

## CHANGES: INDEX TO CHANGES IN TMEP May 2025

Attention is directed to the following changes in the May 2025 TMEP.

SECTION	CHANGE
TMEP	Incorporated changes in accordance with final rules issued at 86 FR 28452 (Changes to Representation of Others Before the United States Patent and Trademark Office), 88 FR 78649 (Representation of Others in Design Patent Matters Before the United States Patent and Trademark Office), 89 FR 91062 (Setting and Adjusting Trademark Fees During Fiscal Year 2025), 90 FR 3037 (Setting and Adjusting Trademark Fees During Fiscal Year 2025; correction), relevant precedential decisions reported prior to March 31, 2025, and Examination Guide 1-25.
108.02	Replaced Trademark Assistance Center operating hour information with a link to the USPTO website.
110	Miscellaneous text edit.
202.03	Revised in accordance with Examination Guide 1-25. Miscellaneous text edits.
204.02	Clarified that to be eligible for a filing date restoration, the new application must be identical to the application that was denied a filing date. Updated the procedure for filing a request to restore the filing date. Miscellaneous text edit.
301.01(b)	Clarified that filings submitted in accordance with the USPTO's temporary procedures during a widespread or lengthy system outage will be accepted without a petition or petition fee.
302.01	Deleted "or by fax".
306	Clarified that filings via facsimile submitted during a widespread or lengthy system outage will be accepted without a petition or petition fee only if specifically instructed by the USPTO.
310	Miscellaneous text edits.
401	Miscellaneous text edit.
401.01	Revised in accordance with Examination Guide 1-25. Added cross reference.
401.02	Added when series of serial numbers preceded by the series code "99" began.
505.01	Miscellaneous text edits.
601.01(a)	Deleted cross reference. Revised in accordance with Examination Guide 1-25. Replaced "60 days" with "additional time".
601.01(c)(i)	Miscellaneous text edits.
602	Updated text of 37 C.F.R. §11.5(b) in accordance with changes enacted at 86 FR 28452 and 88 FR 78649.
602.01(a)	Updated text of 37 C.F.R. §2.22 and rule citation in accordance with changes enacted at 89 FR 91062.
602.03(a)	Updated rule citation in accordance with changes enacted at 88 FR 78649.
602.03(b)	Updated rule citation in accordance with changes enacted at 88 FR 78649.
608.01	Updated text of 37 C.F.R. §11.5(b) and rule citations in accordance with changes enacted at 86 FR 28452 and 88 FR 78649.
608.02	Miscellaneous text and stylistic edits.
609.01	Deleted rule citation.
610	Updated rule citation in accordance with changes enacted at 88 FR 78649.
611.01(b)	Updated case citation.

<b>SECTION</b>	<b>CHANGE</b>
611.01(c)	Updated case citation.
611.01(c)(ii)	Updated case citation.
611.02(a)	Revised section title: Signature Radio Buttons in Electronic Forms.
611.06(d)	Added parenthetical to case citation.
705.05	Revised section title: Citation of Decisions, Orders, and USPTO Publications. Miscellaneous text edits. Revised to add paragraphs regarding citation to precedential and non-precedential decisions and orders of the Director as well as Trademark Official Gazette Director's orders and notices. Added cross references.
706.01	Added case citations. Section reworded for clarity.
707.02	Revised to incorporate changes enacted at 89 FR 91062. Updated rule citations and cross references.
711.01	Miscellaneous text edits.
711.01(b)	Clarified that no extension of time to respond will be granted following the filing of a response.
716.02	Miscellaneous text edit. Updated procedures regarding suspension of an application pending a decision on petition to the Director.
719	Added cross references.
802	Revised to incorporate changes enacted at 89 FR 91062 and in accordance with Examination Guide 1-25.
804.04	Updated rule citation in accordance with changes enacted at 88 FR 78649.
807.05(a)(i)	Deleted reference to TEAS instructions for initial applications.
807.07(f)(i)	Revised section title: Applications Filed Electronically and §66(a) Applications. Deleted references to TEAS Standard and TEAS Plus.
807.14(a)	Deleted reference to immoral and scandalous matter.
809	Revised to incorporate changes enacted at 89 FR 91062 and in accordance with Examination Guide 1-25. Added cross reference.
810	Miscellaneous text edit. Revised to incorporate changes enacted at 89 FR 91062 and in accordance with Examination Guide 1-25. Added cross reference.
811.01	Revised to incorporate changes enacted at 89 FR 91062 and in accordance with Examination Guide 1-25. Added cross reference.
812	Revised to incorporate changes enacted at 89 FR 91062 and in accordance with Examination Guide 1-25. Added cross reference.
813	Revised to incorporate changes enacted at 89 FR 91062 and in accordance with Examination Guide 1-25.
818	Deleted reference to immoral and scandalous matter.
819	Revised section title: Base Application Requirements and Additional Fees. Revised to incorporate changes enacted at 89 FR 91062 and in accordance with Examination Guide 1-25.
819.01	Revised section title: Base Application Requirements for Determining Additional Fees. Revised to incorporate changes enacted at 89 FR 91062 and in accordance with Examination Guide 1-25.
819.01(a)	Deleted section.
819.01(b)	Deleted section.
819.01(c)	Deleted section.
819.01(d)	Deleted section.

