

USPTO REVISES TRADEMARK ELECTRONIC FILING FORMS, *TRADEMARK MANUAL OF EXAMINING PROCEDURE (TMPEP)* AND THE TRADEMARK REGISTRATION CERTIFICATE; WHILE ADDING A NEW “GLOBAL FORM”

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The U.S. Patent and Trademark Office (USPTO) made a number of changes to its trademark electronic filing forms on September 12, 2009, including a dramatically different, cleaner, clearer and better organized user interface on the initial web site screen. Ever since the USPTO enabled electronic filing starting with its new electronic application form around the beginning of the decade, the USPTO electronic application filing web page called, “Trademark Electronic Application System” or TEAS gradually developed into a series of links to specific application forms and variations for each with notices and instructions for each form written around the links to these forms. As the number of available and proposed forms increased, the page became convoluted.

The new TEAS web page lists nine different categories of trademark prosecution forms as a hypertext link showing the list of available forms once the cursor is placed over it, and accesses the specific forms when clicked. The new TEAS page also contains links to the non-prosecution TTAB and Assignment forms and groups together the various “miscellaneous” links regarding help pages, notices, tips, technical information, FAQs and the like into a section called “Other Resources.” These changes not only make the forms easier to see and use, but also adds some new forms. See <http://www.uspto.gov/teas/e-TEAS/index.html>.

One of the most significant new forms created in this development is the establishment of a “Global Form” which is a type of miscellaneous form to be used to electronically submit documents when no specific TEAS form exists. Previously, if no electronic form existed for the type of document needed to file at the USPTO, one had to paper-file (i.e. mail or hand-deliver) the form. This Global Form has a front page that lists five (5) categories of forms (Intent-to-Use matters; Post-Registration matters; Petitions and similar matters; Madrid filings; and Miscellaneous) and within each category is a pull-down menu listing the related titles of a specific form which can be attached to the Global Form as a .pdf file. While this Global Form is useful for being able to electronically file a form that previously had to be paper-filed and thereby allow it to receive the electronic filing benefits of electronic confirmation of receipt by the USPTO; entry of the appropriate prosecution history label in the trademark office database; uploading into the database for viewing on the USPTO web site; and automatic routing to the proper work unit, the Global Form filings will not automatically upload the data contained on each form into the USPTO database. Also, at present, the Global Form cannot be accessed directly because it is only available in one of the categories of specific forms but this is expected to be changed in a future update.

See <http://teasg.uspto.gov/gf/spring/nonteam?execution=e1s1>.

The USPTO also revised the appearance of the trademark Registration Certificate beginning in September 2009 in order to streamline the registration issuance process and reduce associated costs. The major change is the elimination of the “folder” that surrounded the Registration Certificate, instead adopting a single page certificate on standard-size 8 ½ by 11-inch paper. Consequently, the signature of the Director and seal of the Patent and Trademark Office, which appeared on the folder, will appear on the first page of the reformatted certificate and the registration maintenance information which appeared on the folder now appears on a second page of the Certificate.

See http://www.uspto.gov/web/offices/com/sol/notices/New_reg_cert_design_samples.pdf.

Lastly, on October 12, 2009, the USPTO released the 6th Edition of the *Trademark Manual of Examining Procedure* (TMEP) which incorporates Trademark Office practice and relevant case law reported prior to Sept. 1, 2009. The previous update – the 5th Edition – was released on September 30, 2007 and incorporated Trademark Office practice and relevant case law reported prior to August 11, 2007. Considering the numerous and significant changes that have rapidly been occurring at the USPTO in the past few years, the 6th Edition update is a most welcome event.

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* Note: The seal will be a gold, embossed seal similar to what appears on the current cover.