



International Trademark Association

1133 Avenue of the Americas, New York, NY 10036-6710 USA

Telephone: 212-768-9887 Fax: 212-768-7796

Via Electronic Mail

September 21, 2001

Under Secretary of Commerce
for Intellectual Property and
Director of the United States
Patent and Trademark Office
Washington, D.C. 20231

Attention: Mr. Ronald Hack, Acting Chief Information Officer

Re: Development of a Plan to Remove the Patent and Trademark Classified Paper
Files from the Public Search Facilities.

Dear Mr. Hack:

The International Trademark Association (INTA) takes this opportunity to respond to the request for public comments on the development of a plan to remove the patent and trademark classified paper files from the public search facilities, as published in the August 27, 2001 *Federal Register*. INTA, a 123-year-old not-for-profit organization with over 4,000 members, is the largest organization in the world dedicated solely to the interests of trademark owners. The members of INTA, who routinely apply for and maintain trademark registrations, are customers of the U.S. Patent and Trademark Office (PTO). INTA's comments are intended only to address the trademark paper files, which we understand to be the paper copies of registration certificates and pending application drawings that are filed in the public search facilities. We take no position with respect to the patent paper files.

INTA does not object to the development of a plan to remove the trademark classified paper files from the public search facilities, provided that such a plan includes a provision to demonstrate to the user-public and the Congress before the paper files are removed that the automated records that replace the paper files are complete, up-to-date and reliable with respect to both word and design marks, as well as non-traditional marks such as color. While INTA is a supporter of a high-tech PTO in light of the value such advances bring to both the agency and its customers, we believe it is incumbent upon the PTO to show that its new technology is capable of providing the customers with the same relevant level of detail that is currently provided by the paper files. The ultimate goal in eliminating the paper records and replacing them with an automated system should be to provide the public with all necessary information more quickly, efficiently and cost-effectively. Moreover, the search database provided for public access should be the very same search database that currently is used by the PTO's trademark examiners. This will save money for the agency, ensure that the applicants and the trademark examiners are working from the same information, and help cut down

International Trademark Association

September 21, 2001

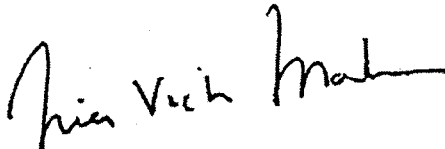
Page 2

on delays during the examination process. INTA pledges its resources to work with the PTO and its leadership in the development of this technology, the demonstration of its value, and the education of the public.

In addition to requiring that the PTO ensure the reliability of the automated system prior to elimination of the paper copies of registration certificates and pending application drawing records, it is also critical that the elimination of the paper files must have no effect on the public's ability to obtain on-site access to search databases, to quickly and easily obtain and review paper copies of trademark "file wrappers" and to search and review historical documents now housed in the search room in bound volumes, in card indices or on microfilm. To the extent that the space now allocated to the public search room would be eliminated, there must be new physical space allocated for a facility for the public's automated searching, the ordering, reviewing and copying of "file wrappers" and the researching and reviewing of historical documents in bound volumes or microfilm, all in one location.

Thank you for the opportunity to reply to the RFC on the plan to remove classified paper files. Should the PTO have any questions or comments concerning INTA's response, please contact Jon Kent, the INTA Washington Representative, at (202) 223-6222.

Sincerely,

A handwritten signature in black ink, appearing to read "Nils Victor Montan". The signature is written in a cursive, flowing style.

Nils Victor Montan
President