Basic Facts About Trademarks

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CONTENTS

TRADEMARK, COPYRIGHT OR PATENT?

What is a trademark or service mark?
Do Trademarks, Copyrights and Patents protect the same things?

SHOULD I REGISTER MY MARK?

Is registration of my mark required?
When can I use the trademark symbols TM, SM and ®?

WHAT DOES THE USPTO DO?

HOW DO I FILE A TRADEMARK APPLICATION?

Is there a form for filing my application?
Are there other ways to file besides the Internet?
Must I hire an attorney?

WHAT MUST THE APPLICATION INCLUDE?

- **NAME OF THE APPLICANT**

  Do I have to be a U.S. citizen to apply?

- **NAME AND ADDRESS FOR CORRESPONDENCE**
- **DEPICTION OF THE MARK ("THE DRAWING")**

  What is a "standard character" drawing?
  What is a "stylized or special form" drawing?
  What if I want to show color on the drawing?

- **GOODS AND/OR SERVICES**

  Can I change the goods and/or services after filing my application?

- **APPLICATION FILING FEE**
- **BASIS FOR FILING**

  What is "use in commerce"?
  What is "intent to use"?
  Is there any other possible filing basis?

- **SPECIMEN**

  What is a "specimen" of use?
  What is a proper specimen for use of a mark on goods (products)?
  What is a proper specimen for use of a mark with services?
  How do I file the specimen?
  When do I file the specimen?

- **SIGNATURE**

Who can sign the application?
How do I sign a TEAS application?
WHAT HAPPENS AFTER I FILE MY APPLICATION?
· LEGAL AND PROCEDURAL REVIEW OF APPLICATION
Does the examining attorney search for conflicting marks?
Can I search for conflicting marks before filing?
Are there other reasons the examining attorney might refuse my mark?
· PUBLICATION FOR OPPOSITION
· CERTIFICATE OF REGISTRATION OR NOTICE OF ALLOWANCE
ADDITIONAL REQUIREMENTS FOR "INTENT TO USE" APPLICATIONS
What is an Allegation of Use?
When do I file an Allegation of Use?
Is there a deadline for filing the Statement of Use after the Notice of Allowance issues?
What is a Request for an Extension of Time to file a Statement of Use?
MAINTAINING A FEDERAL TRADEMARK REGISTRATION
USPTO CONTACTS FOR MORE INFORMATION
OTHER TRADEMARK RESOURCES

Trademark, copyright or patent?

What is a trademark or service mark?

- A **trademark** is a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of the goods of one party from those of others.
- A **service mark** is the same as a trademark, except that it identifies and distinguishes the source of a service rather than a product. Throughout this booklet, the terms "trademark" and "mark" refer to both trademarks and service marks.

Do Trademarks, Copyrights and Patents protect the same things?

No. Trademarks, copyrights and patents all differ. A copyright protects an original artistic or literary work; a patent protects an invention. For copyright information, go to

http://lcweb.loc.gov/copyright/. For patent information, go to **http://www.uspto.gov/main/patents.htm**.

Should I register my mark?

Is registration of my mark required?

No. You can establish rights in a mark based on legitimate use of the mark. However, owning a federal trademark registration on the Principal Register provides several advantages, e.g.,

- constructive notice to the public of the registrant's claim of ownership of the mark;
- a legal presumption of the registrant's ownership of the mark and the registrant's exclusive right to use the mark nationwide on or in connection with the goods and/or services listed in the registration;
- the ability to bring an action concerning the mark in federal court;
- the use of the U.S registration as a basis to obtain registration in foreign countries; and
- the ability to file the U.S. registration with the U.S. Customs Service to prevent importation of infringing foreign goods.

When can I use the trademark symbols TM, SM and ®?

