.06\(h\)](#) for guidelines on persons with legal authority to bind various types of juristic entities and [§§602-602.03\(e\)](#) regarding persons who are qualified to represent others before the USPTO in trademark cases.

### **611.04 Examples of Authorized and Potentially Unauthorized Signatories**

Set forth below is a list of examples of parties who are authorized and potentially unauthorized to sign responses, petitions to the Director under [37 C.F.R. §§2.146](#) or [2.147](#), amendments, requests for express abandonment, and other documents that must be signed by the applicant or registrant, or by someone with legal authority to bind the applicant or registrant. This list is not exhaustive.

*Authorized Parties.* In the following situations, a signatory is presumed to be authorized to represent an applicant or registrant:

- Person identifies themselves as an officer of a pro se applicant or registrant (e.g., “President,” “Vice President,” “Treasurer,” “Secretary”) of a domestic corporation or the equivalent for another type

of domestic business entity (e.g., “Partner” for a partnership, “Member” or “Principal” for a Limited Liability Company).

- Person signing for a previously pro se applicant or registrant identifies themselves as an attorney in good standing of the bar of the highest court of any U.S. state or its territories who is practicing abroad (e.g., Mary Smith, active member in good standing of the New York State Bar since 1988, with offices in Nassau, Bahamas).
- Person signing for a foreign corporation identifies themselves as a qualified U.S. attorney serving as “general counsel” or “in-house counsel” **AND** as a “corporate officer” or another corporate officer position (e.g., “Secretary,” “Treasurer,” or “Vice President”).
- Person signing for a previously pro se applicant or registrant identifies themselves as an attorney with a U.S. law firm or as “general counsel” or “in-house counsel” of a U.S. applicant, who is in good standing of the bar of the highest court of any state in the United States or its territories, and lists their attorney bar information (*see* [TMEP §602.01\(a\)](#)), and thus is recognized as the attorney of record (*see* [TMEP §604.01](#)).
- Person signing is a different attorney from the same U.S.-based firm as the current attorney of record.
- Person signing on behalf of a Canadian applicant or registrant is a Canadian trademark attorney or agent whom OED has recognized as qualified to represent parties located in Canada and where the applicant or registrant has also recognized a qualified U.S. attorney (*see* [TMEP §602.03\(a\)](#)).
- Person signing identifies themselves as an “officer” of a domestic pro se corporate applicant.

*Potentially Unauthorized Parties.* In the following situations, a signatory is presumed to be unauthorized to represent an applicant or registrant:

- Person signing provides no title or position (e.g., applicant is Jack Smith, an individual citizen of the United States, and Mary Jones signs the response; or applicant is ABC Corporation, and Bill Miller, President, signs the original application, but Dave Wilson, with no listed title or position, signs the response).
- Person signing appears to be a foreign attorney (e.g., “solicitor” or “barrister” for a foreign entity), or is a foreign law consultant with a law firm in the United States.
- Person signing identifies themselves as a non-attorney representing applicant or registrant in some other capacity (e.g., accountant, paralegal, trademark administrator, business manager, personal assistant, or legal secretary).
- Person signing provides the address of a foreign firm but does not indicate that the person is a qualified U.S. attorney who is practicing abroad.
- Person signing an application or registration owned by a foreign entity identifies themselves as “attorney for applicant,” “attorney at law,” or similar language, but does not specify that the person is a member in good standing of the bar of the highest court of a U.S. state (which includes the District of Columbia, a U.S. Commonwealth, or a U.S. territory).
- Person signing identifies themselves as “attorney-in-fact.”
- Person signing on behalf of a foreign-domiciled entity is identified as “in house counsel” or “general counsel,” with no other indication of recognition to practice before the USPTO.
- Person signing identifies themselves as “representative of,” “agent for,” or “representing” applicant or registrant, with no other explanation.
- Person signing identifies themselves as an “authorized signatory” but provides no other indication of the nature of the signer’s relationship to applicant or registrant.
- Person signing is a new qualified U.S. attorney from a different firm, when the applicant or registrant had previously appointed a qualified U.S. attorney and no new power of attorney or revocation of the previously appointed power has been made of record.