<b>SECTION</b>	<b>CHANGE</b>
819.01(e)	Deleted section.
819.01(f)	Deleted section.
819.01(f)(i)	Deleted section.
819.01(f)(ii)	Deleted section.
819.01(f)(iii)	Deleted section.
819.01(f)(iv)	Deleted section.
819.01(g)	Deleted section.
819.01(h)	Deleted section.
819.01(i)	Deleted section.
819.01(j)	Deleted section.
819.01(k)	Deleted section.
819.01(l)	Deleted section.
819.01(m)	Deleted section.
819.01(n)	Deleted section.
819.01(o)	Deleted section.
819.01(p)	Deleted section.
819.01(q)	Deleted section.
819.02	Revised section title: Insufficient Information Fee. Revised to incorporate changes enacted at 89 FR 91062 and in accordance with Examination Guide 1-25.
819.02(a)	Renumbered previous section 819.01(b) as 819.02(a). Revised in accordance with Examination Guide 1-25.
819.02(b)	Renumbered previous section 819.01(c) as 819.02(b). Revised in accordance with Examination Guide 1-25.
819.02(c)	Renumbered previous section 819.01(f) as 819.02(c). Revised in accordance with Examination Guide 1-25.
819.02(c)(i)	Renumbered previous section 819.01(f)(i) as 819.02(c)(i). Revised in accordance with Examination Guide 1-25.
819.02(c)(i)(A)	New section: Trademarks and Service Marks.
819.02(c)(i)(B)	New section: Collective Trademarks, Collective Service Marks, and Collective Membership Marks.
819.02(c)(i)(C)	New section: Certification Marks.
819.02(c)(ii)	Renumbered previous section 819.01(f)(ii) as 819.02(c)(ii). Revised in accordance with Examination Guide 1-25.
819.02(c)(ii)(A)	New section: Trademarks and Service Marks.
819.02(c)(ii)(B)	New section: Collective Trademarks, Collective Service Marks, and Collective Membership Marks.
819.02(c)(ii)(C)	New section: Certification Marks.
819.02(c)(iii)	Renumbered previous section 819.01(f)(iii) as 819.02(c)(iii). Revised in accordance with Examination Guide 1-25.
819.02(c)(iii)(A)	New section: Trademarks and Service Marks.
819.02(c)(iii)(B)	New section: Collective Trademarks, Collective Service Marks, and Collective Membership Marks.
819.02(c)(iii)(C)	New section: Certification Marks.