Any time you claim rights in a mark, you may use the "TM" (trademark) or "SM" (service mark) designation to alert the public to your claim, regardless of whether you have filed an application with the USPTO. However, you may use the federal registration symbol "®" **only** after the USPTO actually *registers a mark*, and **not** while an application is pending. Also, you may use the registration symbol with the mark only on or in connection with the goods and/or services listed in the federal trademark registration.

What does the USPTO do?

The United States Patent and Trademark Office (USPTO) reviews trademark applications for federal registration and determines whether an applicant meets the requirements for federal registration. We do not decide whether you have the right to *use* a mark (which differs from the right to register). Even without a registration, you may still *use* any mark adopted to identify the source of your goods and/or services. Once a registration issues, it is up to the owner of a mark to enforce its rights in the mark based on ownership of a federal registration.

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USPTO employees will gladly answer questions about the application process. However, USPTO employees cannot:

- conduct trademark searches for the public;
- comment on the validity of registered marks;
- answer questions on whether a particular mark or type of mark is eligible for trademark registration; or
- offer legal advice or opinions about common law trademark rights, state registrations, or trademark infringement claims.

How do I file a Trademark Application?

Is there a form for filing my application?

Yes. Using the Trademark Electronic Application System (TEAS) available at **http://www.uspto.gov/teas/index.html**, you can file your application directly over the Internet. Features of electronic filing include:

- **On-line Help**. Hyper-links provide help sections for each of the application fields.
- **Validation Function**. Helps avoid the possible omission of important information.
- **Immediate Reply**. The USPTO immediately issues an initial filing receipt via e-mail containing the assigned application serial number and a summary of the submission.
- **24 Hour Availability**. TEAS is available 24 hours a day, 7 days a week (except 11 p.m. Saturday to 6 a.m. Sunday), so receipt of a filing date is possible up until midnight EST.

If you do not have Internet access, you can access TEAS at any **Patent and Trademark Depository Library (PTDL)** throughout the United States. Many public libraries also provide Internet access.

Are there other ways to file besides the Internet?

Yes. While we greatly prefer that you file electronically using TEAS, you may either mail or hand deliver a paper application to the USPTO. You can call the USPTO's automated telephone line at (800) 786-9199 to obtain a printed form. *You may NOT submit an application by facsimile*. Our mailing address to file a new application is:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

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Applications delivered by hand or courier should be taken to: Trademark Assistance Center, James Madison Building - East Wing, Concourse Level, 600 Dulany Street, Alexandria, VA.

Must I hire an attorney?

No. However, if you prepare and submit your own application, you must comply with all requirements of the trademark statute and rules. If you choose to appoint an attorney to represent your interests before the USPTO, we will correspond only with your attorney. The USPTO cannot help you select an attorney.

What must the application include?

An application must include the following elements before the USPTO will accept it:

- the name of the applicant;
- a name and address for correspondence;
- a clear drawing of the mark;
- a listing of the goods or services; and
- the filing fee for at least one class of goods or services.

If your application does not meet these requirements, the USPTO will return the application papers and refund any fees submitted.

If you file a paper application, and it meets the minimum filing requirements, the USPTO will assign a serial number and send a filing receipt. You should review this receipt for accuracy, and notify the USPTO of any errors, following the directions on the receipt.

An electronically-filed application must include the same information to receive a filing date. However, at the time of filing, an e-mail summary, including a serial number, is sent. No paper filing receipt is generated. If through later review the USPTO determines that the application did not include the required information, we will cancel the serial number and filing date, return the application, and refund the filing fee.

If you transmit your application over the Internet, the filing date is the date the transmission reaches the USPTO server. Otherwise, the filing date of an application is the date the USPTO receives the application.

NOTE: *Receiving a filing date does not mean that you have satisfied ALL registration requirements.* To obtain a registration, you must comply with all application requirements, and overcome any refusal(s) issued by the examining attorney during examination.

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Although only the minimum filing requirements *must* appear in your initial application to receive a filing date, submitting *all* available information requested in the application form will help reduce delays in processing your application. *See* below for more information about these requirements.