## 611.05 Processing Documents Signed by an Improper Party

When examining a document filed in connection with a trademark application or registration, the USPTO staff must ensure that all documents are signed by a proper party. See [TMEP §611.02](#).

*Responses in examination.* When it appears that a response to an Office action is signed by an improper party, the examining attorney must generally treat the response as incomplete and follow the procedures in [TMEP §611.05\(a\)-\(c\)](#). The response may not be ratified by an examiner's amendment. See [TMEP §611.03\(b\)](#) regarding who can sign a response. The examining attorney must ensure that the record establishes a proper party signed the response.

For a response to an Office action signed by an applicant who was required to appoint a qualified U.S. attorney but did not do so, the examining attorney will issue a final Office action, if appropriate, reiterating the requirement to appoint a qualified U.S. attorney and indicating all issues that are made final. See [TMEP §601.01\(a\)](#) regarding amendments to an application by an applicant required to appoint a U.S. attorney.

*Responses in post registration.* When it appears that a response to an Office action is signed by an improper party, the post registration staff must treat the response as incomplete and follow the procedures in [TMEP §611.05\(a\)-\(c\)](#). See [TMEP §611.03\(b\)](#) regarding who can sign a response.

For a response to an Office action signed by a registrant who has been required to appoint a qualified U.S. attorney but did not do so, the post registration specialist will issue a second Office action reiterating the requirement to appoint a qualified U.S. attorney.

*Other submissions.* If a submission other than a response to an Office action (e.g., a proposed amendment to an application that is not responsive to an Office action, a petition to the Director under [37 C.F.R. §2.146](#) or [§2.147](#), or an express abandonment) is signed by an improper party, the USPTO will notify the applicant or registrant that no action will be taken on the submission, unless the applicant or registrant either: (1) establishes the signatory's authority; or (2) provides a properly signed submission.

See [TBMP §106.02](#) for information about signature of documents filed in Board proceedings.

### 611.05(a) Notice of Incomplete Response when Authority of Person Signing Response Is Unclear

If it appears that a response to an examining attorney's Office action is signed by an improper party, and the applicant is not required to be represented by a qualified U.S. attorney, the examining attorney must treat the response as an incomplete response, and grant the applicant 30 days, or to the end of the response period for the previous Office action, whichever is longer, to perfect the response, pursuant to [37 C.F.R. §2.65\(a\)\(2\)](#). See [TMEP §718.03\(b\)](#). The applicant must submit a response properly signed in accordance with the guidelines in [TMEP §611.03\(b\)](#). These same principles and procedures apply to responses to Office actions issued by other USPTO employees (e.g., staff in the Post Registration Section, ITU/Divisional Unit, or Office of Petitions).

See also [TMEP §712.03](#).

### 611.05(b) Replying to a Notice of Incomplete Response

If the individual whose name appears beneath the signature is an authorized signer, and the applicant is not represented by a qualified U.S. attorney or required to be represented by a qualified U.S. attorney, the individual may simply telephone or send an email message to clarify the record, and the USPTO staff will make an appropriate Note to the File (also referred to as Public Note or Notation to File) in the record, review the previously submitted response, and take the appropriate action.

A proper reply to a notice of incomplete response must state the nature of the relationship of the signer to the applicant or registrant. If the signer has legal authority to bind the applicant or registrant, the person should so state, and must set forth the signer's title or position. If the signer is a qualified U.S. attorney who may practice before the USPTO pursuant to [37 C.F.R. §11.14\(a\)](#), the attorney should identify themselves as such an attorney and must provide the required bar information and statement of good standing. See [TMEP §§602.01, 602.01\(a\)](#). If the signer meets the requirements of [37 C.F.R. §§11.14\(b\) or \(c\)](#), the person should explain how the signer meets these requirements.

In a pending application, if the person who signed the response is not an authorized signer, the applicant is not represented by a qualified U.S. attorney or required to be represented by a qualified U.S. attorney, and all proposed amendments in the improperly signed response can be resolved by an examiner's amendment, then the individual applicant or a person with legal authority to bind a juristic applicant (e.g., a corporate officer or general partner of a partnership) may telephone the examining attorney to authorize such an amendment. Otherwise, when the person who signed the response is not an authorized signer, the applicant must timely submit a properly signed response. See [TMEP §§611.03\(b\), 611.06–611.06\(h\)](#), and [712.01](#) regarding the proper party to sign a response to an Office action.

