

Basic Facts About

TRADEMARKS

**United States Patent and Trademark Office
2900 Crystal Drive
Arlington, Virginia 22202-3513**

This booklet explains how to register a trademark. For more information and to apply for trademark registration, please go to the United States Patent and Trademark Office (USPTO) web site, at <http://www.uspto.gov>.

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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>.

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.

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>, 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. See pp. 15-16 for a listing of locations and phone numbers. 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 (703) 308-9000 or (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
Box-New App-Fee
2900 Crystal Drive
Arlington, VA 22202-3513

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. If you mail your application using “Express Mail,” the filing date is the date of deposit of the application with the U.S. Postal Service. 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

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 must 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 must 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. If your address changes at any time during the application process, you must request **in writing** that we change the address. 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
2900 Crystal Drive
Arlington, VA 22202-3513

▪ **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 entered. 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), and include the following elements in a "heading":

- 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 "typed" drawing or a "stylized or special form" drawing.

Once filed, you cannot make a material change to your mark.

What is a "typed" drawing?

To apply to register a mark comprised of word(s), letter(s), and/or number(s), with no particular stylization or design element included in the mark, you should select the "typed" drawing format.

For this format, the mark must be typed in all capital letters, as in the following example:

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

Applicant’s Name: A-OK Software Development Group
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

The Mark:

THEORYTEC

What is a "Stylized or Special Form" drawing?

If the particular style of lettering is important or the mark includes 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, no larger than 4 inches by 4 inches (10.16 cm by 10.16 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.

Do not submit a drawing with color or gray shading, even if the mark is used in color; instead, specify any color designations in a description of the mark within the body of the application, not on the drawing page (*e.g.*, “The mark consists of a bird with a blue body and red wings”). Also, do not submit a drawing that combines typed matter and special form.

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 4 x 4 inches (10.16 cm by 10.16 cm).

Applicant’s Name: Pinstripes, Inc.

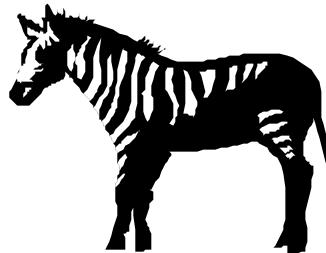
Applicant’s Address: 100 Main Street, Any Town, MO 12345

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

▪ **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* **p. 7**.

- **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.
- **If based on intent to use and/or a foreign application or registration**, 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" (pp. 17-18) 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://www.uspto.gov>.

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**

The filing fee for a trademark application is \$325 *per class* of goods/services. For a listing of classes, *see* pp. 17-18. Fee increases, when necessary, usually take effect on October 1 of any given year. Please call 1-800-PTO-9199 for up-to-date fee information.

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>. For a complete listing of all trademark fees, *see* p. 19. **NOTE: If the application meets the minimum filing requirements and is given a filing date (see p. 3), the application filing fee cannot be refunded.**

▪ **BASIS FOR FILING**

The application should include your "basis" for filing. Most 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 (*see* p. 9) must sign the statement. The application should include a specimen showing use of the mark in commerce (*see* p. 8).

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 (*see* p. 9) 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 (p. 12).*

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.

▪ **SPECIMEN**

What is a “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 (*see* p. 4 for information about the drawing).

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 .gif or .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.

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” (*see* p. 12).
- **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 or implied written or verbal 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 (*see p. 3*), 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://tess.uspto.gov>, or by visiting the USPTO Trademark Public Search Library at 2900 Crystal Drive, 2nd Floor, Arlington, Virginia. The library is open between 8:00 a.m. – 5:00 p.m., Monday through Friday. Both on-line searching and use of the Public Search Library 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 pp. 15-16* for a listing of their locations, or <http://www.uspto.gov>. 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://www.uspto.gov>, or by calling the Trademark Status Line at (703) 305-8747.

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 www.uspto.gov, 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.