NAME OF THE APPLICANT

The application must be filed *in the name of the owner of the mark*. The owner of the mark is the person or entity who controls the nature and quality of the goods identified by the mark and/or the services rendered in connection with the mark. The owner may be an individual, corporation, partnership, or other type of legal entity.

Do I have to be a U.S. citizen to apply?

No. However, if you do not reside in the United States, you may appoint a "domestic representative" as part of the application process (*see below*).

NAME AND ADDRESS FOR CORRESPONDENCE

The name and address for correspondence is the address where the USPTO will send communications concerning the application. It may be that of the applicant or the applicant's legal representative. Also, an applicant residing outside the United States may list a domestic representative, that is, the name and address of *any* person residing in the U.S. "upon whom notices or process may be served for proceedings affecting the mark."

You must keep your mailing address up-to-date with the USPTO. This can be done through TEAS at **http://www.uspto.gov/teas/index.html**. If you send a notice of change of address on paper, please include at the top of the request a "heading" listing the applicant's name, mark, and the application serial number. Mail the change of address to:

Commissioner for Trademarks
P.O. Box 1451
Alexandria , VA 22313-1451

DEPICTION OF THE MARK ("THE DRAWING")

Every application must include ***a clear drawing of the mark*** you want to register. We use the drawing to file the mark in the USPTO search records and to print the mark in the *Official Gazette* and on the registration certificate.

TEAS (Trademark Electronic Application System) generates a proper drawing for you, based on the information you enter. See **TMEP §807.05** for more information about electronically-

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submitted drawings. If you are preparing the drawing page yourself, use white, non-shiny paper that is 8½ inches wide by 11 inches long (21.59 cm by 27.94 cm). The mark can be no larger than 3.5 inches high by 3.5 inches wide (8 cm by 8 cm). The drawing page should include a "heading" with the following elements:

- applicant's name;
- correspondence address;
- listing of goods and/or services; and
- dates of use (if already using the mark in commerce); or, wording "Intent to Use."

The representation of the mark must then appear below the heading, in the middle of the page, in the proper format for either a "standard character" drawing or a "stylized or special form" drawing. **Once filed, you cannot make a material change to your mark.**

What is a "standard character" drawing (formerly known as a "typed" drawing)?

You may submit a standard character drawing if:

- All letters and words in the mark are depicted in Latin characters;
- All numerals in the mark are depicted in Roman or Arabic numerals;
- The mark includes only common punctuation or diacritical marks; and
- The mark does not include a design element.

37 C.F.R. §2.52(a).

You must also submit the following statement:

The mark is presented in standard character format without claim to any particular font style, size or color.

You may depict the mark in any font style; may use bold or italicized letters; and may use both uppercase and lowercase letters, all uppercase letters or all lowercase letters. See **TMEP §807.03** for further information.

The Office has created a standard character set that lists letters, numerals, punctuation marks, and diacritical marks that may be used in a standard character drawing, available on the Office's website at **http://teas.uspto.gov/standardCharacterSet.html**. If the applicant wants to register characters that are not in the set, then the applicant must file a special form drawing.

NOTE: Actual size would be 8½" x 11" (21.6 cm x 27.9 cm).

Applicant's Name: A-OK Software Development Group

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Correspondence Address: 100 Main Street, Any Town, MO 12345
Goods and Services: Computer services, namely on-line magazine in the field of business management
Date of First Use: January 15, 1995
Date of First Use in Commerce: May 15, 1995
Standard Character Claim: The mark is presented in standard character format without claim to any particular font style, size or color.

The Mark:

THEORYTEC

What is a "Stylized or Special Form" drawing?

If the particular style of lettering is important or the mark includes color or a design or logo, you must select the "stylized or special form" drawing format. The drawing page should show a black and white image of the mark unless color is claimed as a feature of the mark, no larger than 3.5 inches by 3.5 inches (8 cm by 8 cm). The drawing in special form must be a substantially exact representation of the mark as it appears on the specimen or on the foreign registration, as appropriate.