See [TMEP §604.04](#) regarding changes of attorney.

### 611.05(c) Unsatisfactory Response or Failure to Respond

*Pending Applications.* If there is an unsatisfactory response or no response is received to the notice of incomplete response issued in connection with the application, the USPTO will abandon the application for incomplete response. See [TMEP §718.03\(a\)](#) for procedures for holding an application abandoned for failure to respond completely.

*Post Registration.* If there is an unsatisfactory response or no response is received to the notice of incomplete response issued in connection with an affidavit of use or excusable nonuse under §8 or §71, or a §9 renewal application, the USPTO will notify the registrant that the affidavit or renewal application remains unacceptable, and that the registration will be cancelled and/or expired in due course. In the case of a §7 request, the USPTO will notify the registrant that the request for amendment or correction is abandoned.

### 611.06 Guidelines on Persons with Legal Authority to Bind Certain Juristic Entities

When a document must be signed by a person with “legal authority to bind a juristic entity,” the signatory must be someone who has the authority to bind that entity to any obligation and/or agreement whatsoever, and not solely with regard to trademark matters.

See [TMEP §611.02](#) regarding signature by authorized parties being required for application- or registration-related submissions, [§§611.03-611.03\(i\)](#) regarding who can sign specific application- or registration-related submissions, and [§611.03\(a\)](#) regarding who can sign a verification.



### **611.06(a) Joint Owners**

Joint owners are individual parties and not a single entity. Where a document must be signed by someone with legal authority to bind joint owners, the document must be signed by all the owners. *See* [37 C.F.R. §§2.193\(e\)\(2\)\(ii\), \(e\)\(3\), \(e\)\(5\)\(ii\), \(e\)\(6\), \(e\)\(8\), \(e\)\(9\)\(ii\)](#).

### **611.06(b) Signature by Partnership**

Where a document must be signed by someone with legal authority to bind a partnership, a general partner must sign. Signature by all the general partners is not necessary. If the partnership comprises general partners who are juristic entities (e.g., the general partners are corporations), someone with legal authority to bind that type of juristic entity must sign.

In appropriate cases, a document filed by a partnership may be signed by an official other than a general partner, if the record contains an explanation or documentation indicating that the person signing the document has legal authority to bind the partnership.

### **611.06(c) Signature by Joint Venture**

Where a document must be signed by someone with legal authority to bind a joint venture, each party to the venture must sign. Although a joint venture has many attributes of a partnership, it is a special partnership, which is very limited in nature and scope. Generally, signature by each party to the joint venture is necessary.

In appropriate cases, a document filed by a joint venture may be signed by a general manager or other official rather than by each of the joint venturers, if the applicant or registrant states that the person who signed has legal authority to bind the joint venture under relevant state law.

### **611.06(d) Signature by Corporation**

Where a document must be signed by someone with legal authority to bind a corporation, a corporate officer must sign. An officer is a person who holds an office established in the articles of incorporation or corporate bylaws.

The usual titles for officers are President, Vice-President, Secretary, Treasurer, Chief Executive Officer, Chief Operating Officer, and Chief Financial Officer. In some organizations, the Treasurer is called a Comptroller or Controller, and these terms are acceptable. In Maine and Massachusetts the term “Clerk” identifies an officer of a corporation.

Modifications of these basic titles are acceptable if they include the officer title. Titles such as Vice-President for Sales, Executive Vice-President, Assistant Treasurer, Executive Secretary, and Administrative Secretary are acceptable.

The signature of the “Chairman” or “Chairman of the Board of Directors” is also acceptable, but not the signature of an individual director (e.g., the Vice-Chairman of the Board). The terms “Executive Secretary” and “Administrative Secretary” are acceptable because they include the officer-title “Secretary.”

Some titles are generally *not* accepted because they usually do not identify officers. For instance, a General Manager, or any other type of manager, is usually merely an employee, not an officer.