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>. See “Additional Requirements for ‘Intent to Use’ Applications,” below. 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 p. 9 regarding 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>.

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 Gazette* (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* **p. 9** regarding 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>.

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.

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>. For further information on maintaining a federal trademark registration, please contact the Post Registration Division at (703) 308-9500.

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>.

<u>Division</u>	<u>Phone</u>	<u>Fax</u>
Assignment Division <i>For recording assignments</i>	(703) 308-9723	(703) 308-7124
Certification Division <i>For certified copies of registrations</i>	(703) 308-9726	(703) 308-7048
Copy Sales Department <i>For copies of files and registrations</i>	(703) 305-8716	(703) 308-8759
Government Printing Office <i>For copies of the Official Gazette and other USPTO publications</i>	(202) 512-1800	(202) 512-2250
Intent to Use/Divisional Unit <i>For filing Statements of Use, Extension Requests and Requests to Divide Applications</i>	(703) 308-9550	(703) 308-7196
Office of the Commissioner for Trademarks <i>For filing petitions to the Commissioner</i>	(703) 308-8900	(703) 308-7220
Post Registration Division <i>For filing post registration documents</i>	(703) 308-9500	(703) 308-7178
Publication and Issue Division <i>For original certificate of registration</i>	(703) 308-9401	(703) 305-4100
Trademark Assistance Center <i>For general trademark information and printed application forms</i>	(703) 308-9000	(703) 308-7016
Trademark Trial and Appeal Board <i>For filing notices of opposition and petitions to cancel registrations</i>	(703) 308-9300	(703) 308-9333

OTHER TRADEMARK RESOURCES

United States Patent and Trademark Office Homepage <http://www.uspto.gov>

The USPTO web site is an invaluable resource for filing trademark applications, searching the trademark database (TESS), obtaining information on the status of trademark applications and registrations (TARR), and learning about the trademark application process and changes and developments at the USPTO.

Patent and Trademark Depository Libraries (PTDL)

PTDLs are libraries designated throughout the United States to receive patent and trademark information from the USPTO. While the references and resources available may vary at each library, all PTDLs maintain some collections of current and earlier-issued patents and trademarks and USPTO reference materials and provide direct, computerized access to USPTO data. For a complete list of PTDLs, *see* pp. 15-16.

