

Trademark Laws and Regulations

(15)	For petitions to the Commissioner	100.00
(16)	For filing a petition to cancel, per class	200.00
(17)	For filing a notice of opposition, per class	200.00
(18)	For ex parte appeal to the Trademark Trial and Appeal Board, per class	100.00
(19)	Dividing an application, per new application (file wrapper) created	100.00
(b) Trademark service fees		
(1)	For printed copy of registered mark, copy only	
(i)	Regular service.	3.00
(ii)	Expedited local service.	6.00
(iii)	Expedited service for copy ordered by electronic ordering service and delivered to the customer within two work days.....	25.00
(2)	Certified or uncertified copy of trademark application as filed:	
(i)	Regular service.....	15.00
(ii)	Expedited local service.....	30.00
(3)	Certified or uncertified copy of trademark-related file wrapper and contents	50.00
(4)	Certified copy of registered mark, showing title and/or status:	
(i)	Regular service	10.00
(ii)	Expedited local service.....	20.00
(5)	Certified or uncertified copy of trademark records, per document, unless otherwise provided in this section.....	25.00
(6)	For recording each trademark assignment, agreement or other paper relating to the property in a registration or application	
(i)	First property in a document.....	40.00
(ii)	For each additional property in the same document	25.00
(7)	For assignment records, abstract of title and certification, per registration	25.00
(8)	Marginal cost, paid in advance, for each hour of terminal session time, including print time, using T-Search capabilities, prorated for the actual time used. The Commissioner may waive the payment by an individual for access to T-Search upon a showing of need or hardship, and if such waiver is in the public interest.....	40.00
(9)	Self-service copy charge, per page.....	0.25
(10)	Labor charges for services, per hour or fraction thereof.....	30.00
(11)	For items and services that the Commissioner finds may be supplied, for which fees are not specified by statute or by this part, such charges as may be determined by the Commissioner with respect to each such item or service.....	Actual Cost

*Trademark Laws and Regulations***REPRESENTATION BY ATTORNEYS OR OTHER
AUTHORIZED PERSONS**

Authority: Sections 2.11 to 2.19 also issued under 35 U.S.C. 31, 32.

37 CFR 2.11 Applicants may be represented by an attorney.

The owner of a trademark may file and prosecute his or her own application for registration of such trademark, or he or she may be represented by an attorney or other individual authorized to practice in trademark cases under §10.14 of this subchapter. The Patent and Trademark Office cannot aid in the selection of an attorney or other representative.

[50 FR 5171, Feb. 6, 1985]

Sections 2.12 - 2.16 [Reserved].

37 CFR 2.17 Recognition for representation.

(a) When an attorney as defined in §10.1(c) of this subchapter acting in a representative capacity appears in person or signs a paper in practice before the Patent and Trademark Office in a trademark case, his or her personal appearance or signature shall constitute a representation to the Patent and Trademark Office that, under the provisions of §10.14 and the law he or she is authorized to represent the particular party in whose behalf he or she acts. Further proof of authority to act in a representative capacity may be required.

(b) Before any non-lawyer will be allowed to take action of any kind in any application or proceeding, a written authorization from the applicant, party to the proceeding, or other person entitled to prosecute such application or proceeding must be filed therein.

[30 FR 13193, Oct. 16, 1965, as amended at 50 FR 5171, Feb. 6, 1985]

37 CFR 2.18 Correspondence, with whom held.

Correspondence will be sent to the applicant or a party to a proceeding at its address unless papers are transmitted by an attorney at law, or a written power of attorney is filed, or written authorization of other person entitled to be recognized is filed, or the applicant or party designates in writing another address to which correspondence is to be sent, in which event correspondence will be sent to the attorney at law transmitting the papers, or to the attorney at law designated in the power of attorney, or to the other person designated in the written authorization, or to the address designated by the applicant or party for correspondence. Correspondence will continue to be sent to such address until the applicant or party, or the attorney at law or other authorized representative of the applicant or party, indicates in writing that correspondence is to be sent to another address. Correspondence will be sent to the domestic representative of a foreign applicant unless the application is being prosecuted by an attorney at law or other qualified person duly authorized, in which event correspondence will be sent to the attorney at law or other qualified person duly authorized. Double correspondence will not be undertaken by the Patent and Trademark Office, and if more than one attorney at law or other authorized representative appears or signs a paper, the Office reply will be sent to the address already established in the file until another correspondence address is specified by the applicant or party or by the attorney or other authorized representative of the applicant or party.