The following is an example of a proper special form drawing:

NOTE: Actual size would be 8½" x 11" (21.6 cm x 27.9 cm), with an image no larger than 3.5 inches by 3.5 inches (8 cm by 8 cm).

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Applicant's Name: Pinstripes, Inc.
Applicant's Address: 100 Main Street, Any Town, MO 12345
Goods and Services: Clothing, namely baseball caps and t-shirts
Date of First Use: Intent-to-Use Application
Date of First Use in Commerce: Intent-to-Use Application

The Mark:

PINSTRIPES

What if I want to show color on the drawing?

If you want to register a mark in color, you must submit a color drawing. 37 C.F.R. 2.52(b)(1). You must also submit: (1) a color claim naming the colors that are a feature of the mark; and (2) a separate statement describing where the color(s) appear on the mark. See **TMEP §807.07** for further information.

GOODS AND/OR SERVICES

You must list the specific goods/services for which registration is sought, *regardless* of the basis for the application. For information on "basis," *see* **BASIS FOR FILING**.

- **If based on use in commerce**, you must already be using the mark in commerce on or in connection with *all* the goods and/or services listed.

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- **If based on intent to use, on a foreign application or registration**, **or on a request for extension of protection of an international registration to the United States pursuant to section 66(a) of the Trademark Act**, you must have a bona fide intention to use the mark in commerce on or in connection with *all* the listed goods and/or services.

When specifying the goods and/or services, use clear, concise terms, *i.e.*, common commercial names and language that the general public easily understands. If you fail to list any recognizable goods or services, we will return your application and refund your fee.

Please note that the terms in the classification listing of goods and services in the "**International Schedule of Classes of Goods and Services**" are generally too broad and should *not* be used alone as an identification. Also, an international class number alone is never an acceptable listing. For a listing of acceptable wording for goods and services, *see* the USPTO's *Acceptable Identification of Goods and Services Manual*, at **http://tess2.uspto.gov/netahtml/tidm.html.**

Can I change the goods and/or services after filing my application?

You can clarify or limit the goods and/or services. However, you may not expand or broaden the identification of goods and/or services after filing the application.

APPLICATION FILING FEE

For current fees for trademark applications and amendments, please see the current **USPTO Fee Schedule**. Fee increases, when necessary, usually take effect on October 1 of any given year. Please call 1-800-PT0-9199 for up-to-date fee information.

For a listing of classes, *see* **International Schedule of Classes of Goods and Services**.

The filing fee must be paid in United States currency. The USPTO accepts payment by credit card, check or money order, or through an existing USPTO deposit account. Personal, business and certified checks are accepted and should be made payable to "Director of the USPTO." A form for authorizing charges to a credit card can be accessed through all TEAS forms. If you are filing on paper, you can download the form for authorizing credit card charges from the USPTO website at **http://www.uspto.gov/web/forms/2038.pdf**. **NOTE: If the application meets the minimum filing requirements and is given a filing date, the application filing fee cannot be refunded.**

BASIS FOR FILING

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The application should include your "basis" for filing. Most U.S. applicants base their application on their *current use* of the mark *in commerce*, or their *intent to use* their mark in commerce in the future.

What is "use in commerce"?

For the purpose of obtaining federal registration, "commerce" means all commerce that the U.S. Congress may lawfully regulate; for example, interstate commerce or commerce between the U.S. and another country. "Use in commerce" must be a bona fide use of the mark in the ordinary course of trade, and not use simply made to reserve rights in the mark. Generally, acceptable use is as follows:

> **For goods:** the mark must appear on the goods, the container for the goods, or displays associated with the goods, and the goods must be sold or transported in commerce.
>
> **For services:** the mark must be used or displayed in the sale or advertising of the services, and the services must be rendered in commerce.

