

REPORT

**TRADEMARK OFFICE ANNOUNCES
CHANGES TO TRADEMARK FEES****November 29, 2016**

The United States Patent and Trademark Office has announced changes to several trademark fees, which are to take effect on January 14, 2017. This Special Report summarizes the most relevant changes.

I. Paper Filings

Most of the fee increases raise the cost of paper filings, in order to encourage the use of electronic filing. As we do almost all filings electronically, this will not affect our clients significantly.

II. Declarations of Use

The fee for filing Declarations of Use (Section 8 or 71), which are due six and ten years after the registration date, will increase from \$100 per class to \$125 per class.

III. Intent-To-Use Extension Fee Reduction

The fee for a six-month extension of time to achieve use in an intent-to-use (ITU) application will be reduced from \$150 per class to \$125 per class.

This is a helpful change, particularly for an applicant who wishes to take advantage of all five extensions of time that can be filed in an ITU application or with respect to a multi-class ITU application. The cumulative costs for such

extensions are a significant deterrent to taking full advantage of ITU applications.

IV. TTAB Filing Fees

Filing fees for an opposition or cancellation proceeding before the Trademark Trial and Appeal Board (TTAB) will increase from \$300 per class to \$400 per class.

The cost for an ex parte appeal to the TTAB will increase from \$100 per class to \$200 per class.

V. Fee For Opposition Deadline Extension

For the first time, there will be a fee for an extension of time to file an opposition of either \$100 or \$200, depending on the circumstances.

This is a significant change because until now there has been no fee — and little disincentive — for potential opponents to extend the time to oppose a published application for up to 90 days. Imposing a fee, even if a relatively nominal one, should minimize the temptation for potential opponents to obtain an extension to raise issues of marginal significance. Applicants should thus suffer fewer frivolous delays in achieving registration.

Questions regarding these upcoming fee changes, or any other trademark matters, can be addressed to our Trademark Department at "TrademarkGroup@oliff.com."

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Oloff PLC is a full-service Intellectual Property law firm based in historic Alexandria, Virginia. The firm specializes in patent, copyright, trademark, and antitrust law and litigation, and represents a large and diverse group of domestic and international clients, including businesses ranging from large multinational corporations to small privately owned companies, major universities, and individual entrepreneurs.

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