



April 12, 2010

Via Email: tmideas@uspto.gov

Lynn Beresford
Commissioner for Trademarks
United States Patent and Trademark Office
P.O. Box 1451
Alexandria, Virginia 23313-1451

RE: Trademarks Next Generation

Dear Commissioner Beresford,

Intellectual Property Owners Association (IPO) appreciates the opportunity to provide suggestions to the Trademark Operations Unit as you embark on your information technology initiative, Trademarks Next Generation. IPO, established in 1972, is a trade association for companies, inventors, law firms and others who own or are interested in patents, trademarks, copyrights and trade secrets. IPO is the only association in the United States that serves all intellectual property owners in all industries and all fields of technology. Governed by a 50-member corporate board of directors, IPO advocates effective and affordable intellectual property ownership rights in the U.S. and abroad on behalf of its more than 200 corporate members and more than 11,000 individuals involved in the association.

We recognize the pressing need to keep the Trademark Operations Information Technology tools current with existing technology and designed in such a manner to effectively serve both internal and external users. IPO appreciates the list of possible enhancements submitted by the Trademark Public Advisory Committee (TPAC) and has discussed many of the suggested changes internally with its members in the trademark community. IPO advocates changes to the system that will facilitate an ease of use for the Trademark Office's customers and also favors an increase in the amount of information that is available to users through a consolidation of the information that is presently available through the Trademark Office's website.

Regarding the specific TPAC proposals, IPO offers its thoughts and recommendations on those proposals that relate to external users of the system. In developing the Trademarks Next Generation initiative, IPO recommends that the Trademark Operations Unit focus on the following principles:

1. Concentrate efforts on improving searchability, availability and accessibility of information for users by consolidating records and enhancing existing capabilities.

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2. De-emphasize ancillary functions that are outside the current system's capabilities and are currently provided to the trademark community through fee-based services by third-party vendors.
3. Adopt systems that are easily used by all trademark owners, while avoiding the rendering of the equivalent of legal advice.

IPO envisions that these core principles will aid in shaping the structure and functionality of the new information technology systems in a manner that will benefit the US Patent and Trademark Office and the public it serves, including IPO's members.

Specifically, IPO favors the consolidation of information from the Trademark Trial and Appeal Board, Assignment Division and Trademark Application and Registration Retrieval records into one seamlessly accessible database. IPO believes the public will benefit if the new information technology systems accept a variety of file formats, provide direct links to the Official Gazette with the notice of publication, incorporate outgoing Office Actions and incoming Office Action responses as a single document that is linked to the corresponding entry on the Trademark Applications and Registrations Retrieval (TARR), provide links to the relevant Examiners, and make copies of assignment documents available online, with an automatic update of the owner information upon filing (TPAC Proposals 3, 9, 10, 14, 17, 18 and 19). IPO also encourages the availability of a constantly updated, HTML version of both the T.M.E.P. and T.M.B.P (TPAC Proposal 20), links to the appropriate sections of the C.F.R., T.M.E.P. and T.M.B.P. in Office Actions if possible (TPAC Proposal 21), and the issuance of electronic certificates of registration with an option for a paper certificate for a modest additional charge (TPAC Proposal 22). IPO further supports increasing the information available regarding deposit accounts and transactions relating thereto (TPAC Proposal 2) and the prior amendment history for the Identification of Goods in applications (TPAC Proposal 7). IPO also favors allowing trademark owners or their counsel to have the ability to easily view and update correspondence information for all of the applications and registrations currently owned by a single entity or handled by a single law firm (possibly included in TPAC Proposal 4).

At this time, IPO encourages the US Patent and Trademark Office to spend its resources on increasing the areas of functionality discussed above rather than focusing on completely new functionality systems such as watch notices, reminders, and docketing systems that are likely to be more technologically challenging, and which are currently available through third-party vendors.

IPO does not favor the creation of a system that is specifically tailored to *pro se* applicants as there is concern that such a system will cause the users to refrain from seeking trademark counsel when appropriate and may lead to different standards being applied to such applicants. For example, an applicant receiving a pre-built Office Action Response form as contemplated by TPAC Proposal 13 might assume that the form includes all possible methods of resolving a particular issue and might therefore

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not consider other alternatives that legal counsel would have provided. Thus, while IPO encourages adopting systems that are easily usable and accessible by individuals with all levels of technology sophistication, this should not discourage such users from seeking trademark counsel when appropriate situations arise.

We look forward to working with the Trademark Operations unit as the Trademarks New Generation plan is further developed and implemented. In that regard, we welcome the opportunity to provide further comment and, if appropriate, review or beta test aspects of the new system prior to its launch.

Sincerely,

A handwritten signature in black ink that reads "Douglas K. Norman". The signature is written in a cursive, slightly slanted style.

Douglas K. Norman
President