If you have already started using the mark in commerce, you may file based on that use. A "use" based application must include a sworn statement (usually in the form of a declaration) that the mark is in use in commerce, listing the date of first use of the mark anywhere and the date of first use of the mark in commerce. A properly worded declaration is included in the USPTO standard application form. The applicant or a person authorized to sign on behalf of the applicant must sign the statement. The application should include a **specimen** showing use of the mark in commerce.

What is "intent to use"?

If you have not yet used the mark, but plan to do so in the future, you may file based on a good faith or bona fide intention to use the mark in commerce. *You do not have to use the mark before you file your application.*

An "intent to use" application must include a sworn statement (usually in the form of a declaration) that you have a bona fide intention to use the mark in commerce. A properly worded declaration is included in the USPTO standard application form. The applicant or a person authorized to sign on behalf of the applicant must sign the statement.

NOTE: *If you file based on intent to use, you must begin actual use of the mark in commerce before the USPTO will register the mark; that is, after filing an application based on "intent to use," you must later file another form ("Allegation of Use") to establish that use has begun. See "***Additional Requirements for 'Intent to Use' Applications***" for more information.*

Is there any other possible filing basis?

Yes. Although not as common, you may base your application on *international agreements.* Under certain international agreements, if you qualify, you may file in the U.S. based on a foreign application or on a registration in your country of origin. See **TMEP Chapter 1000**.

Also, section 66(a) of the Trademark Act permits the holder of an international registration to file a request for extension of protection of the international registration to the United States under the Madrid Protocol. See TMEP Chapter 1900 at **http://tess2.uspto.gov/tmdb/tmep/1900.htm** for further information about the Madrid Protocol.

SPECIMEN

What is a "specimen" of use?

A specimen is ***an actual example*** of how you are using the mark in commerce on or in connection with the identified goods and/or services. This is not the same as the drawing of the mark, which merely represents what you are claiming as the mark.

What is a proper specimen for use of a mark on goods (products)?

Normally, a specimen for a mark used on goods shows the mark on the actual goods or packaging for the goods. You may submit a tag or label for the goods; a container for the goods; a display associated with the goods; or a photograph of the goods that shows use of the mark on the goods. Do **not** submit the actual product.

Invoices, announcements, order forms, bills of lading, leaflets, brochures, publicity releases, letterhead and business cards generally are NOT acceptable specimens for goods.

What is a proper specimen for use of a mark with services?

A specimen for a mark used in connection with services must show the mark used in the sale or advertising for the services. You may submit a sign; a brochure about the services; an advertisement for the services; a business card or stationery showing the mark in connection with the services; or a photograph showing the mark as used in rendering or advertising the services. There must be some reference to the type of services rendered on the specimen, *i.e.*, not just a display of the mark itself. For example, if the mark sought to be registered is "XYZ," a business card that only shows the mark "XYZ" would not be acceptable. A business card that states "XYZ REAL ESTATE" would be acceptable.

How do I file the specimen?

If filing electronically, you must attach an image of your specimen in .jpg format. In order to show the context in which the mark is used, the image should include as much of the label or advertisement as possible.

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If filing a paper application, the specimen submitted with the application must be flat and no larger than 8½ by 11 inches. If you submit a larger specimen, the USPTO will create a facsimile of the specimen, insert it in the application file wrapper, and destroy the original submission. However, specimens consisting of videotapes, audiotapes, CDs or computer diskettes are acceptable for marks, such as sound marks, that cannot be used any other way.

When do I file the specimen?

- **For an application based on "use":** If you are using the mark in commerce and you file based on that use, you should submit one specimen for each class of goods/services listed in the original application.
- **For an application based on "intent to use":** You must submit one specimen for each class of goods/services when filing the "Allegation of Use." *See* section "**Additional Requirements for 'Intent to Use' Applications**".
- **For an application based solely on a foreign application or registration:** No specimen is required.

SIGNATURE

Who can sign the application?