<b>SECTION</b>	<b>CHANGE</b>
819.02(c)(iv)	Renumbered previous section 819.01(f)(iv) as 819.02(c)(iv). Revised in accordance with Examination Guide 1-25.
819.02(c)(iv)(A)	New section: Trademarks and Service Marks.
819.02(c)(iv)(B)	New section: Collective Trademarks, Collective Service Marks, and Collective Membership Marks.
819.02(c)(iv)(C)	New section: Certification Marks.
819.02(d)	Renumbered previous section 819.01(n) as 819.02(d). Revised in accordance with Examination Guide 1-25.
819.02(e)	Renumbered previous section 819.01(h) as 819.02(e). Revised in accordance with Examination Guide 1-25.
819.02(f)	Renumbered previous section 819.01(l) as 819.02(f). Revised in accordance with Examination Guide 1-25.
819.02(g)	Renumbered previous section 819.01(i) as 819.02(g). Revised in accordance with Examination Guide 1-25.
819.02(h)	Renumbered previous section 819.01(j) as 819.02(h). Revised in accordance with Examination Guide 1-25.
819.02(i)	Renumbered previous section 819.01(k) as 819.02(i). Revised in accordance with Examination Guide 1-25.
819.02(j)	Renumbered previous section 819.01(m) as 819.02(j). Revised in accordance with Examination Guide 1-25.
819.02(k)	Renumbered previous section 819.01(o) as 819.02(k). Revised in accordance with Examination Guide 1-25.
819.02(l)	Renumbered previous section 819.01(p) as 819.02(l). Revised in accordance with Examination Guide 1-25.
819.02(m)	Renumbered previous section 819.01(q) as 819.02(m). Revised in accordance with Examination Guide 1-25.
819.02(n)	Renumbered previous section 819.01(d) as 819.02(n). Revised in accordance with Examination Guide 1-25.
819.03	Revised section title: Free-form Text ID Fee. Revised in accordance with Examination Guide 1-25.
819.04	New section: Excess Character ID Fee.
819.05	New section: Fee Considerations and Procedures.
819.05(a)	New section: Payment of All Fees Required at Filing.
819.05(b)	New section: Same Fee Paid at Filing May Not be Required for Same Classes During Examination.
819.05(c)	New section: Different Fees for Same Application.
819.05(d)	New section: Examiner's Amendments and Priority Actions.
819.06	New section: TEAS Standard, TEAS RF, and TEAS Plus Applications.
819.06(a)	New section: TEAS Standard and TEAS RF Applications.
819.06(b)	New section: TEAS Plus Applications.
904.03(i)	Replaced "TEAS" with "electronic".
906.01	Added Ireland and European Union.
1002.03	Updated link.

<b>SECTION</b>	<b>CHANGE</b>
1003.01	Clarified that the requirement for the same goods or services means the identification must be different from, and not equivalent to, the identification covered by any previous application or registration for the mark in a treaty country.
1013	Deleted rule citation.
1110.02	Revised to incorporate changes enacted at 89 FR 91062.
1202.02(a)(v)	Added case citations. Miscellaneous stylistic edits. Clarified that Morton-Norwich factors do not limit the kinds of evidence that might be relevant to functionality.
1202.02(a)(v)(A)	Miscellaneous stylistic edits. Added case citation.
1202.02(a)(v)(C)	Miscellaneous stylistic edits. Added case citation.
1202.02(a)(viii)	Added case citation. Miscellaneous stylistic edit.
1202.02(b)(i)	Miscellaneous stylistic edits. Added case citations. Added cross reference.
1202.02(c)(i)	Miscellaneous stylistic edits. Added case citation.
1202.02(c)(i)(A)	Miscellaneous stylistic edits. Added case citation.
1202.02(c)(i)(B)	Added rule citation. Miscellaneous stylistic edits. Added case citation.
1202.02(c)(iii)(B)	Miscellaneous stylistic edits. Added case citation.
1202.05(b)	Miscellaneous stylistic edits. Added case citation.
1203.03(b)(i)	Miscellaneous text edits. Added cross reference.
1205.02	Updated link and access date.
1207.01(a)(v)	Deleted case citation. Added case citation.
1207.01(b)(iii)	Miscellaneous stylistic edits. Added case citations.
1207.01(d)(iii)	Miscellaneous text and stylistic edits. Added case citation. Deleted case citations.
1209.01(c)	Miscellaneous stylistic edits. Added case citations.
1209.01(c)(i)	Added case citation. Miscellaneous stylistic edits.
1209.03(c)	Added case citation. Miscellaneous stylistic edits.
1209.03(d)	Miscellaneous stylistic edits. Added case citation.
1209.03(f)	Miscellaneous text edits. Added case citations. Deleted case citation. Added last paragraph.
1212.05(b)	Added case citation.
1212.06(a)	Added case citation. Miscellaneous text edits.
1212.06(b)	Miscellaneous text and stylistic edits. Added case citation.
1212.06(d)	Miscellaneous stylistic and text edits. Added case citations.
1217	Miscellaneous stylistic edits. Added case citations.
1303.01	Revised to incorporate changes enacted at 89 FR 91062 and as set forth in Examination Guide 1-20. Added cross reference.
1304.02	Revised to incorporate changes enacted at 89 FR 91062 and as set forth in Examination Guide 1-20. Added cross reference.
1306.02	Miscellaneous stylistic edit. Revised to incorporate changes enacted at 89 FR 91062 and as set forth in Examination Guide 1-20. Added cross reference.
1306.06(b)	Revised to incorporate changes enacted at 89 FR 91062 and as set forth in Examination Guide 1-20. Added cross reference.
1401.02(a)	Updated references to current version of Nice Agreement. Miscellaneous text edits. Updated General Remarks and information regarding indications of goods or services appearing in the headings of Classes 9, 10, 17, 40, and 44.
1401.03	Revised to incorporate changes enacted at 89 FR 91062. Updated cross reference.

