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Comments Received :

Two new requirements for the collection of information should be disapproved. Although the public estimates the burden at $50 million, the Trademark Office's filing at OMB does not disclose this new burden, does not book it in the estimates, and shows the estimate at zero. I would like to offer my perspective as a trademark practitioner.

In 2019, the Trademark Office issued a guidance that requires disclosure of a trademark applicant's "domicile address." In many cases, this means, in the case of an individual that does not have a "company" address as a corporation or other entity would, including a client's personal home address information into the public record. Many clients do not want to do this for various personal reasons, including not wanting to make this address of public record. For clients who are famous or who have a restraining order in place, this poses a risk, and to avoid that risk, a cumbersome petition process is required – which is also not factored into the "burden." The collection of this information serves no purpose and adds personal risk with no administrative justification.

Also in 2019, the Trademark Office promulgated a final rule that requires disclosure of attorney bar information. Supposedly this was done to deter foreign attorneys from filing frivolous applications. But the Office didn't update its forms and filing practices or information technology to make this simple. Compliance requires practitioners to go through burdensome steps in order to comply. However, this requirement has not resulted in achieving this purpose, since the foreign attorneys are simply finding U.S. attorneys to help them, or, in some cases, they are managing to substitute their own information for those of applicants' and registrants' duly appointed attorneys.

This collection of this information is not "necessary." And, the requirement for a domicile address has provided another point of contact for the unending stream of scam notices that bypass the attorney of record and go directly to the applicant or registrant, because the information is of public record and can be mined by any nefarious entity for purposes of misleading the recipient with false filing deadlines and consequences – and these scams have continued, unabated, for over 20 years. I deal with this nearly every week, with a client calling me in a panic thinking a deadline has been missed due to their receipt of these false and misleading notices, which also adds to the burden. There is no plausible argument that the information has any "practical utility" since the Office uses it in only a few cases. So, there is no discernible advantage to requiring it. On the other hand, both of these new information collection requirements impose new and unreasonable burdens on individuals, small entity applicants and law firms.

Please disapprove these two information collection requirements.