A person who is properly authorized to sign a verification on behalf of the applicant is:

- a person with legal authority to bind the applicant; or
- a person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the applicant; or
- an attorney as defined in 37 C.F.R. §10.1(c) who has an actual written or verbal power of attorney or an implied power of attorney from the applicant.

How do I sign a TEAS application?

In a TEAS application, you do not apply a conventional signature. Instead, you enter a "symbol" that you have adopted as a signature. The USPTO will accept *any* combination of letters, numbers, spaces and/or punctuation marks placed between two forward slash ("/") symbols. Examples of acceptable signatures for TEAS applications include /*john doe*/, /*drl*/, and /*544-4925*/.

What happens after I file my application?

LEGAL AND PROCEDURAL REVIEW OF APPLICATION

After the USPTO determines that you have met the **minimum filing requirements**, the application is forwarded to an examining attorney. This may take a number of months. The examining attorney reviews the application to determine whether it complies with all applicable rules and statutes and includes all required fees. Federal registration of trademarks is governed by the Trademark Act of 1946, 15 U.S.C. §1051 *et seq.*, and the Trademark Rules of Practice, 37 C.F.R. Part 2.

A complete examination includes a search for conflicting marks, and an examination of the written application, the drawing, and any specimen.

If the examining attorney decides that a mark should not be registered, the examining attorney will issue a letter (Office action) explaining any substantive reasons for refusal, and any technical or procedural deficiencies in the application. If only minor corrections are required, the examining attorney may contact the applicant by telephone or e-mail (if the applicant has authorized communication by e-mail). If the examining attorney sends an Office action, the applicant's response to the Office action **must be received in the Office** within six months of the mailing date of the Office action, or the application will be declared abandoned.

If the applicant's response does not overcome all objections, the examining attorney will issue a final refusal. To attempt to overcome a final refusal, the applicant may, for an additional fee, appeal to the Trademark Trial and Appeal Board, an administrative tribunal within the USPTO.

Does the examining attorney search for conflicting marks?

Yes. After an application is filed, the assigned examining attorney will search the USPTO records to determine if a conflict, i.e., a likelihood of confusion, exists between the mark in the application and another mark that is registered or pending in the USPTO. *The USPTO will **not** provide any preliminary search for conflicting marks* before an applicant files an application. The principal factors considered by the examining attorney in determining whether there would be a likelihood of confusion are:

- the similarity of the marks; and
- the commercial relationship between the goods and/or services listed in the application.

To find a conflict, the marks do *not* have to be identical, and the goods and/or services do not have to be the same. It may be enough that the marks are *similar* and the goods and/or services *related*.

If a conflict exists between your mark and a registered mark, the examining attorney will refuse registration on the ground of likelihood of confusion. If a conflict exists between your mark and a mark in a pending application that was filed before your application, the examining attorney

will notify you of the potential conflict. If the earlier-filed application registers, the Examining Attorney will refuse registration of your mark on the ground of likelihood of confusion.

Can I search for conflicting marks before filing?

Yes. You *should* search the USPTO records before filing your application to determine if any party is already claiming rights in a particular mark. You may conduct a search on-line at **http://tess2.uspto.gov/bin/gate.exe?f=login&p_lang=english&p_d=trmk**, or by visiting the USPTO Public Search Facility – Madison East, 1 st Floor, 600 Dulany Street, Alexandria, Virginia. The library is open between 8:00 a.m. – 8:00 p.m., Monday through Friday. Both on-line searching and use of the Public Search Facility are free.

Additionally, registered and pending trademarks may be searched at a Patent and Trademark Depository Library (PTDL). PTDLs are located throughout the U.S. *See* **PTDL** for a listing of their locations, or **http://www.uspto.gov/web/offices/ac/ido/ptdl/index.html**. Private trademark search firms will conduct a search for a fee. A listing of search firms can be found in the Yellow Pages of local phone directories or through an Internet search. **The USPTO cannot assist you in selecting a search firm.**

You can check the status of any pending application or registration through the Trademark Application and Registration Retrieval (TARR) database, available on-line at **http://tarr.uspto.gov**. If you do not have access to the Internet, you can call the Trademark Assistance Center at 1-800-786-9199, to request a status check.