PATENT AND TRADEMARK DEPOSITORY LIBRARIES

ALABAMA	Auburn: Ralph Brown Draughton Library, Auburn University	334 844-1747
	Birmingham: Birmingham Public Library	205 226-3620
ALASKA	Anchorage: Z. J. Loussac Public Library, Anchorage Municipal Libraries	907 562-7323
ARIZONA	Tempe: Noble Science & Engineering Library, Arizona State University	480 965-7010
ARKANSAS	Little Rock: Arkansas State Library	501 682-2053
CALIFORNIA	Los Angeles: Los Angeles Public Library	213 228-7220
	Sacramento: California State Library	916 654-0069
	San Diego: San Diego Public Library	619 236-5813
	San Francisco: San Francisco Public Library	415 557-4500
	Sunnyvale: Sunnyvale Center for Innovation, Invention & Ideas	408 730-7290
COLORADO	Denver: Denver Public Library	303 640-6220
CONNECTICUT	Hartford: Hartford Public Library	860 543-8628
	New Haven: New Haven Free Public Library	203 946-8130
DELAWARE	Newark: University of Delaware Library	302 831-2965
WASHINGTON, D.C.	Washington: Founders Library, Howard University	202 806-7252
FLORIDA	Fort Lauderdale: Broward County Main Library	954 357-7444
	Miami: Miami-Dade Public Library	305 375-2665
	Orlando: University of Central Florida Libraries	407 823-2562
	Tampa: Tampa Campus Library, University of South Florida	813 974-2726
GEORGIA	Atlanta: Library & Information Center, Georgia Institute of Technology	404 894-4508
HAWAII	Honolulu: Hawaii State Library	808 586-3477
IDAHO	Moscow: University of Idaho Library	208 885-6235
ILLINOIS	Chicago: Chicago Public Library	312 747-4450
	Springfield: Illinois State Library	217 782-5659
INDIANA	Indianapolis: Indianapolis-Marion County Public Library	317 269-1741
	West Lafayette: Siegesmund Engineering Library, Purdue University	765 494-2872
IOWA	Des Moines: State Library of Iowa	515 284-6541
KANSAS	Wichita: Ablah Library, Wichita State University	316 978-3155
KENTUCKY	Louisville: Louisville Free Public Library	502 574-1611
LOUISIANA	Baton Rouge: Troy H. Middleton Library, Louisiana State University	225 388-8875
MAINE	Orono: Raymond H. Fogler Library, University of Maine	207 581-1678
MARYLAND	College Park: Engineering and Physical Sciences Library, U. of Maryland	301 405-9157
MASSACHUSETTS	Amherst: Physical Sciences and Engineering Library, U. of Mass	413 545-1370
	Boston: Boston Public Library	617 536-5400, Ext. 265
MICHIGAN	Ann Arbor: Media Union Library, The University of Michigan	734 647-5735
	Big Rapids: Abigail S. Timme Library, Ferris State University	231 591-3602
	Detroit: Great Lakes Patent & Trademark Center, Detroit Public Library	313 833-3379
MINNESOTA	Minneapolis: Minneapolis Public Library & Information Center	612 630-6120
MISSISSIPPI	Jackson: Mississippi Library Commission	601 961-4111
MISSOURI	Kansas City: Linda Hall Library	816 363-4600
	St. Louis: St. Louis Public Library	314 241-2288, Ext. 390
MONTANA	Butte: Montana Tech Library of the University of Montana	406 496-4281
NEBRASKA	Lincoln: Engineering Library, University of Nebraska-Lincoln	402 472-3411
NEVADA	Las Vegas: Clark County Library,	<i>Not Yet Operational</i>
	Las Vegas – Clark County Library District	
	Reno: University Library, University of Nevada – Reno	775 784-6500, Ext. 257
NEW HAMPSHIRE	Concord: New Hampshire State Library	603 271-2239
NEW JERSEY	Newark: Newark Public Library	973 733-7779
	Piscataway: Library of Science and Medicine, Rutgers University	732 445-2895

