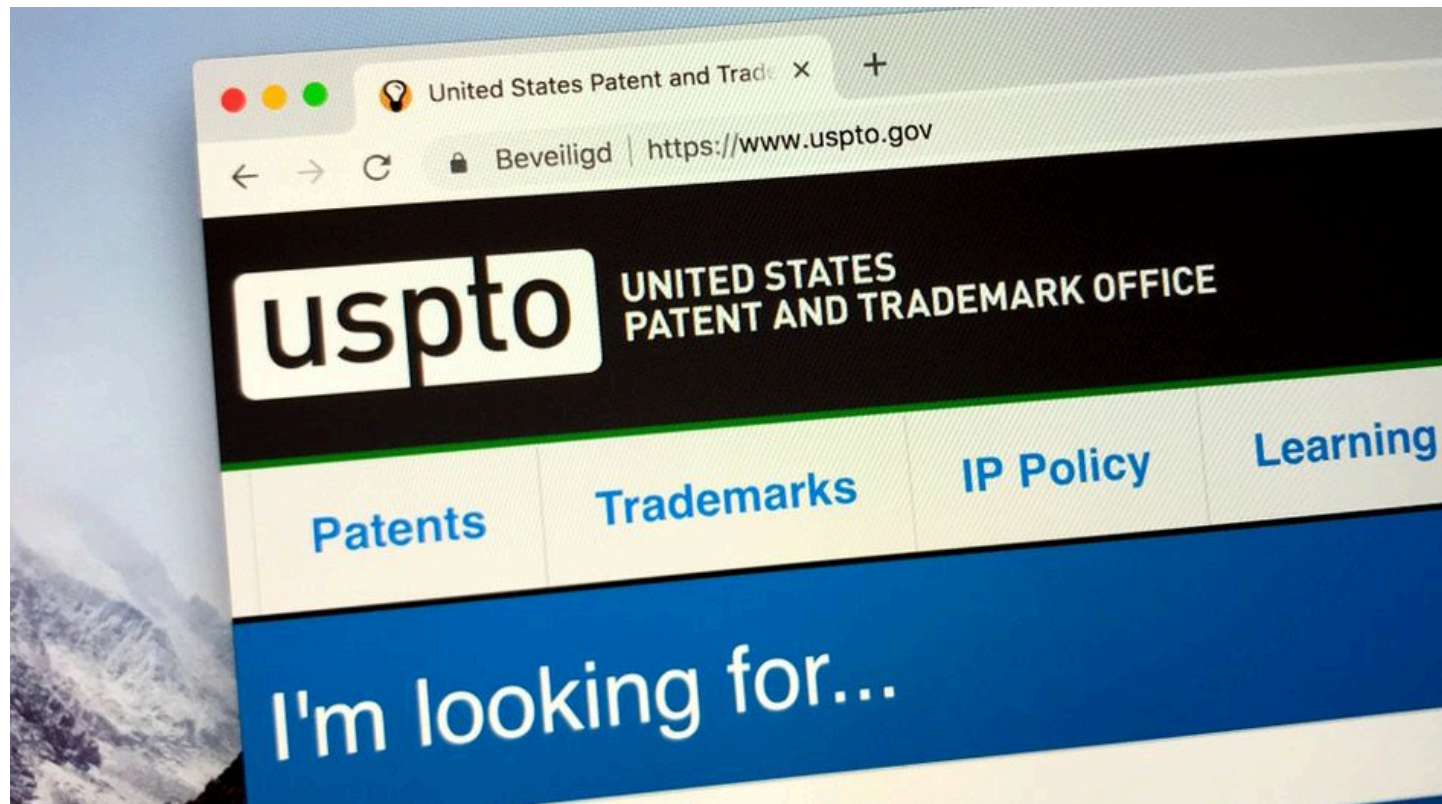


USPTO to “iteratively develop” new trademark search system following complaints from users

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- USPTO says it will “iteratively develop” trademark search system to tailor it better to users
- Developments follow complaints about intuitiveness and efficiency of new system
- Updates will include individual summary pages to launch in April

The USPTO has announced that it will be introducing further changes to its new trademark search system, following months of feedback from users, which included complaints around intuitiveness and efficiency.