Are there other reasons the examining attorney might refuse my mark?

Yes. In addition to likelihood of confusion (discussed above), an examining attorney will refuse registration if the mark is:

- primarily merely descriptive or deceptively misdescriptive of the goods/services;
- primarily geographically descriptive or primarily geographically deceptively; misdescriptive of the goods/services;
- primarily merely a surname; or
- ornamental.

This is ***not*** a complete list of all possible grounds of refusal. *See* Chapter 1200 of the *Trademark Manual of Examining Procedure* (TMEP), available at **http://tess2.uspto.gov/tmdb/tmep/**, for a complete discussion of the grounds for refusal of registration of a mark.

PUBLICATION FOR OPPOSITION

If the examining attorney raises no objections to registration, or if the applicant overcomes all objections, the examining attorney will approve the mark for publication in the *Official Gazette*, a weekly publication of the USPTO.

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The USPTO will send a NOTICE OF PUBLICATION to the applicant stating the date of publication. Any party who believes it may be damaged by registration of the mark has thirty (30) days from the publication date to file either an opposition to registration or a request to extend the time to oppose. An opposition is similar to a proceeding in a federal court, but is held before the Trademark Trial and Appeal Board, a USPTO administrative tribunal. If no opposition is filed or if the opposition is unsuccessful, the application enters the next stage of the registration process. A Certificate of Registration will issue for applications based on use, or a Notice of Allowance will issue for intent-to-use applications.

CERTIFICATE OF REGISTRATION OR NOTICE OF ALLOWANCE

If the mark is published based upon the actual use of the mark in commerce, or on a foreign registration, and no party files an opposition or request to extend the time to oppose, the USPTO will normally register the mark and issue a registration certificate about twelve (12) weeks after the date the mark was published.

If the mark is published based upon the applicant's bona fide intention to use the mark in commerce, the USPTO will issue a NOTICE OF ALLOWANCE about twelve (12) weeks after the date the mark was published, if no party files either an opposition or request to extend the time to oppose. The applicant then has six (6) months from the date of the NOTICE OF ALLOWANCE to either:

- use the mark in commerce and submit a STATEMENT OF USE; or
- request a six-month EXTENSION OF TIME TO FILE A STATEMENT OF USE.

Both forms are available at **http://www.uspto.gov/teas/index.html**. *See* **Additional Requirements for 'Intent to Use' Applications**. If the STATEMENT OF USE is filed and approved, the USPTO will issue the registration certificate.

Additional requirements for "intent to use" applications

Before the USPTO will register a mark that is based upon a bona fide intention to use the mark in commerce, the owner must:

- use the mark in commerce; and
- file an Allegation of Use.

What is an Allegation of Use?

An **Allegation of Use** is a sworn statement signed by the applicant or a person authorized to sign on behalf of the applicant (*see* **signature**) attesting to use of the mark in commerce. With the Allegation of Use, the owner must submit:

- a filing fee of $100 per class of goods/services; and
- one specimen showing use of the mark in commerce for each class of goods/services.

A form for filing the allegation of use is available at **http://www.uspto.gov/teas/index.html**.

When do I file an Allegation of Use?

You may file the Allegation of Use **only**

- on or before the day the examining attorney approves the mark for publication in the *Official Gazett*e (an Allegation of Use filed before the mark is approved for publication is called an **Amendment to Allege Use**); or
- on or after the day the USPTO issues the Notice of Allowance (an Allegation of Use filed after the Notice of Allowance is issued is called a **Statement of Use**).

The Amendment to Allege Use and the Statement of Use include the same information, and differ only as to the time when it is filed. If you file an Allegation of Use between the period *after* the mark is approved for publication but *before* the Notice of Allowance is issued, the USPTO will return it.

