



Training Academy Session # 37

One Year Later – Navigating the New USPTO Trademark Fees and The Trademark Center Filing System

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Session Overview

1. What is a Trademark?
2. Trademark Registrations
3. USPTO Trademark Center Application System

What is a Trademark?

A word, name, symbol, device, or combination thereof that is used or intended to be used in commerce in the United States to identify the source of a particular good or service.

- Right connected to a business
- Protects the public from confusion
- Protects the owner's goodwill
- AKA "mark" or "brand"
- Owner may exclude others from using *confusingly similar* marks
- Not a **verb**.

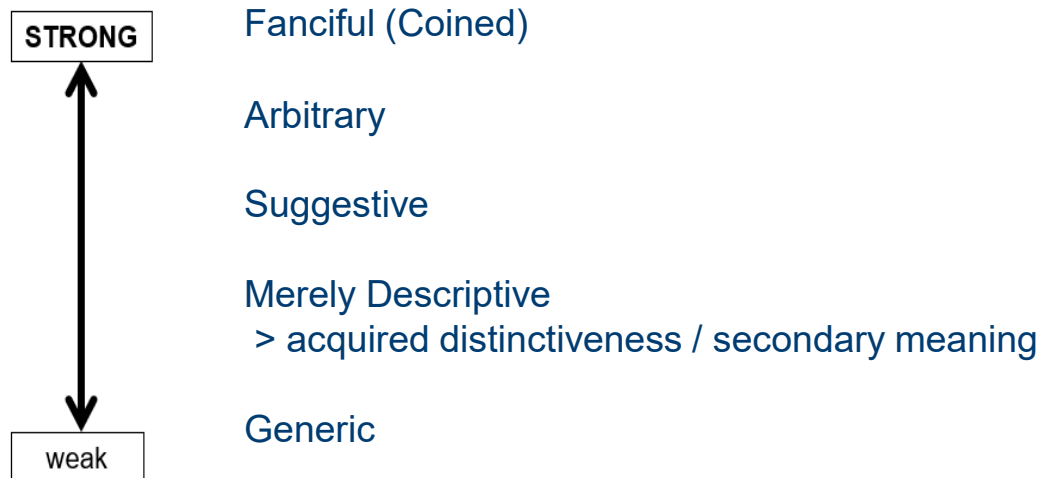


What is a Trademark?

A trademark is an exclusive right to prevent others from using your same or a similar mark on the same or related goods and services within the same geographic area.

Goal: Prevent a Likelihood of Consumer Confusion

- A trademark must be distinctive to be protected:



Trademark Registrations

United States Patent & Trademark Office

- **PRINCIPAL REGISTER** reserved for marks that are inherently distinctive or have acquired distinctiveness
 - **SUPPLEMENTAL REGISTER** reserved for marks that are not inherently distinctive but are still capable of distinguishing the owner's goods or services from those of another *in the future*.
- **BENEFITS:**
 - **Certificate of proof of nationwide trademark rights**
 - Legal presumption that you own the mark, which moves to the plaintiff the burden of proof that they have priority
 - Trademark is listed on the USPTO's register, providing public notice to anyone else searching
 - The USPTO will refuse to register any subsequently-filed application for a mark they deem to conflict with yours
 - Record your trademark with CBP
 - Entitled to use ® trademark notice

Trademark Registrations - Maintenance

As long as you continue to use your trademark, you can maintain your trademark rights and your federal registration indefinitely.

1. The USPTO requires the filing of maintenance documents between the 5th and 6th year after the registration issuance date.
2. Registrations are then renewed every 10 years from the issuance date.

Both types of filing require a **Declaration of Continued Use**

INCONTESTABILITY (The “Holy Grail” of U.S. trademark protection)

- A trademark owner can file a Declaration of Incontestability if they can attest that the mark has been in continuous use in commerce for any five-year period after the date of registration on the Principal Register.
- May be filed with the Declaration of Use between the 5th and 6th year from the issuance date.
- Limits the grounds that a third party can raise in a petition to cancel a registered mark.

New USPTO Trademark Center Application System

- Awful.
- Just awful.
- Not designed to benefit the trademark owner.
- Designed to benefit the Trademark Office and Examination Corps.
- Terrible.
- Makes a practitioner's job much more complicated and time-consuming.

