

Philadelphia Intellectual Property Law Association

Hot Topics in Trademark Practice

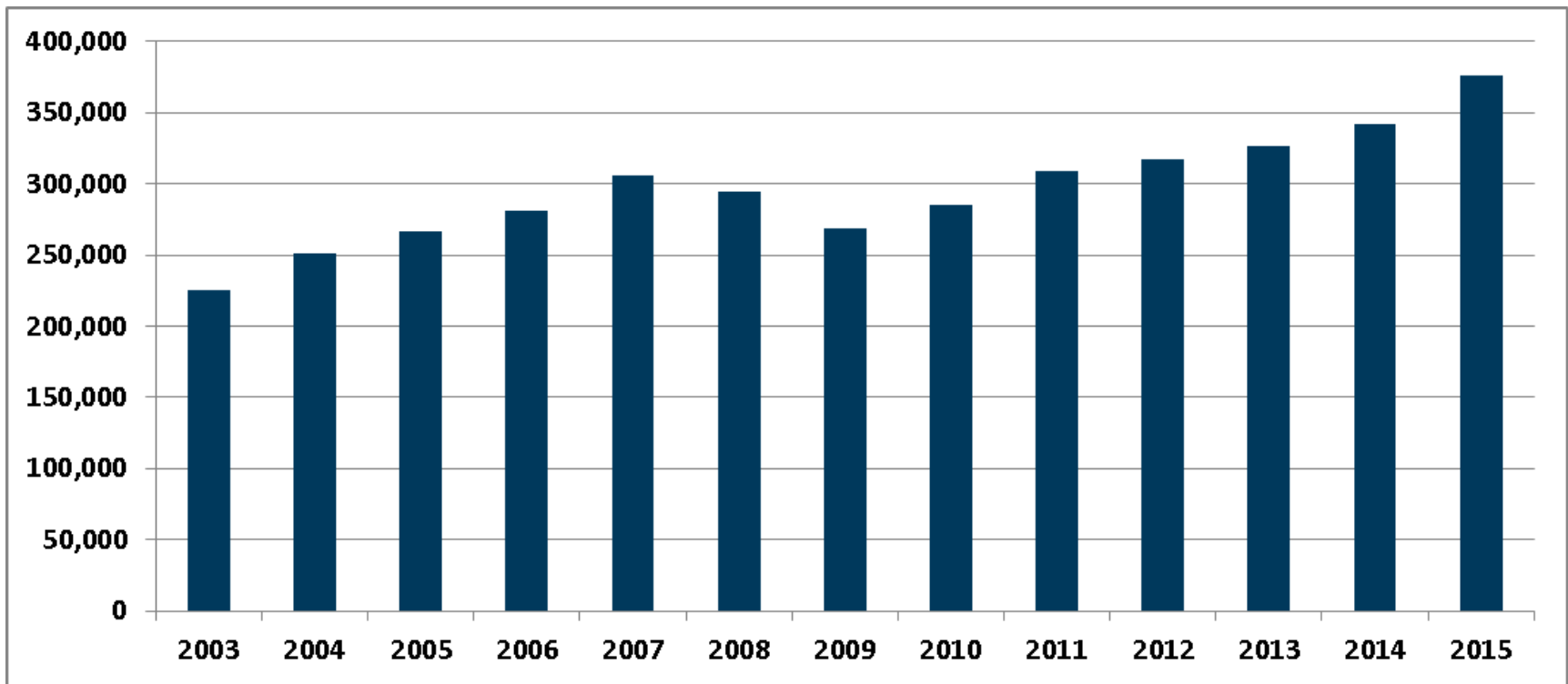
Lydia Belzer *USPTO*

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U.S. Trademark Applications (calendar year)



U.S. applications: Last 10 years

▪ 2016	391,000	3%
▪ 2015	378,000	10%
▪ 2014	342,000	8%
▪ 2013	327,000	3%
▪ 2012	317,000	3%
▪ 2011	309,000	8%
▪ 2010	285,000	6%
▪ 2009	269,000	(9%)
▪ 2008	294,000	(4%)
▪ 2007	306,000	9%

U.S. applications: Highest filing years

▪ 2015	391,000	<i>all-time high</i>
▪ 2015	378,000	
▪ 2014	342,000	
▪ 2013	327,000	
▪ 2012	317,000	
▪ 2011	309,000	
▪ 2007	308,000	<i>pre-recession peak</i>
▪ 2008	294,000	
▪ 1999	290,000	<i>pre-recession peak</i>
▪ 2010	285,000	

U.S. Applications post-recession

- **2016** **391,000** **+ 45%**
- **2009** **269,000**

Deadwood

PTO asked random group of 500 Sec. 8/71 registrants to submit specimens for additional goods in I.D.

Result: Over 50% amended their I.D. to delete goods/services

Proposed Nonuse Cancellation

Uses Existing Statutory Framework

TTAB Streamlined Cancellation Proceedings:

- 1) Abandonment
- 2) No use as of §1(a) filing date or no use as of the filing date of an AAU/SOU for §1(b)

Requires New Statutory Framework

Expungement Action

- Director expunges registrations for nonuse upon request.

Expungement Ground for Cancellation

- TTAB petition to cancel for nonuse where use in a manner sufficient to support registration has not commenced.

Christian Faith Fellowship v Adidas

841 F.3d 986 (CAFC 2016)

ADIZERO v ADD A ZERO

TTAB:

- Single \$38.34 sale of two hats to Wisconsin resident is de minimus use in commerce
- Trademark registration cancelled

CAFC reversed

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