NEW MEXICO	Albuquerque: Centennial Science and Engineering Library, The University of New Mexico	505 277-4412
NEW YORK	Albany: New York State Library	518 474-5355
	Buffalo: Buffalo and Erie County Public Library	716 858-7101
	New York: Science, Industry & Business Library, New York Public Library	212 592-7000
	Rochester: Rochester Public Library	<i>Not Yet Operational</i>
	Stony Brook: Engineering Library, SUNY at Stony Brook	516 632-7148
NORTH CAROLINA	Raleigh: D. H. Hill Library, North Carolina State University	919 515-2935
NORTH DAKOTA	Grand Forks: Chester Fritz Library, University of North Dakota	701 777-4888
OHIO	Akron: Akron-Summit County Public Library	330 643-9075
	Cincinnati: The Public Library of Cincinnati and Hamilton County	513 369-6971
	Cleveland: Cleveland Public Library	216 623-2870
	Columbus: Science and Engineering Library, Ohio State University	614 292-3022
	Toledo: Toledo/Lucas County Public Library	419 259-5212
OKLAHOMA	Stillwater: Oklahoma State University, 206 CITD	405 744-7086
OREGON	Portland: Paul L. Boley Law Library, Lewis & Clark College	503 768-6786
PENNSYLVANIA	Philadelphia: The Free Library of Philadelphia	215 686-5331
	Pittsburgh: The Carnegie Library of Pittsburgh	412 622-3138
	University Park: Paterno Library, Pennsylvania State University	814 865-6369
PUERTO RICO	Mayagüez: General Library, Mayagüez Campus, University of Puerto Rico	787 832-4040 Ext. 2022
RHODE ISLAND	Providence: Providence Public Library	401 455-8027
SOUTH CAROLINA	Clemson: R. M. Cooper Library, Clemson University	864 656-3024
SOUTH DAKOTA	Rapid City: Devereaux Library, South Dakota School of Mines and Technology	605 394-1275
TENNESSEE	Memphis: Memphis & Shelby County Public Library & Info Center	901 725-8877
	Nashville: Stevenson Science & Engineering Library, Vanderbilt Univ.	615 322-2717
TEXAS	Austin: McKinney Engineering Library, University of Texas at Austin	512 495-4500
	College Station: Texas A&M University	979 845-5745
	Dallas: Dallas Public Library	214 670-1468
	Houston: Fondren Library, Rice University	713 527-8101 Ext. 2587
	Lubbock: Texas Tech University Library	806 742-2282
UTAH	Salt Lake City: Marriott Library, University of Utah	801 581-8394
VERMONT	Burlington: Bailey/Howe Library, University of Vermont	802 656-2542
VIRGINIA	Richmond: James Branch Cabell Library, Virginia Commonwealth Univ.	804 828-1104
WASHINGTON	Seattle: Engineering Library, University of Washington	206 543-0740
WEST VIRGINIA	Morgantown: Evansdale Library, West Virginia University	304 293-4695, Ext. 5113
WISCONSIN	Madison: Kurt F. Wendt Library, University of Wisconsin-Madison	608 262-6845
	Milwaukee: Milwaukee Public Library	414 286-3051
WYOMING	Casper: Natrona County Public Library	307 237-4935

INTERNATIONAL SCHEDULE OF CLASSES OF GOODS AND SERVICES

GOODS

1.	Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins; unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.
2.	Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.
3.	Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.
4.	Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks.
5.	Pharmaceutical, veterinary, and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.
6.	Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; nonelectric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.
7.	Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.
8.	Hand tools and implements (hand-operated); cutlery; side arms; razors.
9.	Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire extinguishing apparatus.
10.	Surgical, medical, dental, and veterinary apparatus and instruments, artificial limbs, eyes, and teeth; orthopedic articles; suture materials.
11.	Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply, and sanitary purposes.
12.	Vehicles; apparatus for locomotion by land, air, or water.
13.	Firearms; ammunition and projectiles; explosives; fireworks.
14.	Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewelry, precious stones; horological and chronometric instruments.
15.	Musical instruments.
16.	Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks.
17.	Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.
18.	Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

19. Building materials (non-metallic); nonmetallic rigid pipes for building; asphalt, pitch and bitumen; nonmetallic transportable buildings; monuments, not of metal.
20. Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.
21. Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steel-wool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.
22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.
23. Yarns and threads, for textile use.
24. Textiles and textile goods, not included in other classes; beds and table covers.
25. Clothing, footwear, headgear.
26. Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.
27. Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).
28. Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.
29. Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats.
30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces (condiments); spices; ice.
31. Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals; malt.
32. Beers; mineral and aerated waters and other nonalcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.
33. Alcoholic beverages (except beers).
34. Tobacco; smokers' articles; matches.

SERVICES

35. Advertising; business management; business administration; office functions.
36. Insurance; financial affairs; monetary affairs; real estate affairs.
37. Building construction; repair; installation services.
38. Telecommunications.
39. Transport; packaging and storage of goods; travel arrangement.
40. Treatment of materials.
41. Education; providing of training; entertainment; sporting and cultural activities.
42. Providing of food and drink; temporary accommodation; medical, hygienic and beauty care; veterinary and agricultural services; legal services; scientific and industrial research; computer programming; services that cannot be classified in other classes.

