

0 Select a strong trademark

Weak	Type	Able to Register?	Example
↑ TRADEMARK STRENGTH ↓	Generic	No	"Computers"
	Descriptive	No	"Quality Computers"
	Suggestive	Yes	
	Arbitrary	Yes	
	Fanciful	Yes	
Strong			

1 Application filed with USPTO



Understanding the

TRADEMARK PROCESS

2 Assigned to Examining Attorney



Approved

WHAT IS AN OFFICE ACTION?

If the examining attorney feels there is a problem with your application (or needs clarification) they will issue an office action describing the problem or clarification needed.

"Non-substantive" office actions are the type that only require an amendment or clarification and are not a refusal of your application.

A "Substantive" office action is more serious and typically arises when the examining attorney believes there is a likelihood of confusion between your mark and a 3rd party's pre-existing application or registration. If you are unable to overcome these objections, your mark will not be registered.

Office actions, whether basic or more serious, will increase the time between application and registration. Having an experienced trademark attorney prepare your application can help avoid office actions.

Office Action

Reply - 6 months

Final Office Action

Response or Appeal

1 MONTH

3 Published for Opposition

GAZETTE



Once published, anyone who believes his or her business will be harmed by the registration of your mark has 30 days to file an objection. If no objection is filed, your mark will continue to registration.

30 DAYS

4 Mark approved for registration

BASIS FOR FILING

To apply for registration with the USPTO you must show your mark is currently being used in commerce or that you intend to do so in the near future.

1. USE IN COMMERCE

If your application is filed on a "use" basis, it will immediately register once approved.

2. INTENT TO USE

If your application is filed on an "intent" basis, once it's approved you must show actual use in commerce by filing a "Statement of Use"

TM vs. ®

Anyone can use the TM on a symbol, phrase, word or design. It does not give legal protection, but can alert competitors that you intend to stake a claim in that mark. It can also be used while a trademark application is pending with the USPTO.

Using the "R" symbol means the trademark has been approved and registered by the USPTO. You cannot legally use it until your mark has been approved for registration.

3 MONTHS

® REGISTRATION!

0 Selecting a strong trademark is a key component to protecting your company's brand. This involves both (i) selecting/creating distinctive words, designs, and symbols and (ii) conducting a comprehensive search to ensure there are no similar marks already in use.

1 Registration only protects your mark for the "class(es)" in which it is registered. Depending on the nature of the goods or services you offer, you may need to apply for registration in more than one class. The USPTO charges a filing fee of \$225 per class (if filed electronically).

2 After filing your application, it is assigned to be reviewed by an attorney who works for the United States Patent & Trademark Office (the examining attorney). This attorney will contact you (or your attorney) if there are issues that need to be resolved before moving to Step 3.

3 Once approved for publication, your mark will be published for 30 days in the Trademark Official Gazette (TMOG). If a 3rd party files an opposition during this period, there will be a court-like proceeding held before the Trademark Trial and Appeal Board (TTAB).

4 If the application was based on current use of the mark and successfully moves past the 30-day opposition period, the mark will then be registered. If the application was based on an intent to use the mark, you will receive a "Notice of Allowance." You must then file a "Statement of Use" showing you have begun using the mark in commerce before the mark will be registered.