



International Trademark Association
Representing Trademark Owners Since 1878

Alan C. Drewsen
Executive Director

January 21, 2010

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable Lamar S. Smith
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Conyers and Ranking Member Smith:

On behalf of the International Trademark Association (INTA), I would like to express our full support for amendments to the Lanham Act that would provide the same six-month grace period for maintenance filings for Madrid-based registrations that is available for other trademark registrations.

When Congress enacted the original legislation to implement the Madrid Protocol, the procedure for maintenance filings was consistent with the procedure applicable for all other trademark registrations. However, when the United States acceded to the Trademark Law Treaty, the procedure for maintenance filings changed with respect to all non-Madrid registrations. Conforming changes should have been made for Madrid trademark registrations but never were.

As a result, there are two sets of rules regarding the filing of affidavits for a registered extension of protection for trademarks. This was not the intention of Congress when enacting the Madrid Protocol legislation, and we strongly support legislative amendments that would cure this problem. Otherwise, users of the Madrid System with a good faith belief that the same rules apply risk losing protection for their registrations by missing the deadline to file the affidavit.

INTA also supports legislative amendments to allow all trademark registrants the opportunity to correct deficient registration maintenance filings within the time prescribed after any notification of a deficiency.

It is our understanding that these changes, in addition to making the system fair for all registrants, will permit the United States Patent & Trademark Office (USPTO) to simplify its internal processes and technology.

INTA looks forward to working with the House Judiciary Committee on these technical amendments. If you or your staffs have any questions or need additional information, please contact either Michelle King at mking@inta.org or 202-223-0989 or our Washington, D.C. representative, Jon Kent at jhkent6306@aol.com or 202-223-6222.

Sincerely,

A handwritten signature in black ink that reads "Alan C. Drewsen". The signature is fluid and cursive, with the first name being the most prominent.