If the applicant or registrant states that the person who signed the response is authorized to bind the applicant or registrant under the articles of incorporation or bylaws, the USPTO will accept the signature.

A corporation cannot delegate authority to sign to someone who is not a corporate officer. *See, e.g., In re Textron, Inc.*, 183 USPQ 301 (Comm'r Pats. 1974) (stating that “a mere grant of authority to perform a specific action on behalf of a corporation is insufficient to create a de facto officer”). Therefore, documents purporting to authorize representation, even if signed by officers, will not be accepted as establishing authority of a person who does not have authority to legally bind the corporation under its bylaws or articles of incorporation.

When the applicant or registrant is a corporation, a statement that the signatory is an “officer” or “duly authorized officer” of the corporation is acceptable. However, it is unacceptable to state that the person who signed the verification is an “authorized signatory.”

### **611.06(e) Signature by Foreign Companies and Corporations**

There are significant differences between the legal entities established under the laws of the United States and legal entities established and recognized under the laws of foreign countries, and the titles and duties of officers of foreign corporations and companies often differ from those in the United States. In the case of foreign entities that are in the nature of corporations, the USPTO will accept the signature of a person considered to be equivalent to an officer under the law of the foreign country. Indication of a title identifying the signer as a type of officer – such as “Legal Officer” or “Information Officer” – is also sufficient.

In foreign countries, a person who holds the title “Manager” or “Director” is normally an officer or the equivalent of an officer.

The term “Procurist” is used in a number of countries to indicate an officer. For British companies, the terms “Registrar” and “Confidential Clerk” are the equivalent of officers.

If the applicant or registrant states that the person who signed the response holds a position that is the equivalent of an officer of a U.S. corporation, the USPTO will accept the signature.

Simply stating that a person has been granted authority to act on behalf of the applicant or registrant is insufficient. Documents purporting to authorize representation, even if signed by officers, will not be accepted as establishing the authority of a person who is not the equivalent of an officer. The applicant or registrant must state that the signatory has authority to legally bind the applicant or registrant under its bylaws or articles of incorporation.

See [TMEP §611.04](#) regarding examples of acceptable signatories for foreign corporations and [§611.06\(g\)](#) regarding acceptable signatories for foreign limited liability companies.

### **611.06(f) Signature by Unincorporated Association**

For organizations that are less formally organized than corporations (e.g., fraternal societies, unions, unincorporated associations, and governmental bodies), the titles for officers are less standardized. These organizations frequently use more individualistic terms for titles than the terms customarily used by corporations, and the officer positions themselves may not be as clearly or as formally provided for as is the case with corporations. Regardless of how unfamiliar the title is or how informal the position seems to be, the USPTO will accept the signature if the applicant or registrant states on the record that the signer has,

within the framework of the particular organization, authority equivalent to that of an officer to act on behalf of the organization (i.e., has authority to legally bind the applicant or registrant under its bylaws or articles of formation). Some titles that have been accepted are Director, National Director, National Commander, Permanent Chairman, International Sponsor, Supreme Ruler, Royal Impresario, and Chairman of the Steering Committee.

#### **611.06(g) Signature by Limited Liability Company**

A limited liability company (“LLC”) has attributes of both a corporation and a partnership. See [TMEP §803.03\(h\)](#). Generally, a signatory identified as “manager,” “member,” “principal,” or “owner” may be presumed to have the authority to sign on behalf of a domestic or foreign limited liability company. In addition, anyone with a corporate-officer-type title, such as “President” or “Chief Executive Officer,” may sign.

#### **611.06(h) Signature by Limited Liability Partnership**

A limited liability partnership (“LLP”) has attributes of both a partnership and a corporation. See [TMEP §803.03\(k\)](#). Laws vary to some extent as to the authority conferred on various partners associated with the limited liability partnership. Generally, all partners are recognized as having general agency authority to bind the partnership in the ordinary course of business. Therefore, anyone identified as a partner may sign.

Many states provide for the filing of a Statement of Partnership Authority which specifically names partners having authority and/or limits the authority of certain individuals. If an individual who is not a named partner of the LLP has been recognized as having authority to bind the LLP, that person may sign, and must indicate their position as an individual designated in the LLP’s Statement of Partnership Authority.