[41 FR 758, Jan. 5 1976, as amended at 54 FR 37588, Sept. 11, 1989]

37 CFR 2.19 Revocation of power of attorney or of other authorization to represent; withdrawal.

(a) Authority to represent an applicant or a party to a proceeding may be revoked at any stage in the proceedings of a case upon notification to the Commissioner; and when it is so revoked, the Office will communicate directly with the applicant or party to the proceeding or with such other qualified person as may be authorized. The Patent and Trademark Office will notify the person affected of the revocation of his or her authorization.

(b) An individual authorized to represent an applicant or party in a trademark case may withdraw upon application to and approval by the Commissioner.

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[50 FR 5171, Feb. 6, 1985]

DECLARATIONS

37 CFR 2.20 Declarations in lieu of oaths.

The applicant or member of the firm or an officer of the corporation or association making application for registration or filing a document in the Patent and Trademark Office relating to a mark may, in lieu of the oath, affidavit, verification, or sworn statement required from him, in those instances prescribed in the individual rules, file a declaration that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true, if, and only if, the declarant is, on the same paper, warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001), and may jeopardize the validity of the application or document or any registration resulting therefrom.

[31 FR 5261, Apr. 1, 1966]

APPLICATION FOR REGISTRATION

Authority: Sections 2.21 to 2.47 also issued under §1, 60 Stat. 427; 15 U.S.C. 1051.

37 CFR 2.21 Requirements for receiving a filing date.

(a) Materials submitted as an application for registration of a mark will not be accorded a filing date as an application until all of the following elements are received:

- (1) Name of the applicant;
- (2) A name and address to which communications can be directed;
- (3) A drawing of the mark sought to be registered substantially meeting all the requirements of §2.52;
- (4) An identification of goods or services;
- (5) A basis for filing:
 - (i) A date of first use of the mark in commerce, and at least one specimen or facsimile of the mark as used, in an application under §1(a) of the Act, or
 - (ii) A claim of a bona fide intention to use the mark in commerce and a certification or certified copy of the foreign registration on which the application is based in an application under §44(e) of the Act, or
 - (iii) A claim of a bona fide intention to use the mark in commerce and a claim of the benefit of a prior foreign application in an application filed in accordance with §44(d) of the Act, or
 - (iv) A claim of a bona fide intention to use the mark in commerce in an application under §1(b) of the Act;
- (6) A verification or declaration in accordance with §2.33(b) signed by the applicant;
- (7) The required filing fee for at least one class of goods or services. Compliance with one or more of the rules relating to the elements specified above may be required before the application is further processed.

(b) The filing date of the application is the date on which all of the elements set forth in paragraph (a) of this section are received in the Patent and Trademark Office.

(c) If the papers and fee submitted as an application do not satisfy all of the requirements specified in paragraph (a) of this section, the papers will not be considered to constitute an application and will not be given a filing date. The Patent and Trademark Office will return the papers and any fee submitted therewith to the person who submitted the papers. The Office will notify the person to whom the papers are returned of the defect or defects which prevented their being considered to be an application.

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[47 FR 38695, Sept. 2, 1982, as amended at 51 FR 29921, Aug. 21 1986; 54 FR 37588, Sept. 11, 1989]

37 CFR 2.23 Serial number.

Applications will be given a serial number as received, and the applicant will be informed of the serial number and the filing date of the application.

[37 FR 931, Jan. 21, 1972]

37 CFR 2.24 Designation of representative by foreign applicant.

If an applicant is not domiciled in the United States, the applicant must designate by a written document filed in the Patent and Trademark Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. If this document does not accompany or form part of the application, it will be required and registration refused unless it is supplied. Official communications of the Patent and Trademark Office will be addressed to the domestic representative unless the application is being prosecuted by an attorney at law or other qualified person duly authorized, in which event Official communications will be sent to the attorney at law or other qualified person duly authorized. The mere designation of a domestic representative does not authorize the person designated to prosecute the application unless qualified under paragraph (a), (b) or (c) of §10.14 of this subchapter and authorized under §2.17(b).

[30 FR 13193, Oct. 16, 1965, as amended at 54 FR 37588 Sept. 11, 1989]

37 CFR 2.25 Papers not returnable.

After an application is filed the papers will not be returned for any purpose whatever; but the Office will furnish copies to the applicant upon request and payment of the fee.

