

Highlights for the 2025-1 Edition

Changes to the Trademark Manual of Examining Procedure (TMEP) November 2024 edition have been incorporated, throughout.

§ 26:7 Additional tips regarding replacement of the Electronic Patent Assignment System (EPAS) and Electronic Trademark Assignment System (ETAS) with the Assignment Center.

§ 19:17 Definitions found in “slang dictionaries” are also appropriate for judicial notice in certain circumstances.

§ 20:4 Requests for restriction of identification of goods under Section 18.

§ 3:26 Reckless disregard for the truth is sufficient to establish the intent required to intentionally deceive the Office.

§ 8:04 Any use of a mark during a term of employment as the representative or agent of an employer, on behalf of an employer, and in furtherance of an employer’s business; and any goodwill created by such use inures to employer’s benefit.

§ 12:6 Comments regarding the effective filing date of an application amended to the Supplemental Register.

§ 3:3 The burden is on the examiner to show that the disclaimed term immediately describes any quality, characteristic, feature, function, purpose, or use of any of the goods or services identified in the application.

§ 4:8 The Office is no longer required. to inform the applicant regarding acceptability of the amendment or of any republication.

§ 25:19 States may not assert sovereign immunity where a federal agency exercises its superior sovereignty in agency enforcement actions instituted to ensure state compliance with federal law.

§ 23:15 Discussion of the rights of trademark owners in contracting States to resolve conflicts with pre-existing, interfering marks under Article 8 of the Pan-American Trademark Convention.

§ 27:9 Discussion of laches and acquisition defenses.