<b>SECTION</b>	<b>CHANGE</b>
1401.03(c)	Revised to incorporate changes enacted at 89 FR 91062. Added cross reference.
1401.04	Miscellaneous text edits. Added cross references.
1401.04(b)	Miscellaneous stylistic edits. Added cross references.
1401.05(a)	Section reworded for clarity. Revised first example.
1401.05(c)	Revised example.
1401.10	Miscellaneous text edits.
1401.12(c)	Added "generally".
1401.13(a)	Miscellaneous stylistic edit.
1401.14(c)	Miscellaneous stylistic edit.
1401.15	Miscellaneous stylistic edit.
1401.15(b)	Updated access date for link. Miscellaneous stylistic edit.
1401.15(c)	Updated access date for link.
1401.15(d)	New section: Virtual Goods.
1401.15(e)	New section: Biomanufacturing.
1402.01(a)	Miscellaneous stylistic edit. Added guidance regarding punctuation in identifications for retail and wholesale store services.
1402.03(a)	Miscellaneous stylistic edit. Replaced needlepoint kits example with the cross-head screwdrivers example.
1402.03(d)	Miscellaneous stylistic edit.
1402.04	Miscellaneous text edits. Revised to incorporate changes enacted at 89 FR 91062. Updated cross reference and added cross reference.
1402.11	Added cross reference. Updated access date for link.
1402.11(a)(i)	Miscellaneous text and stylistic edits.
1402.11(a)(ii)	Miscellaneous stylistic edits.
1402.11(a)(iii)	Miscellaneous text and stylistic edits.
1402.11(a)(iv)	Miscellaneous stylistic edits.
1402.11(a)(v)	Miscellaneous stylistic edits.
1402.11(a)(vi)	Miscellaneous text edits. Added examples. Deleted examples. Updated access date for link.
1402.11(a)(ix)	Updated access date for link.
1402.12	Miscellaneous stylistic edit.
1403.01	Added cross reference.
1403.02(c)	Miscellaneous text edits. Revised in accordance with Examination Guide 1-25. Added cross reference.
1505.01(a)	Changed "60 days" to "additional time".
1604.11	Miscellaneous text edits. Added case citation.
1604.12(c)	Clarified the circumstances when a registration would not be cancelled. Added rule citations and cross reference.
1613.02	Miscellaneous text edits.
1613.12(c)	Clarified the circumstances when a registration would not be cancelled. Added rule citations and cross reference.
1616	Miscellaneous text edit.
1702	Miscellaneous stylistic edit.

<b>SECTION</b>	<b>CHANGE</b>
1703	Revised to incorporate changes enacted at 89 FR 91062. Deleted paragraph regarding petitions to redact.
1705.03	Updated and clarified guidance regarding submission of evidence to support a petition. Deleted example.
1705.05	Miscellaneous stylistic edit.
1705.06	Updated procedures regarding suspension of an application pending a decision on petition to the Director.
1708	Replaced "dismissed" with "denied." Added case citation.
1708.01	Added third paragraph. Clarified that one petition to waive the domicile address requirement can identify up to nine additional pending applications and/or registrations that have pending post-registration submissions and that petitions may not be amended to identify additional pending applications or post-registration filings.
1709.01(a)	Revised to provide additional information about the USPTO's temporary procedures when the trademark electronic filing system is unavailable due to a widespread or lengthy system outage.
1711	Added procedure for filing a request to restore the filing date. Miscellaneous text edits.
1712.02(b)(ii)	Deleted second paragraph.
1713.01	Miscellaneous text edits. Clarified that a petition to the Director is not a means for submitting an additional request for reconsideration or to request to extend the deadline to file a notice of appeal after the application has been abandoned for incomplete response.
1714.01(a)(ii)	Miscellaneous text edits.
1805	Miscellaneous text edits.
1904.12	Miscellaneous text edit.