UNITED STATES PATENT AND TRADEMARK OFFICE



Federal trademark filing: Overview

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Images used in this presentation are for educational purposes only.



Filing overview

- Reminders:
 - The slides will be emailed after the presentation.
 - Captioning is available.
 - Post your questions to the Q&A box.



Discussion topics

- Filing basics
- Trademark Center pre-filing checklist
- Trademark Center filing demonstration
- How to find help



Discussion topic Filing basics

Filing basics

- Trademark Center
 - Mobile-friendly design
 - Guided user interface
 - Drafts that automatically save every 60 seconds
 - Application costs that update as you go
 - Prompts to complete commonly omitted information

Discussion topic

Trademark Center pre-filing checklist

Pre-filing checklist for your trademark application

Use this checklist to understand the decisions you must make before filing your application.

1. Determine your mark drawing format.

Decide which version of your trademark you want to register.

Standard character format

- Protects words, letters, and slogans used as marks, without limiting the mark to a specific typeface, size, or color.
- Provides protection for the wording itself, not what it looks like.
- For example: T.MARKEY
- Pro tip: This provides more flexible protection than special form format registration.

Special form format

- Protects stylized and design marks.
- Provides protection for the look of the mark, plus any wording.



- Pro tip: Registering the mark without color provides more flexible protection than registering it with color.
- Pro tip: Save a JPG image of your mark to your computer before filing.

For more information about drawing formats, see www.uspto.gov/trademarks/trademark-examples.

Determine your filing basis.

Verify the legal reason to register your mark. Section 1(a) - Use-in-commerce

- You're using the mark with customers in another state, U.S. territory, or foreign country.
- Pro tip: Save a PDF or JPG image of your specimen to your computer before filing. A specimen is evidence of how you're actually using the mark with your goods and services.

Section 1(b) - Intent-to-use

 You're not yet using the mark in interstate commerce, but have a good faith intent to do so in the future.

For more information, see <u>www.uspto.gov/</u> trademarks/basics/application-filing-basis.

3. Determine your goods and services.

Prepare a list of goods and services that you use (or have a bona fide intent to use) with your mark.

- Use the USPTO's ID Manual to find acceptable identifications of goods and services: <u>www.uspto.gov/TrademarkID</u>.
- Inaccurate and unacceptable identifications will result in a refusal to register your mark.

See the reverse side to estimate your filing fee and learn how to file.

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www.uspto.gov/sites/default/files/documents/TM-Prefiling-Checklist-flyer.pdf

(cont'd)

- Choose your mark drawing format.
 - Standard character drawing
 - Special form drawing

COCA-COLA Coca Cola



(cont'd 2)

- Know your filing basis.
 - Required for each listed good or service in your application
 - Most common bases
 - Use in commerce
 - Intent to use



(cont'd 3)

- Identify your goods and services.
 - Generally understood terminology
 - Specific terminology
 - Cannot expand "scope" after filing
 - Trademark ID Manual
 - <u>www.uspto.gov/TrademarkID</u>



(cont'd 4)

- Estimate your filing fee.
 - You can also track it live as you complete the application.
- Create a MyUSPTO account.
 - You only need to create an account and verify your identity one time.
- File your application in Trademark Center.

Discussion topic

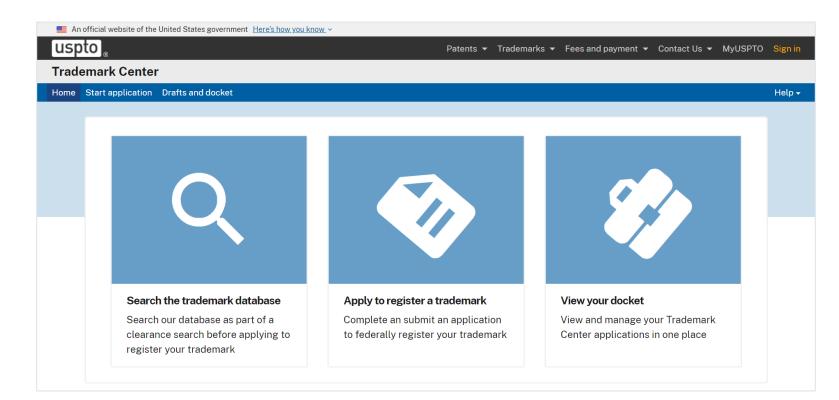
Trademark Center filing demonstration

Trademark Center demonstration

uspto	Patents -	Trademarks -	Fees and payment -	Help -	MyUSPTO	Sign in
MyUSPTO						
*			w	hat's new	MyUSPT	O help 👻
MyUSPTO						
MyUSPTO is a single place for you to active check trademark registrations and statuse				ications a	nd grants,	
I have an account	I need an account					
Log in with your USPTO.gov account	Create a USPTO.gov account					

Trademark Center demonstration

(cont'd)



https://trademarkcenter.uspto.gov/

Discussion topic How to find help

USPTO resources

- Website
 - www.uspto.gov
- Trademark videos
 - -<u>www.uspto.gov/TMvideos</u>



- Trademark basics registration toolkit
 - <u>www.uspto.gov/TrademarkBasicsToolkit</u>





USPTO resources (cont'd)

- Trademark Assistance Center
 - Main support center for all trademark customers
 - Phone: 1-800-786-9199 (press 1)
 - Email: <u>TrademarkAssistanceCenter@uspto.gov</u>

USPTO resources (cont'd 2)

- The USPTO does not:
 - Provide legal advice.
 - Enforce legal rights.
 - Recommend specific private attorneys.



Legal resources

- Remember:
 - The best resource is an experienced trademark attorney.
 - Most trademark filing companies can only provide limited services.



Caution: scam alert

- Beware of scams.
 - www.uspto.gov/TMFraud



- Beware of non-attorney filing firms.
 - -<u>www.uspto.gov/trademarks/protect/filing-firms</u>
- Beware of misleading notices and offers.
 - <u>www.uspto.gov/TrademarkSolicitations</u>







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