The USPTO’s new trademark search system replaced the Trademark Electronic Search System (TESS) on [30 November 2023](#). Since then, many trademark practitioners have voiced complaints about the intuitiveness and efficiency of the new interface. Speaking to WTR, users complained of:

- the layout and a lack of detail on default results;
- regular loading error messages; and
- a complex new search syntax.

Representatives from the USPTO tell WTR that the office is working to address several of these concerns, some of which have been raised directly to the office through its formal and informal feedback channels.

Among the upcoming changes, trademark practitioners will soon be able to view a [summary page](#) showing “key information” for individual trademark records when using the search system. Developers are also working towards reducing loading errors and better tailoring the new platform to specific users, USPTO representatives tell us.

Individual summary pages should make filing office actions easier

By far, the most common complaint raised to WTR about the USPTO’s new trademark search system concerns the initial results page.

“The new search system only displays a few fields,” remarks [Ken Boone](#), a former IT specialist at the USPTO. This is “annoying”, adds [Kevin Grierson](#), partner at Culhane Meadows. “The search no longer provides you with a one-page summary of a selected result, but instead takes you directly to Trademark Status and Document Retrieval (TSDR) – and only TSDR. This is much less efficient because TSDR hides most of the relevant information in drop-down menus, whereas the old results page had pretty much all the information you could want about a particular mark (other than document history) immediately available in one easy view.”

Copying and pasting information from the old system was “far more flexible”, too, says Boone. “Attorneys often complain that composing responses to office actions or performing other Trademark Electronic Application System (TEAS) functions is more difficult because the new search system does not provide a full document display.”

After months of user feedback, the USPTO has developed a new summary page feature specifically to address these concerns.

The summary page “is something that folks – specifically our practitioners – have been asking for for a very long time”, admits [Jason Lott](#), managing attorney for trademarks customer outreach at the USPTO. Incorporating this summary page has been a “very high priority” for those working on the system, he tells WTR. “We know it’s something that people want so the developers made it a high priority to work on as quickly as they could.”

The summary page – which is due to launch in April – will show “key information” (eg, filing date and attorney information) about each trademark application or registration in the system. When users click on a particular trademark record, its summary page will open in a separate tab. However, to benefit from this function, search users must be logged into their USPTO.gov accounts and using the system on ‘expert mode’, the office emphasises.

Using updated URL and USPTO.gov login will help prevent errors

Another complaint that has featured in feedback to WTR – and to the USPTO – is the frequency with which users receive loading error messages.

“One out of every 10 or so searches results in some kind of strange error,” estimates [Lara Pearson](#), leader at Brand Geek. “It’s very random and astonishingly buggy!”

For some, using the old TESS URL was initially causing glitches. Others who continued to use the link for the beta version of the new system after its official launch in November also suffered from a suboptimal experience, Lott acknowledges. But simply bookmarking the new link should help to prevent issues with loading and error messages, he says.

In fact, developers have recently removed all outdated links, says [Amy Cotton](#), deputy commissioner for trademark examination policy at the USPTO. “There shouldn’t be that load error for that reason anymore,” she says.

Automated search bots are another contributing factor to loading errors. Often, the activity of automated searching “degrades the service for everybody else”, Cotton concedes. The office is working to address this issue, too. When practitioners enter the search system through their USPTO.gov accounts, they should be less affected by this extra traffic, Cotton promises. “You’re going to enter and have no load error,” she assures.

“People have an option to learn regex, but it isn’t mandatory”

Many users have also voiced frustration with the new search syntax, which even experienced attorneys have admitted to finding overly complex and non-intuitive.

“There are too many ‘field tags’ and ‘programming’-type language that you have to use to find what you are looking for,” laments [Julie Tolek](#), a trademark attorney at Dilworth IP. “They call it ‘regular expressions’ or ‘regex’, which I had never heard of until this new search engine.”

