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Comments Received :

Collections of two types of information should be disapproved. The public burden estimate is at $50 million, but the Trademark Office's filing at OMB does not disclose this new burden, and it is not included in the estimates. Further, the Trademark Office does not offer any disagreement with the public's burden estimate. The Office offers no objective support for its estimate of zero.

First, the Trademark Office issued guidance in 2019 that requires disclosure of a trademark applicant's "domicile address." For many trademark owners, this means putting personal address information into the public record. For trademark owners that are individuals, disclosure of personal information places them at personal risk. IN addition, gathering of information, and updating existing files, are substantial burdens.

Second, since 2019, Trademark Office promulgated a final rule that requires disclosure of attorney bar information for each mark where the attorney is correspondent. But the Office didn't update its forms and filing practices or information technology to make this easy. Attorneys are forced to go through some rather tedious contortions to comply.

The Office's non-observance of law is shocking. In both cases, the Trademark Office evaded the public comment requirements of the Administrative Procedure Act and under the Paperwork Reduction Act. Instead, collections of both types of information were promulgated either as guidance with no regulatory support, or dropped into a final rule with no notice and comment. The PTO never asked the four questions required by 44 U.S.C.§ 3506(c)(2)(A) and 5 C.F.R. § 1320.8(d)(1) to allow the public to offer alternative means to the Trademark Office's end, nor to correct the Trademark Office's misestimate of burden. A petition for rulemaking that estimates burden at $50 million was filed over a year ago; the Trademark Office has taken no remedial action.

Several of the Office's certifications in this ICR are false. This information is not "necessary;" the trademark system has worked without these two bits of information for a century. The information lacks "practical utility"—the Office uses it in only a tiny minority of cases. Both increase burden on small entity applicants and small entity law firms. The Office gave no apparent consideration to "nature and extent of confidentiality" — email lists among trademark attorneys have noted scams that seem to be driven by the Office's mishandling of this information. Implementation is inconsistent with current reporting and recordkeeping—this information was not required in the past, and the PTO's forms and IT infrastructure were not restructured to make this easy. The Trademark Office does not "make appropriate use of information technology" to reduce burden.

Thus, I (and many others) request that you disapprove these two collections of information.

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