

**UNITED STATES
PATENT AND TRADEMARK OFFICE**





Trademark specimens overview for experienced filers

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UNITED STATES
PATENT AND TRADEMARK OFFICE





Why specimens

- Specimens are evidence of how a mark is used in commerce.
- The United States Patent and Trademark Office (USPTO) evaluates specimens to make sure a registration accurately reflects how a mark is used in the marketplace.



Definition of “use in commerce”

- The bona fide use of a mark in the ordinary course of trade, and not made merely to reserve a right in a mark.



Use in commerce

- Continuing obligation even after a mark is registered
- Limited exception for excusable nonuse
- Special circumstances beyond the owner's control or forced by outside causes
- Impact from COVID-19 may qualify



Use in commerce

- The rules require “one specimen per class showing the mark as actually used in commerce on or in connection with the goods or services identified.”



Use in commerce on goods

- A mark shall be deemed to be in use in commerce on goods when:
 - It is placed in any manner on the goods, or their containers, or the displays associated therewith; or on the tags or labels affixed thereto; or if the nature of the goods makes such placement impracticable, then on documents associated with the goods or their sale; and
 - The goods are sold or transported in commerce.





Use in commerce on services

- A mark shall be deemed to be in use in commerce on services when:
 - It is used or displayed in the sale or advertising of services and the services are rendered in commerce; or the services are rendered in more than one state; or in the United States and a foreign country and the person rendering the services is engaged in commerce in connection with the services.

Specimens for goods

- Use on the goods or on packaging or containers for the goods
- Use on a point of sale display of the goods
- Use on an electronic point of sale display of the goods

Specimens for goods – mark is on the goods



Specimens for goods – mark is on the container





Labels and tags

- Unattached labels and tags are acceptable so long as there is sufficient information to show use in commerce.
- If the appearance of the label or tag suggests the goods are not in actual use in commerce, the examining attorney will refuse registration.

Labels and tags - acceptable



NATURALLY ORGANIC



12 - 3OZ SERVINGS

Since ancient times, women have been intimately connected to the lunar cycle. In many cultures, the light of the moon was believed to regulate the menstrual cycle, trigger ovulation, impact our moods and affect the way we relate to the world.

Just as we watch the moon wax and wane over a period of 28 days, our monthly cycles take us through a series of distinct phases that influence every aspect of our lives. From week to week, our feelings and behaviors shift to reflect the transformation that is occurring within our very own bodies.

Moontime Tea is deliberately blended with the perfect combination of pure, organic ingredients to enhance the nuances of each phase of our monthly journey and to offer us peace and balance all cycle long.

Live your cycle to its fullest every day, every week and every month. Relax with the soothing ritual of sipping Moontime Tea.



Supplement Facts

Serving Size	Per Serving (3oz)	% Daily Value*
Organic Plant Based	20 mg	1
Organic Luteal Blend	10 mg	1
Organic Iron	2 mg	1
Organic Zinc	10 mg	1
Organic Plant Based Protein	10 mg	1
Organic Blend of Herbs	400 mg	1
Organic Lemon Grass	1	1
Organic Peppermint Leaf	1	1
Organic Oolong Green Tea Leaf	1	1
Organic Matcha	1	1
Organic Tumeric Root	1	1
Organic Ashwagandha	1	1
Organic Stevia Leaf	1	1

*Percent Daily Values are based on a diet of organic ingredients. Each tea bag contains approximately 2 mg of caffeine, in compliance with approximately 40 mg per 1 oz of coffee.

