

(i) Where a petitioner seeks to reactivate an application or registration that was abandoned, cancelled or expired because papers were lost or mishandled, the Director may deny the petition if the petitioner was not diligent in checking the status of the application or registration. To be considered diligent, a petitioner must:

(1) During the pendency of an application, check the status of the application every six months between the filing date of the application and issuance of a registration;

(2) After filing an affidavit of use or excusable nonuse under section 8 or 71 of the Act, or a renewal application under section 9 of the Act, check the status of the registration every six months until the petitioner receives notice that the affidavit or renewal application has been accepted; and

(3) If the status check reveals that the Office has not received a paper filed by the petitioner, or that the Office has issued an action or notice that the petitioner has not received, the petitioner must request corrective action.

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41. Revise § 2.151 to read as follows:

#### **§ 2.151 Certificate.**

When the Office determines that a mark is registrable, the Office will issue a certificate stating that the applicant is entitled to registration on the Principal Register or on the Supplemental Register. The certificate will state the application filing date, the act under which the mark is registered, the date of issue, and the number of the registration. A reproduction of the mark and pertinent data from the application will be sent with the certificate. A notice of the requirements of sections 8 and 71 of the Act will accompany the certificate.

42. Revise § 2.171 to read as follows:

#### **§ 2.171 New certificate on change of ownership.**

(a) If the ownership of a registered mark changes, the assignee may request that a new certificate of registration be issued in the name of the assignee for the unexpired part of the original period. The assignment must be recorded in the Office, and the request for the new certificate must be signed by the assignee and accompanied by the fee required by § 2.6(a)(8). If available, the original certificate of registration must be submitted.

(b) When ownership of a registration has changed with respect to some, but not all, of the goods and/or services, the registrant(s) may file a request that the registration be physically divided into

two or more separate registrations. The fee required by § 2.6(a)(8) must be paid for each new separate registration created by the division, and the change of ownership must be recorded in the Office.

43. Add a new part 7, to read as follows:

### **PART 7—RULES OF PRACTICE IN FILINGS PURSUANT TO THE MADRID PROTOCOL**

**Authority:** 15 U.S.C. 1123, 35 U.S.C. 2, unless otherwise noted.

#### **Subpart A—General Information**

##### **§ 7.1 Definitions of terms as used in this part.**

(a) *The Act* means the Trademark Act of 1946, 60 Stat. 427, as amended, codified in 15 U.S.C. 1051 *et seq.*

(b) *Subsequent designation* means a request for extension of protection of an international registration to a Contracting Party made after international registration.

(c) The acronym *TEAS* means the Trademark Electronic Application System available online through the Office's web site at: [www.uspto.gov](http://www.uspto.gov).

(d) The term *Office* means the United States Patent and Trademark Office.

##### **§ 7.3 Correspondence must be in English.**

All correspondence relating to international applications and registrations and requests for extension of protection filed in the Office must be in English. The Office will not process correspondence that is in a language other than English.

##### **§ 7.4 Receipt of correspondence.**

Correspondence relating to international applications and registrations and requests for extension of protection transmitted electronically will be accorded the date and time on which the complete transmission is received in the Office based on Eastern Time. Eastern Time means eastern standard time or eastern daylight time, as appropriate.

##### **§ 7.6 Schedule of U.S. process fees.**

(a) The Office requires the following process fees:

(1) For certifying an international application based on a single basic application or registration, per class—\$100.00

(2) For certifying an international application based on more than one basic application or registration, per class—\$150.00

(3) For transmitting a request to record an assignment or restriction under § 7.23 or § 7.24+\$100.00

(4) For filing a notice of replacement, per class—\$100.00

(5) For filing an affidavit under section 71 of the Act, per class—\$100.00

(6) Surcharge for filing an affidavit under section 71 of the Act during the grace period, per class—\$100.00

(7) For transmitting a subsequent designation—\$100.00

(b) The fees required in paragraph (a) of this section must be paid in U.S. dollars at the time of filing. See § 1.23 of this chapter for acceptable forms of payment and § 1.24 of this chapter for payments using a deposit account established in the Office.

#### **§ 7.7 Payments of fees to International Bureau.**

(a) The schedule of fees required by the International Bureau and fee calculator may be viewed online at: <http://www.wipo.int/madrid>.

(b) The following fees required by the International Bureau may be paid either directly to the International Bureau or through the Office:

(1) International application fee;

(2) Fee for correcting irregularities in an international application;

(3) Subsequent designation fee; and

(4) Recording fee for an assignment of or restriction to an international registration under § 7.23 or § 7.24.

(c) The fees required in paragraph (b) of this section may be paid as follows:

(1)(i) Directly to the International Bureau by debit to a current account with the International Bureau. As proof of payment in this case, an applicant or holder's submission to the Office must include the International Bureau account number; or

(ii) Directly to the International Bureau using any other method of payment. As proof of payment in this case, an applicant or holder's submission to the Office must include the International Bureau receipt number for payment of the fees; or

(2) Through the Office. Fees paid through the Office must be paid in U.S. dollars at the time of submission. See § 1.23 of this chapter for acceptable forms of payment and § 1.24 of this chapter for payments using a deposit account established in the Office.

#### **Subpart B—International Application Originating From the United States**

##### **§ 7.11 Requirements for international application originating from the United States.**

(a) The Office will grant a date of receipt to an international application that is submitted through TEAS and contains all of the following:

(1) The filing date and serial number of the basic application and/or the