37 CFR 2.26 Use of old drawing in new application.

In an application filed in place of an abandoned or rejected application, or in an application for reregistration (§2.158), a new complete application is required, but the old drawing, if suitable, may be used. The application must be accompanied by a request for the transfer of the drawing, and by a permanent photographic copy, or an order for such copy, of the drawing to be placed in the original file. A drawing so transferred, or to be transferred, cannot be amended.

37 CFR 2.27 Pending trademark application index; access to applications.

(a) An index of pending applications including the name and address of the applicant, a reproduction or description of the mark, the goods or services with which the mark is used, the class number, the dates of use, and the serial number and filing date of the application will be available for public inspection as soon as practicable after filing.

(b) Except as provided in paragraph (e) of this section, access to the file of a particular pending application will be permitted prior to publication under §2.80 upon written request.

(c) Decisions of the Commissioner and the Trademark Trial and Appeal Board in applications and proceedings relating thereto are published or available for inspection or publication.

(d) Except as provided in paragraph (e) of this section, after a mark has been registered, or published for opposition, the file of the application and all proceedings relating thereto are available for public inspection and copies of the papers may be furnished upon paying the fee therefor.

(e) Anything ordered to be filed under seal pursuant to a protective order issued or made by any court or by the Trademark Trial and Appeal Board in any proceeding involving an application or registration shall be kept confidential and shall not be made available for public inspection or copying unless otherwise ordered by the court or the Board, or unless the party protected by the order voluntarily discloses the matter subject thereto. When possible, only confidential portions of filings with the Board shall be filed under seal.

[36 FR 25406, Dec. 31, 1971, as amended at 48 FR 23134, May 23, 1983; 48 FR 27225, June 14, 1983]

*Trademark Laws and Regulations***THE WRITTEN APPLICATION****37 CFR 2.31 Application must be in English.**

The application must be in the English language and plainly written on but one side of the paper. It is preferable that the application be on lettersize (i.e., 8 1/2 inches, 21.6 cm., by 11 inches, 27.9 cm.) paper, typewritten double spaced, with at least a one and one-half inch (3.8 cm.) margin on the left-hand side and top of the page.

[39 FR 12247, Apr. 4, 1974, as amended at 54 FR 37588, Sept. 11, 1989]

37 CFR 2.32 Application to be signed and sworn to or include a declaration by applicant.

(a) The application must be made to the Commissioner of Patents and Trademarks and must be signed and verified (sworn to) or include a declaration in accordance with §2.20 by the applicant or by a member of the firm or an officer of the corporation or association applying.

(b) Re-executed papers or a statement which is verified or which includes a declaration in accordance with §2.20 of continued use of the mark may be required when the application has not been filed in the Patent and Trademark Office within a reasonable time after the date of execution.

(c) The signature to the application must be the correct name of the applicant, since the name will appear in the certificate of registration precisely as it is signed to the application. The name of the applicant, wherever it appears in the papers of the application, will be made to agree with the name as signed.

37 CFR 2.33 Requirements for written application.

(a)(1) The application shall include a request for registration and shall specify:

- (i) The name of the applicant;
- (ii) The citizenship of the applicant; if the applicant is a partnership, the state or nation under the laws of which the partnership is organized and the names and citizenship of the general partners or, if the applicant is a corporation or association, the state or nation under the laws of which the corporation or association is organized;
- (iii) The domicile and post office address of the applicant;
- (iv) In an application under §1(a) of the Act, that the applicant has adopted and is using the mark shown in the accompanying drawing, or, in an application under §1(b) or 44 of the Act, that the applicant has a bona fide intention to use the mark shown in the accompanying drawing in commerce;
- (v) In an application under §1(a) of the Act, the particular goods or services on or in connection with which the mark is used or, in an application under §1(b) or 44 of the Act, the particular goods or services on or in connection with which the applicant has a bona fide intention to use the mark, which in an application under §44 may not exceed the scope of the goods or services covered by the foreign application or registration;
- (vi) The class of goods or services according to the official classification, if known to the applicant;
- (vii) In an application under §1(a) of the Act, the date of applicant's first use of the mark as a trademark or service mark on or in connection with goods or services specified in the application and the date of applicant's first use in commerce of the mark as a trademark or service mark on or in connection with goods or services specified in the application, specifying the nature of such commerce (see §2.38);
- (viii) In an application under §44(e) of the Act for registration of a mark duly registered in the applicant's country of origin, as that term is defined in