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The December issue of Sterne Kessler's **MarkIt to Market™** newsletter includes news on how the USPTO is tackling its "deadwood" problem, the reduced USPTO fees for 2015, and an updated list of the Sunrise periods currently open for new gTLDs.

Sterne Kessler's Trademark, Advertising, and Anti-Counterfeiting **practice** is designed to help meet the intellectual property needs of companies interested in developing and maintaining strong brands around the world. For more information, please contact **Monica Riva Talley**, **Tracy-Gene G. Durkin**, **Ivy Clarice Estoesta**, or **Julie D. Shirk**.



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USPTO Takes on Deadwood

For several years now, the U.S. Patent and Trademark Office (USPTO) has been concerned about the amount of "deadwood" on the U.S. trademark Register – registrations that remain in force, but cover marks that are not actually in use for all of the covered goods and services.



To determine the extent of this deadwood problem, the USPTO instituted a two-year study to assess the accuracy and integrity of the trademark Register in July of 2012. The USPTO randomly selected 500 registrations for which post registration Section 8 or 71 Declarations of Use were recently filed, and required the owner to submit proof of use for two additional goods/services per Class.

Over the duration of the study, the USPTO found that 35% of the registrations required deletion of at least some of the goods/services covered by the registrations based on lack of use. Another 16% of the registrations were cancelled all together.

The USPTO is now considering four options for increasing the accuracy of the Register, including: (1) creating a streamlined non-use expungement procedure, similar to that in use in Canada; (2) increasing the required specimens for filing Section 8/71 Declarations; (3) increasing the solemnity of the Declaration language; and (4) conducting random audits of Section 8/71 Declarations. The USPTO is seeking comments on the various options via email at TMPolicy@uspto.gov.

USPTO Fees Reduced for 2015

Effective January 17, 2015, the USPTO has announced a number of fee reductions for 2015, including a \$50 reduction in the cost to file electronic applications -- down from \$325 to \$275 per Class, and a \$100 reduction in the cost to file a renewal application – to \$300 from \$400 per Class.



The full notice as published in the Federal Register can be read [here](#).

gTLD Sunrise Periods Now Open

As first reported in our December 2013 newsletter, the first new generic top-level domains (gTLDs, the group of letters after the "dot" in a domain name) have launched their "Sunrise" registration periods. Please see our [December 2013 newsletter](#) for information as to what the Sunrise Period is, and how to become eligible to register a domain name under one of the new gTLDs during this period.

▶ [Read more](#)

Happy Holidays from Sterne Kessler!



View our holiday greeting [here](#).

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