

The June 2016 issue of Sterne Kessler's [MarkIt to Market™](#) newsletter discusses the rise in additional specimen requests from the USPTO, examines the TTAB's decision in [In re Florists' Transworld Delivery, Inc.](#), and notes currently open gTLD Sunrise Periods.

Sterne Kessler's [Trademark, Advertising, and Anti-Counterfeiting practice](#) is designed to help meet the intellectual property needs of companies interested in developing and maintaining strong brands around the world. For more information, please contact [Monica Riva Talley](#) or [Tracy-Gene G. Durkin](#).



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In this issue

- [When One Specimen Per Class May No Longer Be Enough](#)
- [Saying It YOUR Way, On THEIR Website: Not a Registrable Service](#)
- [gTLD Sunrise Periods Now Open](#)



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When One Specimen Per Class May No Longer Be Enough

By: [Lauriel F. Dalier](#) & [Monica Riva Talley](#)

For use-based trademark applications filed under §1(a) of the Trademark Act, [15 U.S.C. §1051\(a\)](#), applicants must submit the application along with one specimen per Class showing use of the mark for the covered goods and services. However, in the course of examining an application, the PTO can issue Office Actions requesting "additional information" needed to properly examine an application under Trademark Rule 2.61(b), 37 CFR §2.61(b) – and such information can include a request for additional specimens. See TMEP §904.01(a) and 37 C.F.R. §2.61(b). The Examining Attorney may also identify one or several specific goods or services in each Class for which additional specimens are required in order to proceed to registration.

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Saying It YOUR Way, On THEIR Website: Not a Registrable Service

By [Shana L. Olson](#) & [Monica Riva Talley](#)

When you create a social media profile on a platform such as Twitter, and engage with other Twitter users, are you creating your own online community? This question was at the heart of the TTAB's recent precedential decision in [In re Florists' Transworld Delivery, Inc.](#)

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gTLD Sunrise Periods Now Open

As first reported in our December 2013 newsletter, the first new generic top-level domains (gTLDs, the group of letters after the "dot" in a domain name) have launched their "Sunrise" registration periods. Please contact us or see our [December 2013 newsletter](#) for information as to what the Sunrise Period is, and how to become eligible to register a domain name under one of the new gTLDs during this period.

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