

§ 2.1 Sections of part 1 applicable.

Sections 1.1 to 1.26 of this chapter are applicable to trademark cases except such parts thereof which 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) or § 2.162(d). Other sections of part 1 incorporated by reference or referred to in particular sections of this part are also applicable to trademark cases.

[51 FR 28709, Aug. 11, 1986]

§ 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 following fees and charges are established by the Patent and Trademark Office for trademark cases:

- (a) Trademark process fees.
 - (1) For filing an application, per class\$245.00
 - (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\$100.00
 - (5) For filing an application for renewal of a registration, per class\$300.00
 - (6) Additional fee for filing a renewal application made within three months after the expiration of the registration, 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 section 15 of the Act, per class\$100.00
- (14) For filing a combined affidavit under sections 8 and 15 of the Act, per class.....\$200.00
- (15) For petitions to the Commissioner\$100.00
- (16) For filing a petition to cancel, per class.....\$200.00
- (17) For filing a notice of opposition, per class.....\$200.00
- (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

(b) Trademark service fees.

- (1) For printed copy of registered mark, copy only
 - (i) Regular service\$3.00
 - (ii) Overnight delivery to PTO Box or overnight fax\$6.00
 - (iii) Expedited service for copy ordered by expedited mail or fax delivery service and delivered to the customer within two work days\$25.00
- (2) Certified or uncertified copy of trademark application as filed:
 - (i) Regular service.....\$15.00
 - (ii) Expedited local service.....\$30.00
- (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
- (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 T-Search capabilities, prorated for the actual time used. The Commissioner may waive the payment by an individual for access to T-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

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-\$0.25
- (10) Labor charges for services, per hour or fraction thereof\$40.00
- (11) For items and services that the Commissioner finds may be supplied, for which fees are not specified by statute or by this part, such charges as may be determined by the Commissioner 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]

§ 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

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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.

[30 FR 13193, Oct. 16, 1965, as amended at 50 FR 5171, Feb. 6, 1985]

§ 2.18 Correspondence, with whom held.

Correspondence will be sent to the applicant or a party to a proceeding at its address unless papers are transmitted by an attorney at law, or a written power of attorney is filed, or written authorization of other person entitled to be recognized is filed, or the applicant or party designates in writing another address to which correspondence is to be sent, in which event correspondence will be sent to the attorney at law transmitting the papers, or to the attorney at law designated in the power of attorney, or to the other person designated in the written authorization, or to the address designated by the applicant or party for correspondence. Correspondence will continue to be sent to such address until the applicant or party, or the attorney at law or other authorized representative of the applicant or party, indicates in writing that correspondence is to be sent to another address. Correspondence will be sent to the domestic representative of a foreign applicant unless the application is being prosecuted by an attorney at law or other qualified person duly authorized, in which event correspondence will be sent to the attorney at law or other qualified person duly authorized. Double correspondence will not be undertaken by the Patent and Trademark Office, and if more than one attorney at law or other authorized representative appears or signs a paper, the Office reply will be sent to the address already established in the file until another correspondence address is specified by the applicant or party or by the