FEES FOR FILING TRADEMARK-RELATED DOCUMENTS

Effective January 10, 2000

Fee Code	37 CFR	Description	Fee
TRADEMARK PROCESSING FEES			
361	2.6(a)(1)	Application for registration, per class.....	325.00
362	2.6(a)(2)	Filing an Amendment to Allege Use under §1(c), per class.....	100.00
363	2.6(a)(3)	Filing a Statement of Use under §1(d)(1), per class.....	100.00
364	2.6(a)(4)	Filing a Request for a 6-month Extension of Time to File a Statement of Use under §1(d)(2), per class.....	150.00
365	2.6(a)(5)	Application for renewal, per class.....	400.00
366	2.6(a)(6)	Additional fee for filing a renewal application during the grace period, per class.....	100.00
367	2.6(a)(7)	Publication of mark under §12(c), per class.....	100.00
368	2.6(a)(8)	Issuing a new certificate of registration.....	100.00
369	2.6(a)(9)	Certificate of Correction, registrant's error.....	100.00
370	2.6(a)(10)	Filing disclaimer to registration.....	100.00
371	2.6(a)(11)	Filing amendment to registration.....	100.00
372	2.6(a)(12)	Filing §8 Affidavit, per class.....	100.00
373	2.6(a)(13)	Filing §15 Affidavit, per class.....	200.00
381	2.6(a)(14)	Additional fee for filing §8 Affidavit during the grace period, per class.....	100.00
375	2.6(a)(15)	Petition to the Commissioner.....	100.00
376	2.6(a)(16)	Petition for cancellation, per class.....	300.00
377	2.6(a)(17)	Notice of opposition, per class.....	300.00
378	2.6(a)(18)	Ex parte appeal, per class.....	100.00
379	2.6(a)(19)	Dividing an application, per new application (file wrapper) created.....	100.00
382	2.6(a)(20)	For correcting a deficiency in §8 Affidavit.....	100.00
380	2.6(a)(21)	For correcting a deficiency in a renewal application.....	100.00
TRADEMARK SERVICE FEES			
461	2.6(b)(1)(i)	Printed copy of each registered mark, regular service.....	3.00
462	2.6(b)(1)(ii)	Printed copy of each registered mark, delivery on next bus. day to USPTO box or fax delivery within one bus. day to US/Canada/Mexico.....	6.00
463	2.6(b)(1)(iii)	Printed copy of each registered mark expedited delivery by commercial delivery service.....	25.00
464	2.6(b)(4)(i)	Certified copy of registered mark, with title and/or status, regular service.....	15.00
465	2.6(b)(4)(ii)	Certified copy of registered mark, with title and/or status, exp. local service.....	30.00
466	2.6(b)(2)(i)	Certified or uncertified copy of trademark application filed, regular service.....	15.00
467	2.6(b)(2)(ii)	Certified or uncertified copy of trademark application filed, exp. local service.....	30.00
468	2.6(b)(3)	Certified or uncertified copy of trademark-related file wrapper and contents.....	50.00
469	2.6(b)(5)	Certified or uncertified copy of trademark document, unless otherwise provided.....	25.00
470	2.6(b)(7)	For assignment records, abstracts of title and certification per registration.....	25.00
475	1.19(g)	Comparing and certifying copies, per document, per copy.....	25.00
480	2.6(b)(9)	Self-service copy charge, per page.....	25
481	2.6(b)(6)	Recording trademark assignment, agreement or other paper, first mark per document.....	40.00
482	2.6(b)96)	Recording trademark assignment, agreement or other paper, second or subsequent marks in the same document.....	25.00
484	2.6(b)(10)	Labor charges for services, per hour or fraction thereof.....	40.00
485	2.6(b)(11)	Unspecified other services.....	AT COST
488	2.6(b)(8)	Each hour of X-SEARCH terminal session time.....	40.00
490	1.24	Trademark coupons.....	3.00
617	1.21(m)	For processing each payment refused (including a check returned "unpaid") or charged back by a financial institution.....	50.00

REMITTANCES FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED