Joseph Matal in IPWatchdog on Implementation of Trademark Modernization Act

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Haynes Boone Partner Joseph Matal commented in an *IPWatchdog* article on the implementation of the Trademark Modernization Act and the changes it will bring to proceedings in the U.S. Patent and Trademark Office (USPTO).

Below is an excerpt:

The U.S. Patent and Trademark Office yesterday published a final rule implementing the Trademark Modernization Act of 2020 (TMA), which was signed into law as part of the Consolidated Appropriations Act of 2020 last year. …

Joseph Matal of Haynes & Boone, who served as both former Acting Director and Acting Solicitor of the USPTO, said the rules on expungement and reexam proceedings signal that the Office "has been careful, but it has tailored the rules with an eye toward encouraging their robust use." The decision to allow an unlimited number of petitions as well as to cut the filing fee for petitions to $400 shows that the USPTO "recogniz[es] the public benefit of the use of these proceedings." The Office also will not require identification of the real party in interest behind a petition, "so that potential users are not deterred by fear of retaliation from a registrant," Matal said. He added: "The Office, along with businesses, has felt the burden of the increasing amounts of deadwood that are cluttering the register, and appears to be eager to give these new proceedings a chance to help address the problem."

To read the full article, click here.

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