

§2.1

2.176 Consideration of above matters.

TERM AND RENEWAL

- 2.181 Term of original registrations and renewals.
- 2.182 Time for filing renewal application.
- 2.183 Requirements for a complete renewal application.
- 2.184 Refusal of renewal.
- 2.185 Correcting deficiencies in renewal application.
- 2.186 Petition to Director to review refusal of renewal.
- 2.187 [Reserved]

AUTHORITY: 15 U.S.C. 1123; 35 U.S.C. 2(b)(2).

SOURCE: 30 FR 13193, Oct. 16, 1965, unless otherwise noted.

EDITORIAL NOTE: For nomenclature changes to part 2, see 68 FR 14337, Mar. 25, 2003.

§2.1 Sections of part 1 applicable.

Sections 1.1 to 1.26 of this chapter apply to trademark cases, except those parts that specifically refer to patents, and except §1.22 to the extent that it is inconsistent with §§2.85(e), 2.101(d), 2.111(c), 2.164, or 2.185. Other sections of part 1 incorporated by reference in part 2 also apply to trademark cases.

[64 FR 48917, Sept. 8, 1999]

§2.2 Definitions.

(a) *The Act* as used in this part means the Trademark Act of 1946, 60 Stat. 427, as amended, codified in 15 U.S.C. 1051 *et seq.*

(b) *Entity* as used in this part includes both natural and juristic persons.

[54 FR 37588, Sept. 11, 1989]

§2.6 Trademark fees.

The Patent and Trademark Office requires the following fees and charges:

(a) Trademark process fees.

- (1) For filing an application, per class\$335.00
- (2) For filing an amendment to allege use under section 1(c) of the Act, per class.....\$100.00
- (3) For filing a statement of use under section 1(d)(1) of the Act, per class\$100.00
- (4) For filing a request under section 1(d)(2) of the Act for a six-month extension of time for filing a statement of use under section 1(d)(1) of the Act, per class\$150.00
- (5) For filing an application for re-

- newal of a registration, per class\$400.00
 - (6) Additional fee for filing a renewal application during the grace period, per class\$100.00
 - (7) For filing to publish a mark under section 12(c), per class\$100.00
 - (8) For issuing a new certificate of registration upon request of assignee\$100.00
 - (9) For a certificate of correction of registrant's error\$100.00
 - (10) For filing a disclaimer to a registration\$100.00
 - (11) For filing an amendment to a registration\$100.00
 - (12) For filing an affidavit under section 8 of the Act, per class.....\$100.00
 - (13) For filing an affidavit under §15 of the Act, per class\$200.00
 - (14) Additional fee for filing a section 8 affidavit during the grace period, per class.....\$100.00
 - (15) For petitions to the Director\$100.00
 - (16) For filing a petition to cancel, per class.....\$300.00
 - (17) For filing a notice of opposition, per class.....\$300.00
 - (18) For ex parte appeal to the Trademark Trial and Appeal Board, per class.....\$100.00
 - (19) Dividing an application, per new application (file wrapper) created\$100.00
 - (20) For correcting a deficiency in a section 8 affidavit\$100.00
 - (21) For correcting a deficiency in a renewal application\$100.00
- (b) Trademark service fees.

- (1) For printed copy of registered mark, copy only. Service includes preparation of copies by the Office within two to three business days and delivery by United States Postal Service; and preparation of copies by the Office within one business day of receipt and delivery to an Office Box or by electronic means (*e.g.*, facsimile, electronic mail)—\$3.00
- (2) Certified or uncertified copy of trademark application as filed processed within seven calendar days—\$15.00
- (3) Certified or uncertified copy of a trademark-related file wrapper and contents.....\$50.00
- (4) Certified copy of a registered mark, showing title and/or status:
 - (i) Regular service.....\$15.00
 - (ii) Expedited local service.....\$30.00
- (5) Certified or uncertified copy of trademark records, per document except as otherwise provided in this section\$25.00

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- (6) For recording each trademark assignment, agreement or other paper relating to the property in a registration or application
 - (i) First property in a document\$40.00
 - (ii) For each additional property in the same document\$25.00
- (7) For assignment records, abstract of title and certification, per registration\$25.00
- (8) Marginal cost, paid in advance, for each hour of terminal session time, including print time, using X-Search capabilities, prorated for the actual time used. The Director may waive the payment by an individual for access to X-Search upon a showing of need or hardship, and if such waiver is in the public interest.....\$40.00
- (9) Self-service copy charge, per page\$0.25
- (10) Labor charges for services, per hour or fraction thereof\$40.00
- (11) For items and services that the Director finds may be supplied, for which fees are not specified by statute or by this part, such charges as may be determined by the Director with respect to each such item or serviceActual Cost

[56 FR 65155, Dec. 13, 1991; 56 FR 66670, Dec. 24, 1991, as amended at 57 FR 38196, Aug. 21, 1992; 59 FR 257, Jan. 4, 1994; 60 FR 41023, Aug. 11, 1995; 62 FR 40453, July 29, 1997; 64 FR 48918, Sept. 8, 1999; 64 FR 67486, Dec. 2, 1999; 64 FR 67777, Dec. 3, 1999; 67 FR 79522, Dec. 30, 2002; 67 FR 70850, Nov. 27, 2002]

§ 2.7 Fastener recordal fees.

- (a) Application fee for recordal of insignia\$20.00
- (b) Renewal of insignia recordal.....\$20.00
- (c) Surcharge for late renewal of insignia recordal\$20.00

[61 FR 55223, Oct. 25, 1996]

REPRESENTATION BY ATTORNEYS OR OTHER AUTHORIZED PERSONS

AUTHORITY: Secs. 2.11 to 2.19 also issued under 35 U.S.C. 31, 32.

§ 2.11 Applicants may be represented by an attorney.

The owner of a trademark may file and prosecute his or her own application for registration of such trademark, or he or she may be represented by an attorney or other individual authorized to practice in trademark cases under § 10.14 of this subchapter. The Patent and Trademark Office cannot

aid in the selection of an attorney or other representative.

[50 FR 5171, Feb. 6, 1985]

§§ 2.12–2.16 [Reserved]

§ 2.17 Recognition for representation.

(a) When an attorney as defined in § 10.1(c) of this subchapter acting in a representative capacity appears in person or signs a paper in practice before the Patent and Trademark Office in a trademark case, his or her personal appearance or signature shall constitute a representation to the Patent and Trademark Office that, under the provisions of § 10.14 and the law he or she is authorized to represent the particular party in whose behalf he or she acts. Further proof of authority to act in a representative capacity may be required.

(b) Before any non-lawyer will be allowed to take action of any kind in any application or proceeding, a written authorization from the applicant, party to the proceeding, or other person entitled to prosecute such application or proceeding must be filed therein.

(c) To be recognized as a representative, an attorney as defined in § 10.1(c) of this chapter may file a power of attorney, appear in person, or sign a paper on behalf of an applicant or registrant that is filed with the Office in a trademark case.

(d) A party may file a power of attorney that relates to more than one trademark application or registration, or to all existing and future applications and registrations of that party. A party relying on such a power of attorney must:

(1) Include a copy of the previously filed power of attorney; or

(2) Refer to the power of attorney, specifying the filing date of the previously filed power of attorney; the application serial number (if known), registration number, or *inter partes* proceeding number for which the original power of attorney was filed; and the name of the party who signed the power of attorney; or, if the application serial number is not known, submit a copy of the application or a copy