

Author Full Name : Joshua Waterston**Received Date :** 12/30/2020 07:07 PM**Comments Received :**

I am an attorney who often represents individuals and small businesses, and I am asking that collection of two items of information by the Trademark Office be disapproved: the applicant's "domicile address" and the attorney bar information.

1) Applicant's domicile address

My clients have - too often - called me in a panic after receiving spam solicitations about their trademarks. For this reason, I prefer to have my office be the address listed in public documents, so that I can inform my clients about legitimate correspondence, and warn them about scams. This also protects clients who fear harassment or abuse. It is unreasonable to add this additional "domicile address" burden, and it certainly doesn't have a cost of "0" as alleged by the Trademark Office.

2) Attorney bar information

The proposed final rule from 2019 adds a burden to attorneys. My bar information is shared with each court in which I practice, and it would be reasonably straightforward to have attorneys update their bar information when they sign up for USPTO accounts. The Trademark Office could then cross-reference this information, and the attorney could certify that it's correct, rather than needing to add it to each and every application for no discernible reason. The USPTO's FY 2019 report cites the desire to reduce filings from outside the U.S., and to reduce fraudulent filings, but this new rule is not the answer.

The public burden could be easily determined: imagine an attorney or paralegal's hourly rate, charged for the extra minute. That's \$6 if an attorney charges \$300/hr. According to the USPTO, there were 667,000 "total application filings" in FY 2019 (<https://www.uspto.gov/sites/default/files/documents/USPTOFY19PAR.pdf>). It would be easy for the USPTO to actually determine how many attorneys filed applications, and to do the math. Even if half of applicants had attorneys, the time burden alone is \$2 Million. That is not trivial.

3) I share concerns in common with other attorneys, regarding the USPTO's failure to properly identify the true burden, to honestly state what alternatives it could use, and to properly meet its regulatory requirements.

Thank you for your consideration and courtesies, and for the hard work that you do as public servants. May the year 2021 treat you well.

Joshua D. Waterston, Esq.