AIPLA
AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION

December 16, 2014

The Honorable Michelle K. Lee
Deputy Under Secretary of Commerce for Intellectual Property and
Deputy Director of the United States Patent and Trademark Office
United States Patent and Trademark Office
600 Dulany Street
Alexandria, VA 22314   *via email: TMPolicy@uspto.gov*

> **Re: AIPLA Comments in Response to the USPTO announcement "Trademark: Next Generation Acceptable Identification of Goods and Services Manual"**

Dear Deputy Under Secretary Lee:

The American Intellectual Property Law Association (AIPLA) is pleased to have the opportunity to present its views with respect to the United States Patent and Trademark Office (USPTO) announcement "Trademark: Next Generation Acceptable Identification of Goods and Services Manual" ("Announcement").

AIPLA is a national bar association with approximately 15,000 members who are primarily lawyers in private and corporate practice and government service and in the academic community. AIPLA's members represent a wide and diverse spectrum of individuals, companies, and institutions, and are involved directly or indirectly in the practice of patent, trademark, copyright, and unfair competition law. Our members represent both owners and users of intellectual property.

AIPLA appreciates the opportunity to comment on the USPTO's Announcement concerning the Acceptable Identification of Goods and Services Manual Next Generation (IDM-NG) in "beta" format.

INTRODUCTION

The Acceptable Identification of Goods and Services Manual (the Manual) is widely used by users both internal and external to the USPTO. It provides language for thousands of goods and services that would be accepted by the USPTO in applications for trademark registration. It enables external users to file applications under the TEAS Plus system thereby reducing client costs and increasing efficiency within the USPTO. AIPLA welcomes the revision of the presentation of the Manual as set forth in the "beta" test referred to in the Announcement.

COMMENTS

The following comments are the result of input provided by individual members of AIPLA:

1. Concerning the presentation of the search results in the "beta" version:
   a. Perhaps it is because it is in "beta" format, but only 3-4 hits for a searched term were visible on the screen. For a large search result such as that found in a search of the word "computer" (1446 hit results), extensive scrolling was required to see all of the hits presented on a "page."
   b. With only 25 hits per "page," numerous "next page" clicks were required to see all of the results.

2. Members noted it is helpful that the search term is highlighted in the search results.

3. Search results should be grouped by class. The rationale for grouping the current search results is not clear. They do not seem to be alphabetical, by date of most recent activity in the Manual (e.g., new entry, modification, deletion), by the status (e.g., A, D, M and X), or any other ordering factor. We note that the list can be rearranged by clicking on the top of a column, e.g., clicking on "Class" will arrange the list by class. However, the default should be some arrangement that is useful to users. That order would most likely be a default to arranging the hits in class order. (See also Comment 8, below).

4. It is helpful to have an indication of the edition of the Nice Classification on which the entry is based (NCL Version column). However, the NCL Version link does not bring the user to a live page. "Mousing over" any item in an entry record shows the link indicator, which implies that it will link to a live page. However, it appears that the only sections of an entry that actually link to a live page are the Term ID entry, the Description entry (if there is a "more" indicated at the end of the entry), and the Notes entry (if there is a "more" indicated at the end of the entry). It could be less confusing if these sections were the only ones in which the link hand appeared when "moused over."

5. Users would prefer not to have to click on a "more" indicator to get a full record of a Description or Note. The Description and Note entries in the Manual are relatively short so they could be presented in their entireties without consuming significantly more space in the hit list, thereby making use of the Manual easier and more efficient.

6. We assume that the final version will have brief explanations of all of the column headings. If this information appeared in a "mouse over" form, it would be very helpful.

7. Clicking on a link in the "Term ID" column brings up the record for that entry. However, the record seems to contain only what is already presented in the hit list entry. The Note usually indicates if there was a previous version of the particular entry, so it is not clear what the purpose is of the "Version History" drop down that appears when one accesses the "Term ID" link. Clicking on the "Version History" link did not seem to provide any

further information since the text always seemed to read "no version history exists for this record." Perhaps there are only a few entries that actually have a "Version History," but the users that provided input did not encounter any of those entries.
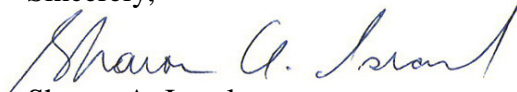
8. When the user returns from the "Term ID" link, the search strip loses any modification to the order of presentation that the user may have made. It would be helpful to return to the entry that was being viewed before activating the "Term ID" link. If the hit list presentation had been reordered by the user, retaining that reordering upon the user's return to the hit list would also be helpful.

CONCLUSION

AIPLA believes that the effort by the USPTO to update and streamline the Manual will be of great value to users both inside and outside the USPTO. This "beta" version has been a significant step in that direction and reflects the extensive time and effort expended by the USPTO in preparing this format revision of the Manual. These comments have been provided in the spirit of making the final version as beneficial and efficient to the users as possible.

We appreciate the opportunity to provide comments on this important initiative. AIPLA would be happy to meet directly with USPTO officials to further discuss these issues.

Sincerely,

Sharon A. Israel
President
American Intellectual Property Law Association