“Failure to use the appropriate field tags may be detrimental to advising a client accurately on what the landscape looks like for their particular mark,” Tolek warns. “I have searched ‘naked’ without any field tags for marks that I know exist, only to come up with no results... In other cases, I have received a bunch of random marks that neither look nor sound like what I was searching for,” she says. “I am not a programmer and so I feel like I can’t trust my own searches if I have to use all of these tags and operators.”

Responding to these concerns, the USPTO has clarified the following:

- The new search system allows for two search methods: drop-down and field tag searching.
- Regular expression searching (or regex) is an option, not a necessity.

If they wish, users can rely on drop-down menus and filters. This search method was designed with *pro se* users in mind and is suited for those simply “looking for an exact match”, Lott explains.

Field tag searching is also available for users (typically trademark practitioners) wanting to conduct more sophisticated searches. When using field tag searching, the filter function is disabled and users must type in the filters (eg, LD: TRUE) to conduct a narrower search.

In this respect, searching in the new system is not so dissimilar to searching in the previous TESS system, Lott insists. “Conceptually, the way that you would approach a search is going to be the same. It’s the syntax that you would use – the specific commands that you would type in – that are a little bit different,” he says.

The shift in syntax was prompted, in part, by IP concerns. The syntax included in TESS “was a propriety language, which is one of the reasons why we couldn’t use it in the new system”, Lott explains. “We had to use something that was more open source.”

That said, regex searching is an optional approach, Lott states. One of the main values of regex searching with field tags is that users can do ‘pattern matching’, which allows them to make “quick letter and number substitutions without writing out alternate spellings”, Lott claims. But users do not have to adopt this “more efficient way of searching”, he stresses. They can still search by field tags and type out alternative spellings, if they wish, Lott says.

Another benefit of regex searching is that it is commonly used by USPTO examining attorneys, Cotton adds. “We know that outside attorneys want to be able to use the same system that examining attorneys are using,” she notes.

However, the office is keen to strike a balance. It has created a feedback loop that aims to determine what the middle ground between regex and basic searching looks like, Cotton explains. The intention is to “iteratively develop” the search system based on feedback from users, she states.

Feedback essential to retaining trust

For this reason, Lott encourages practitioners to make use of the formal and informal feedback channels that the office has in place, including the feedback tab which is “featured prominently” on the search system. Here, users can report bugs and make suggestions directly to developers. Users can also provide feedback on the system during USPTO-run training sessions and presentations.

“We’re trying to be as responsive as we can, hit the quick stuff when we can and still be working on the hard stuff in the background and then push that out as soon as possible,” Lott concludes. “What came out in September-October, in a beta, and then went live in November, that was not the final version of the system,” he assures. “It’s only going to get better based on user feedback and advances in technology.”

However, some trademark practitioners have admitted that a lack of confidence in the new system has resulted in them seeking out third-party alternatives.

“I will always use primary source documents when confirming important dates, but if I can, I now work outside of the USPTO’s system with a paid vendor,” says [Eric Perrott](#), partner at Gerben IP.

“The new trademark search tool needs massive improvements, and I am shocked that it has completely replaced the former TESS programme in its current state,” Perrott argues. “After years of delays and issues with its IT development, including working with government contractors to do focus groups and development, the USPTO needs to have a better sense of user experience,” he insists.

This raises the question of the system’s utility to non-expert users, too. “Not all applicants can afford an attorney, and in 2024, the office should have the capability of making more user-friendly software for *pro se* applicants,” argues [Chelsie Spencer](#), head of the cannabis practice at Ritter Spencer Cheng PLLC. “If trademark attorneys in private practice can’t make it work, how are the USPTO attorneys doing so? And how is the general public supposed to?” Pearson asks.

It seems, then, that the USPTO has some way to go to gain many users’ trust in its new search function. But the lines of communication are open, and regular feedback will be essential to ongoing improvements.



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