Moontime Tea is Certified Organic by QAI, Inc. HERBAL DIETARY SUPPLEMENT



www.MOONTIMETEA.COM

Labels and tags - unacceptable





Specimens for goods – physical displays

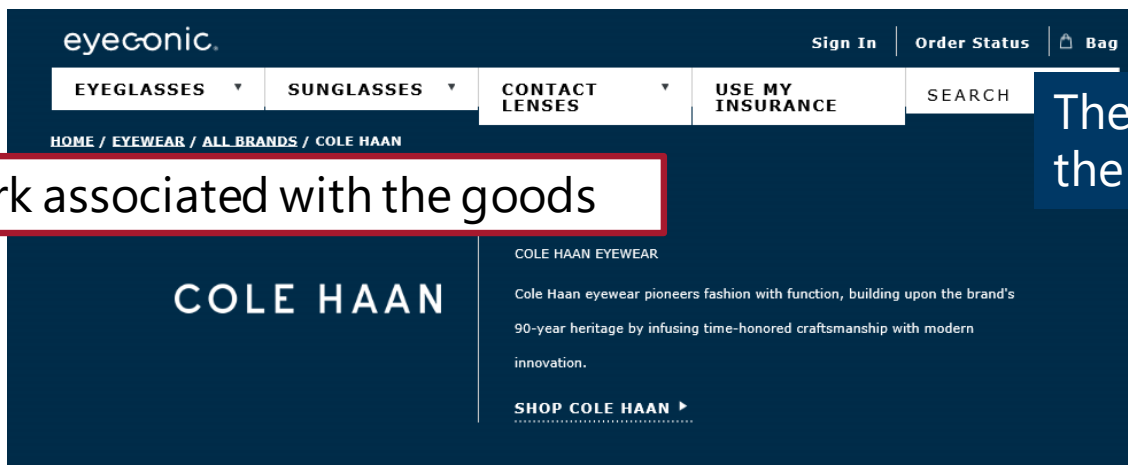
- Displays associated with the goods essentially comprise point-of-sale material such as banners, shelf-talkers, window displays, menus, and similar devices.
- A display must show use of the mark directly associated with the goods and at the point of sale.



Specimens for goods – catalogs and electronic displays

- A webpage or catalog that displays a product can constitute a "display associated with the goods" if it:
 - Contains a picture or textual description of the identified goods
 - Shows the mark in association with the goods
 - Provides a means for ordering the identified goods

Electronic display



The mark associated with the goods

The means for purchasing the goods

Picture or description of the goods



FEATURED PRODUCTS

COLE HAAN CH4013

A classic rectangle in stainless steel, this frame features flexible "Ti-Flex" technology in the bridge.

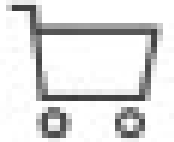
\$229.00

TAKE A CLOSER LOOK

uspto

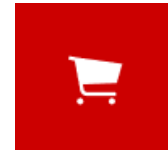


Means for purchasing the goods



Cart

 SHOPPING CART (0)





Specimens for goods – components or ingredients

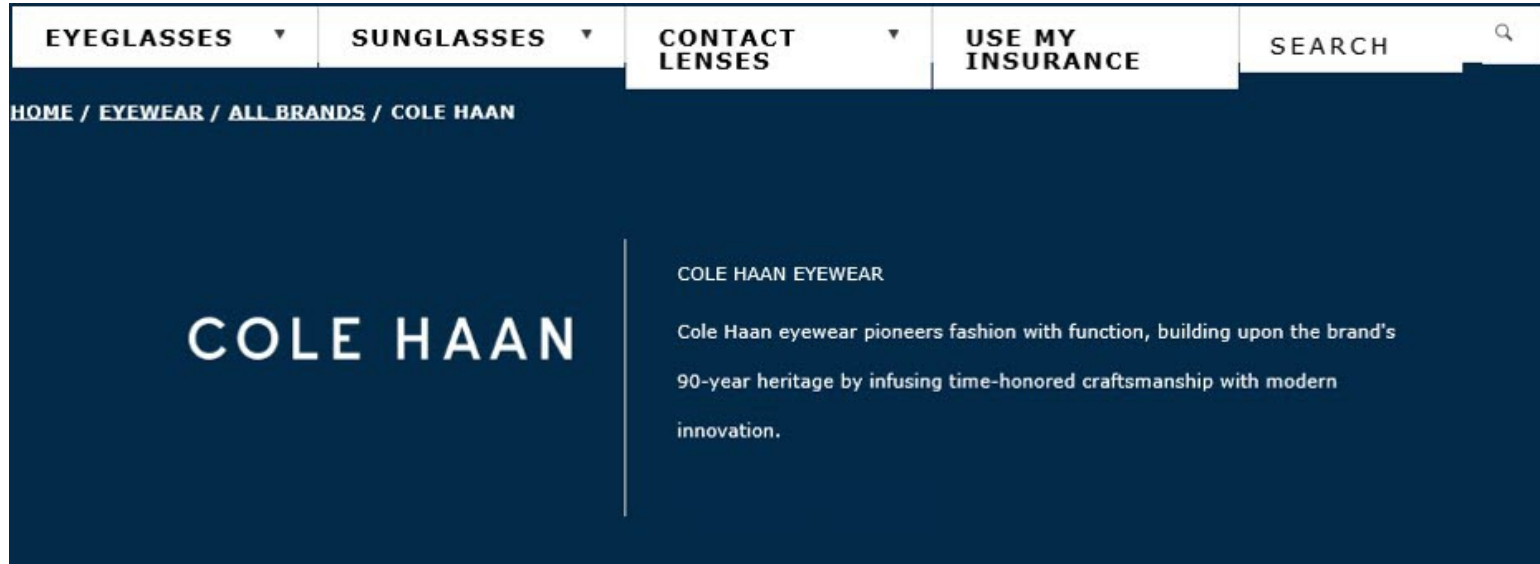
- A specimen that shows use of a mark to identify a component or ingredient of finished goods is not acceptable for the finished goods.
- For components or ingredients as goods, “it is particularly important that the specimen contain some visual or verbal identification of the component to create the required direct association between the mark and the identified goods.”