Is there a deadline for filing the Statement of Use after the Notice of Allowance issues?

Yes. Once the USPTO issues the Notice of Allowance, you have six (6) months to file the Statement of Use. The six-month period runs from the date the USPTO *issues* the Notice of Allowance, *not* the date you receive it. **If you have not used the mark in commerce, you must file a Request for an Extension of Time to File a Statement of Use** (Extension Request) before the end of the six-month period, or the application will be declared "abandoned."

What is a Request for an Extension of Time to file a Statement of Use?

An Extension Request is a sworn statement signed by the owner or a person authorized to sign on behalf of the owner (*see* **signature**), stating that the applicant still has a bona fide intention to use the mark in commerce, and needs additional time to use the mark in commerce. A filing fee of $150 per class of goods/services must accompany the Extension Request. The form for filing the Extension Request is available at **http://www.uspto.gov/teas/index.html**.

The Extension Request, if granted, gives the owner an additional six (6) months to either:

- use the mark in commerce and file a Statement of Use; or
- file another Extension Request.

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You may continue to file Extension Requests every six (6) months. However, you must use the mark and file a Statement of Use within three (3) years of the date the Notice of Allowance issues. **The USPTO will not register a mark if, after thirty-six (36) months of the mailing date of the Notice of Allowance, no Statement of Use has been filed.**

Maintaining a federal trademark registration

Rights in a federally-registered trademark can last indefinitely if the owner continues to use the mark on or in connection with the goods and/or services in the registration and files all necessary documentation in the USPTO at the appropriate times. In general, the owner of a registration must periodically file:

- Affidavits of Continued Use or Excusable Nonuse under 15 U.S.C. §1058; and
- Applications for Renewal under 15 U.S.C. §1059.

Forms for filing these documents are available at **http://www.uspto.gov/teas/**. For further information on maintaining a federal trademark registration, please contact the Post Registration Division at (571) 272-9500.

USPTO contacts for more information

Below is a listing of various USPTO divisions' telephone and facsimile numbers. For general information about federal trademark registrations, or inquiries pertaining to a specific trademark application or registration, visit the USPTO web site at **http://www.uspto.gov**.

Division	**Phone**	**Fax**
Assignment Service Division	(571) 272-3350	(571) 273-0140
For recording assignments	(800) 972-6382	
Certification Division	(571) 272-3150	(571) 273-3250
For certified copies of registrations	(800) 972-6382	
Copy Sales Department	(571) 272-3150	(571) 273-3250
For copies of files and registrations	(800) 972-6382	
Government Printing Office	(202) 512-1800	(202) 512-2104
For copies of the Official Gazette and other USPTO publications		

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Intent to Use/Divisional Unit	(571) 272-9550	(571) 273-9550
For filing Statements of Use, Extension Requests and Requests to Divide Applications		
Madrid Processing Unit	(571) 272-8910	
For filing international applications and other documents under the Madrid Protocol		
Office of the Commissioner for Trademarks	(571) 272-8950	(571) 273-8950
For filing petitions to the Director		
Post Registration Division	(571) 272-9500	(571) 273-9500
For filing post registration documents		
Publication and Issue Division	(571) 272-9401	
For original certificate of registration		
Trademark Assistance Center	(571) 272-9250	(571) 273-9250
For general trademark information and printed application forms	(800) 786-9199	
Trademark Trial and Appeal Board	(571) 272-8500	(571) 273-8500
For filing notices of opposition and petitions to cancel registrations		

OTHER TRADEMARK RESOURCES

United States Patent and Trademark Office Homepage
Patent and Trademark Depository Libraries (PTDL)
International Schedule of Classes of Goods and Services
Fees for Filing Trademark-Related Documents

Call the **Trademark Assistance Center** *at* **703.308.9000** *for help on trademark matters. Send questions about USPTO programs and services to the* **USPTO Contact Center (UCC).**

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