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## [USPTO Extends Comment Period on "Trademark Bully" Survey](#)

Posted on January 24, 2011 by [Steve Baird](#)

Last October, as you may recall, I wrote this in a post entitled "[The Mark of a Real Trademark Bully](#)":

[T]he U.S. Patent and Trademark Office (USPTO) is currently seeking information about various litigation tactics, including whether "[you think trademark “bullies” are currently a problem for trademark owners, and if so, how significant is the problem?](#)" If you have an opinion on these questions, please share your views below, and the USPTO would like to hear from you [here](#).

The initial deadline for comments to the USPTO was January 7, 2011, and for those of you who missed the opportunity, the deadline [has been extended](#) a month to February 7, 2011. By the way, anyone know the reason for the extension?

Perhaps even more interesting than the unknown (to me) reason for the month extension is that the words "trademark bully", "trademark bullies" and "trademark bullying" have been scrubbed from and they no longer appear in any of the twelve questions posed by the USPTO operating under the new February 7 deadline.

Question six initially read (with a footnoted definition):

6. Do you think trademark “bullies”<sup>[1]</sup> are currently a problem for trademark owners, and if so, how significant is the problem?

[1] A trademark “bully” could be described as a trademark owner that uses its trademark rights to harass and intimidate another business beyond what the law might be reasonably interpreted to allow.

It now reads (without a footnote):

6. Do you think trademark owners currently encounter the problem of other trademark owners using their trademark rights to harass and intimidate another business beyond what the law might be reasonably interpreted to allow? If so, how significant is the problem?

Question eight initially read:



8. Do you think the USPTO has a responsibility to do something to discourage or prevent trademark bullying? If yes, what should the USPTO do?

It now reads:

8. Do you think the USPTO has a responsibility to do something to discourage or prevent aggressive trademark litigation tactics? If yes, what should the USPTO do?

Question nine initially read:

9. Do you think the U.S. courts have a responsibility to do something to discourage trademark bullies? If yes, what should the U.S. courts do?

It now reads:

9. Do you think the U.S. courts have a responsibility to do something to discourage or prevent aggressive trademark litigation tactics? If yes, what should the U.S. courts do?

Question eleven initially read:

11. Do you think Congress has a responsibility to do something to discourage or prevent trademark bullying? If yes, what should Congress do?

It now reads:

11. Do you think Congress has a responsibility to do something to discourage or prevent aggressive trademark litigation tactics? If yes, what should Congress do?

So, "trademark bullying" now = "aggressive trademark litigation tactics"? I think not.

Nevertheless, it certainly is a curious approach to rebranding (or repositioning) the "trademark bullying" topic.

Anyone know the reason or motivation behind why the words "trademark bully", "trademark bullies" and "trademark bullying" have disappeared from the USPTO survey?