New USPTO Trademark Center Application System

- Understanding New USPTO Trademark Fees:

Fee description	Current fee	New fee
TEAS Standard application	\$350	n/a
TEAS Plus application	\$250	n/a
Base application (Sections 1 and 44), per class	n/a	\$350
Application fee filed with WIPO (Section 66(a)), per class	\$500	\$600
Subsequent designation fee filed with WIPO (Section 66(a)), per class	\$500	\$600
Insufficient information (Sections 1 and 44), per class	n/a	\$100
Using the free-form text box instead of the Trademark ID Manual within Trademark Center to identify goods and services (Sections 1 and 44), per class	n/a	\$200
Each additional group of 1,000 characters in the free-form text box beyond the first 1,000 (Sections 1 and 44), per affected class	n/a	\$200

New USPTO Trademark Center Application System

- Getting Started:



A note about using Trademark Center

All trademark applications must now be submitted through Trademark Center. Your usage and feedback will help us improve and expand it. For all other filing needs, including all post-application filing, please continue to use the [Trademark Electronic Application System \(TEAS\)](#).

Please carefully review the following before using Trademark Center:

- **Be cautious if anyone contacts you about your trademark.** Your contact information, trademark details, and application status are publicly viewable on our systems. Scammers and private companies often use it to call, mail, or email you, with trademark-related solicitations and scams. This may include posing as the USPTO. See [recognizing common scams](#) to learn how you can protect yourself.
- Once you submit this application, we will not cancel the filing or refund your fee. The fee is a processing fee, which we do not refund even if we cannot issue a registration after our substantive review.
- Trademark applications and registrations are permanent public records, and all information you submit to the USPTO is considered part of those public records, including your name, phone number, email address, and street address. By filing this application, you acknowledge and agree that YOU HAVE NO RIGHT TO CONFIDENTIALITY in the information disclosed.
- Only enter payment information in the secure payment section after submission.

☐ By checking this box, you confirm that you have read the information above and agree to the [terms of use for USPTO websites](#).

I agree

The [Trademark Manual of Examination Procedure, Chapter 800](#) covers all trademark filing options and requirements.

Have you done this before?

If you've never filed a trademark application, we strongly encourage you to check out our [Trademark Basics webpages](#) and read through each section to understand the federal registration process.

New USPTO Trademark Center Application System

- No .obj files to save templates.
- Pro Tip – Create draft applications and save them as “Drafts”

Trademark Center

Home Start application Drafts and docket Sponsorship tool

Drafts and docket

My drafts My trademarks

Showing 1 to 3 of 3 entries

Search my drafts

	Draft name ↑↓	Mark ↑↓	Owner name ↑↓	Docket number ↑↓	Last modified date ↑↓	Share	Actions
>	Untitled draft (1)_copy (2)	TEMPLATE USE-BASED APPLICATION	[REDACTED]	[REDACTED]	03/26/2025	> Share	Actions ▾
>	Untitled draft (1)_copy (1)_co_cop...	TEMPLATE INTENT-TO-USE APPLICATION	[REDACTED]	[REDACTED]	03/26/2025	> Share	Actions ▾

New USPTO Trademark Center Application System

- Attorney Information:

Trademark application, Principal Register

Application selection **Contact information** Trademark details Goods and services Review and sign Pay and submit

✓ Application selection

^ Contact information

→ Attorney information

✓ Owner information

✓ Correspondence information

✓ Trademark details

✓ Goods and services

✓ Review and sign

✓ Pay and submit

Attorney information

(*) asterisk denotes a required field.

Warning

If you make any changes, the signer must re-sign the application. You'll need to generate and forward a new email link by returning to the **Declaration and signature** page and completing the information again.

Import my info from MyUSPTO account

Clear form

First name *

Steven

Middle name or initial

D.

Last name *

Lustig

Your total cost

\$350

Show summary

New USPTO Trademark Center Application System

• Adding Trademark:

Mark selection ⓘ

(*) asterisk denotes a required field.

Warning

If you make any changes, the signer must re-sign the application. You'll need to generate and forward a new email link by returning to the **Declaration and signature** page and completing the information again.

[Hide explanation](#)



What is a trademark?

A trademark can be any word, phrase, symbol, design, or a combination of these things that identifies your goods or services. It's how customers recognize your goods and services in the marketplace and distinguish them from the competition.

Your application must include a clear representation of your trademark. This is called a "drawing." Your drawing can be stylized wording like a slogan, a design, a combination of these, or even just the wording of your mark without any particular design or stylization.

These [trademark examples](#) may help you determine which format to register.

Which format of your trademark do you want to register?*

☒ I want to protect wording alone

Standard character format

The standard character format protects wording, such as your brand name or slogan, regardless of what font style, size, or color you use. The mark can consist of only [words, letters, numbers, or symbols](#). You can't upload an image.



This option provides the broadest scope of protection for your wording.

☐ I want to protect what my trademark looks like

Stylized wording and designs

This option includes designs of visual elements, stylized text, or a visual element with text. Image upload is required.

Examples:



Protection will be limited to this specific depiction of your mark.

☐ I want to protect something else (uncommon)

Other formats

This option includes three-dimensional product design and packaging, sound, motion, color, sensory, and other non-traditional formats.



These trademark formats are used infrequently and have highly technical application requirements.

New USPTO Trademark Center Application System

Search the Trademark ID Manual to select your goods and services

Choose terms that the general public would recognize and use to describe your goods or services. Don't select something that is just similar or "close enough." See [tips and resources](#) for finding an identification.

non-downloadable software



Can't find the right goods or services in the ID Manual? You can write your own identification for an additional cost. If you choose to [write your own identification](#) the cost of each class in the application will increase by \$200, even if you selected some or all of your goods and services from the Trademark ID Manual. There is also an additional fee of \$200 per 1000 characters that applies after the first 1000 characters.

Search results

[Detailed view](#)

Sorted by Relevance

Displaying 51 to 60 of 94 results

Class	↑↓ Description	↑↓ Action
042 Services	Providing on-line non-downloadable software for specify the function of the programs, e.g., for	Notes Add
042 Services	Providing online non-downloadable game software for playing indicate type of game, e.g., treasure hunting	Notes Add
042 Services	Providing online non-downloadable software development tools for creating blockchain-based applications provided by a blockchain as a service (BAAS) provider	Add

- Adding Goods/Services:

New USPTO Trademark Center Application System

- Adding Goods/Services:

Want to save money and avoid processing delays? Switch back to [using only the Trademark ID Manual](#) to add your goods and services. Any free text identifications you've entered will be lost.

Trademark ID Manual

Free-form entry

Add free-form entries

Select a class 

Select a class



Add your goods and services separated by semicolon and space (up to 2000 characters at a time)

Add entries

New USPTO Trademark Center Application System

- Assigning Filing Basis:

What goods does this specimen apply to?

- ☐ Information technology consulting relating to computer software design
- ☐ Computer software consulting
- ☐ Consultation services relating to computer software
- ☐ Technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of internet technology and services
- ☐ Consulting services in the field of cloud computing
- ☐ Computer services, namely, integration of computer software into multiple systems and networks
- ☐ Computer systems integration services
- ☐ Data migration services
- ☐ Customizing computer software
- ☐ Developing customized software for others
- ☐ Cloud computing featuring software for use **in database management and student information systems for higher education institutions**
- ☐ Platform as a service (PAAS) featuring computer software platforms for **database management and educational data systems**

Save specimen

Date of first use anywhere * 

03/31/2019

Date of first use in commerce * 

03/31/2019

For website screenshots, capture the URL and date of access in the screenshot or provide them below.

URL

https://www.XXXXXXXXXX.com/

Date of access

04/10/2025 

What goods does this specimen apply to?

- ☒ Business management consulting and advisory services
- ☒ Business management consultation
- ☒ Consulting services in business organization and management
- ☒ Business management consultation in the field of **database management**
- ☒ Business consulting services in the field of organizational change management
- ☒ Business project management services
- ☒ Business process re-engineering services
- ☒ Business consultation in the field of business process improvement and enterprise architecture development
- ☒ Business consultancy services for digital transformation
- ☒ Business consulting services for digital transformation

Save specimen

New USPTO Trademark Center Application System

NIGHTMARE SCENARIO #1

➤ Incredibly High Official Fees:

TOTAL

\$5,650.00

TRANSACTION DESCRIPTION

TRADEMARK/SERVICE MARK APPLICATION, PRINCIPAL REGISTER

FILING BASIS: 1(B), INTENT TO USE

APPLICATION TYPE: BASE APPLICATION

NUMBER OF CLASSES: 5

Sale Item Reference #	Sale Item Reference #2	Attorney Docket #	Fee Code 	Fee Amount	Qty	Item Total
Base application fee, per class.	Provided on confirmation screen and receipt after payment is complete.		7017	\$350.00	5	\$1,750.00
Insufficient information fee, per class.	Provided on confirmation screen and receipt after payment is complete.		7018	\$100.00	5	\$500.00
Free form fee, per class.	Provided on confirmation screen and receipt after payment is complete.		7019	\$200.00	5	\$1,000.00
Excess character count fee.	Provided on confirmation screen and receipt after payment is complete.		7020	\$200.00	12	\$2,400.00

Payment Information

Required fields *

New USPTO Trademark Center Application System

NIGHTMARE SCENARIO #2

- Incredibly long identification drafting times:

Search results [Detailed view](#) Sorted by Relevance ▼

Displaying 101 to 110 of 124 results

Class	↑↓ Description	↑↓ Action
042 Services	Providing temporary use of on-line non-downloadable cloud computing software using artificial intelligence (AI) for specify the function of the programs, e.g., use	Notes + Add
042 Services	Providing temporary use of on-line non-downloadable software and applications using artificial intelligence (AI) for specify the function of the programs, e.g., use	Notes + Add
042 Services	Providing temporary use of online non-downloadable software for cryptocurrency trading for use by specify intended users, e.g., investors, members	Notes + Add
Providing a web site featuring		

10 per page ▼

[Previous](#) 1 ... 9 10 **11** 12 13 [Next](#)

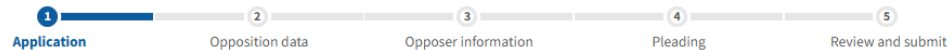
New USPTO Trademark Center Application System

NIGHTMARE SCENARIO #3

Trademark Trial and Appeal Board (TTAB) Center

TTAB Center home New submission - TTAB home TTAB Manual of Procedure (TBMP)

Notice of opposition



You may navigate to any page in your draft using the multistep navigation tools provided on this page

Application

Application data

Opposition data

Opposer information

Pleading

Review and submit

PTO-2120 OMB No. 0651-0040 (Exp. 11/30/2026) Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application data

[Hide explanation](#)



When can I file an opposition?

You can file an opposition within:

- The 30-day period after a mark publishes in the Official Gazette
- An extension of time to oppose that the TTAB granted to you or your privy.

See [15 U.S.C. §§ 1062\(a\)](#), [1063\(a\)](#), and [TBMP § 306.01](#).

Select an unexpired extension of time to oppose listed below, or search for a pending application that is within its opposition period. The application you select will appear under the "Opposed applications" heading.

You can only access applications if you are linked to the extension record. If an extension of time to oppose has been filed for an application and you don't see it, add your email as a primary or secondary email addresses to link yourself to the extension record. **This process may take several hours.** Once that is complete, you can select the application under "My unexpired extensions of time to oppose."

To link yourself to the extension record:

- Go to [ESTA](#).
- Under "File Documents in a Board Proceeding," select "Change of Address" as the "Type of filing."
- Enter the serial number.
- Identify the party for whom you are updating the correspondence information. If applicable, select "Extension of time to file a notice of opposition" as the "Proceeding type."
- Update the correspondence information by adding your email address as a primary or secondary email.

My unexpired extensions of time to oppose

Potential opposer	Applicant	Serial no.	Granted to date ↑	Action
			Feb 18, 2026	Use this extension

➤ **IMPACT OF THE NEW FILING REQUIREMENTS ON THE EXAMINATION OF TRADEMARK APPLICATIONS - OFFICE ACTIONS AND MORE**

Common Types of Office Actions

- **Identification of Goods/Services Issues**
- **Specimen Rejection** (improper proof of use)
- **Likelihood of Confusion** (similar mark/goods)
- **Descriptiveness / Surname Issues**

➤ **IMPACT OF THE NEW FILING REQUIREMENTS ON THE EXAMINATION OF TRADEMARK APPLICATIONS - OFFICE ACTIONS AND MORE**

Types of Office Actions

- **Non-Final:** First refusal or requirement → response allowed
- **Final:** Issues remain after the response to Office Action → limited options for responding and may include filing a Notice of Appeal to preserve the Applicant's rights

Initial Response Deadline

- **3 months** from the Office Action issue date
- Currently applies to initial **U.S. filed applications only** (Section 1(a), 1(b), 44)
- **One 3-month extension** available
- Requires **payment of a USPTO extension fee**
- **Maximum total response time: 6 months**

Greatest Positive Impact of the New USPTO Filing Requirements

Faster examination timelines for applications filed using the USPTO ID Manual

- Pre-approved ID Manual descriptions reduce examiner follow-up
- Fewer clarification requests → fewer and less lengthy Office Actions
- Examiners can move applications through examination more quickly
- Increases predictability for applicants and counsel
- **Bottom line:**
For our clients that have applications that can strictly track **USPTO ID Manual** language we are seeing **faster first actions, in some cases assuming no additional issues, faster approval and smoother prosecution processes overall.**

The USPTO Perspective

- **Pendency of applications has dropped significantly**
- The USPTO set **FY 2025 targets** at ~6.7 months for first action (date of filing to day Examiner takes) and ~13 months for disposal pendency (filing to finish –Notice of Allowance issues, Mark registers or abandons — and *actual performance outpaced these targets*
 - USPTO reported **~5.6 months** as the *actual first action average* in FY 2025 — a measurable reduction from the higher pandemic years
 - Inventory of pending applications went down by 20%
 - (HMF Experience) Examiner's much more likely to be helpful in amending complex identifications of goods and services via Examiners Amendment, possibly due to new credit incentives and an increased overall focus/culture on reducing pendency

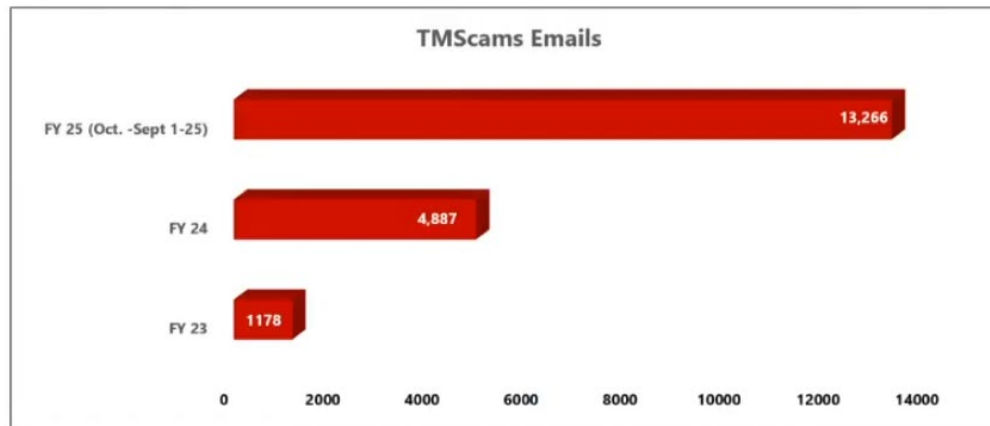
USPTO Trademarks FY26 Priorities

- Lower First Action Pendency to 4.5 Months by FY27 and 4 months by FY28
- Decrease disposal pendency to 10 months by FY27 and 9 months by FY28
- The USPTO is hiring Examiners again after a freeze early last year and that will contribute the improved pendency goals

Trademark Scams

- With the increased growth of trademark applications over the last several years has come the increased risk for trademark scams and fraud on the USPTO
- In its annual trademark update, the USPTO discussed the growth with urgency and shared the following slide with the public

Growth of trademark scams in the U.S.



uspto

Growth of Trademark Scams in the U.S.

FY – 25 (Oct 1-Sept 1, 2025)

- The USPTO received 13,266 emails regarding tmscams compared to FY 24 – 4,887 and FY 23- 1178
- Fraudulent Renewal Notices and Solicitations
- False Claims of Conflicting trademark - Urgent notices claiming another entity is registering your mark or infringing, pressuring you to pay for their "protection".
- USPTO Impersonation Claims - Emails or calls from "US Business Registry" or similar names, pretending to be official bodies.
- Illegitimate Filing Services
- **Fraudulent Applications**

USPTO FY 26 Priorities - Fraudulent Applications

- Reducing the number of invalid applications and registrations on the Register
- Identify applications cases that are involved in scams – and using administrative sanctions
- 52,000 fraudulent applications/registrations removed from the register this year
- Post Registration Audits and new Directed Audits help

USPTO FY 26 Priorities - Fraudulent Applications

Trademarks FY26 priorities

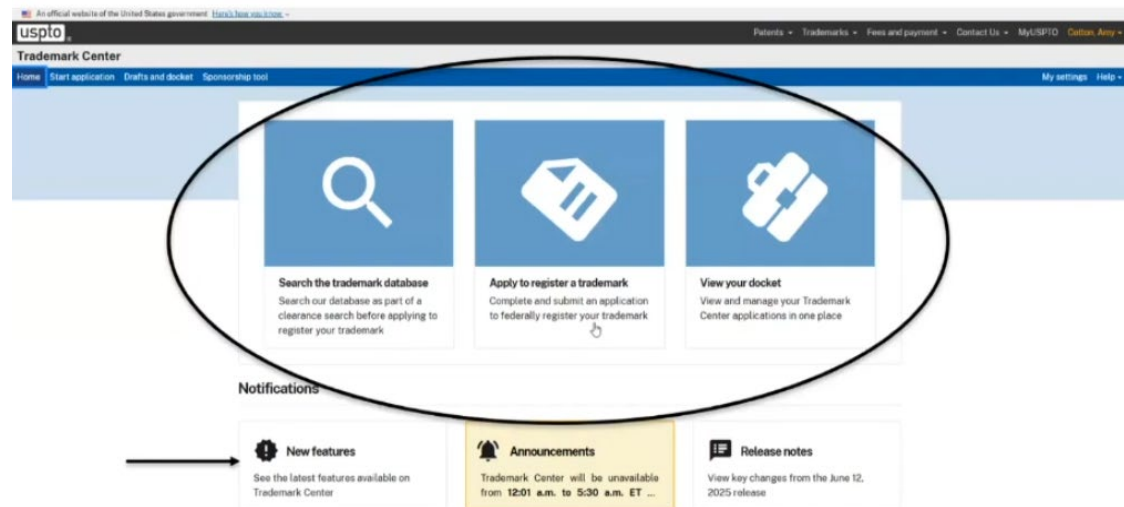


IP threats priorities		
Escalate the fight against fraud	Clear the inventory	Reduce the number of invalid applications and registrations on the Register
		Reduce the number of held cases
	Spread the word	Expand outreach efforts
		Engage with outside groups on scams
		Implement CRM tool for TMScams mailbox to better track and prioritize scam reports
	Increase efficiency	Increase investigation and workflow tools for RPO staff
		Additional hiring or details
		Improve data analytics support

Future Efforts to reduce fraudulent filings and consolidate proceedings

- The USPTO has indicated plans to have one place where both Applicants and Registrants can go for trademark-related activities
- Docket restricted to owners and trademark counsel to limit fraudulent action related to stealing the identity of legitimate owners and counsel

Trademark Center



TMID Suggestions & USPTO Future Plans

TMID (Trademark ID Manual) – How to Suggest New Entries

- If no acceptable ID exists, practitioners may email suggested wording to tmidsuggest@uspto.gov
- Requirements:
 - Max 25 words
 - One Nice class per suggestion
 - Clear, specific, commercially recognized terminology
- Reviewed by the USPTO's Trademark Classification Policy team
- Fast turnaround (often ~2 business days); accepted IDs typically appear in the next weekly TMID update
- We are happy to help in this regard

Status of Proposals and Reasons for Rejections (USPTO slide)

TMIDSuggest

Status of proposals	Totals
Accepted	192
Modified and Accepted	405
No proposal	40
Rejected	1160
Grand total	1797

Reasons for Rejection	Totals
Overbroad	410
Indefinite	185
Covered in the ID Manual	161
Covered by a fillable ID Manual entry	142
Overly specific	53
Other	55
Kits/baskets/sets/items sold as a unit	48
Subject of a pending application	36
Potentially unlawful	24
Systems	16
Includes a registered mark	13
Activities not a service	7
Not goods in trade	2

USPTO TM Center Changes – Still a Journey, Not a Destination – We are here to help navigate the challenges and explain the changes

- Panitch TM Attorneys stay on top of all of the Trademark Center and related changes daily
- Please contact us for any questions/challenges regarding filing, prosecution, TTAB matters, or enforcement.

Speakers



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Intellectual Property Law
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Insights From Leaders In IP Law

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