Advertisements

- Advertising material is generally not acceptable as a specimen for goods and can only be accepted if it comprises a point of sale display.
- Examples:
 - Advertising circulars
 - Brochures
 - Press releases
 - Business cards
 - Invoices

Poll: Would you refuse?



If there is no means for ordering the mark, the display is advertising for goods.





Specimens for services

Service mark specimens may show use by showing the mark:

- Used or displayed as a service mark in the **sale of the services**, which includes use in the course of rendering or performing the services
- **Used or displayed in advertising the services**, which encompasses marketing and promotional materials



Service mark specimens

- The mark must be presented sufficiently prominent on the specimen – mark placement, size, or stylization are considered.
- The specimen must show the mark used in a manner that creates in the minds of potential consumers a direct association between the mark and the services.



Service mark specimens

Advertising the services:

- To establish the requisite direct association:
 - The specimen must contain a reference to the services.
 - The mark must be used on the specimen to identify the services and their source.



Service mark specimens

Rendering the services:

- Direct association may be:
 - Indicated by the **context or environment** in which the services are rendered
 - Inferred based on the consumer's general knowledge of how certain services are provided or from the consumer's prior experience in receiving the services.

Acceptable specimens for services

The screenshot shows the Urban Loft Furnishings website. At the top, there is a navigation bar with the company logo, a search bar, a 'FREE SHIPPING' banner, and a shopping cart icon. Below the navigation bar, there is a menu with links for Home, Wall Beds, Videos, Reviews, and About Us. The main content area features a dark grey section titled 'Who We Are ...' with two paragraphs of text. To the right of the text is a large image of a modern, white, ribbed hanging chair in a bright, minimalist interior setting. The website is viewed in a browser window with the address bar showing 'urbanloftfurnishings.com' and various browser tabs open.

Urban Loft Furnishings

Home | Wall Beds | Videos | Reviews | About Us

Who We Are ...

Urban Loft Furnishings is a trendsetting online furniture store, offering our first-rate products and exceptional customer service to shoppers from the comfort of their own homes; without the overhead pricing of a retail operation. We're a business made up of innovators and forward-thinkers, with the drive to provide our customers multi-purpose furniture without compromising design and quality.

Our primary line, Leto Muro, provides space saving sleep solutions for small and multi-purpose spaces. Custom feeling but easily owner installed, and with a variety of finishes and options, these wall beds have been a customer favorite for years.

12:42 PM
3/11/2021

Unacceptable specimen for services

http://www.iobit.com/about.html

Google meriam webster dictionary Search Share Sidewiki Check Translate AutoFill meriam webster dictionary Sign In

Favorites Acer Games Acer Web Slice Gallery

About IObit Page Safety Tools

Distributing Our Products



[+] Click to Enlarge

We are open to various levels of cooperation. Currently our products are distributed on the Internet and through local stores in the U.S., Europe and Asia countries. If you are interested in exchanging links with us, or you would like to help us with physical distribution and promotion, in software compilations, or in other forms of business cooperation, kindly let us know! Contact: partner@iobit.com

What We Do



Our sincere commitment to all our customers is that we will continue delivering innovative system utilities that are as simple to use as they are powerful and reliable. We also promise that we will keep providing the first-class free software and online service, for personal or non-commercial use.

We pursue the genuine ambition of becoming one of the world's top utility producers and Windows® system service providers on the Internet.

Advantages

We are the valued member of the following organizations.



infopackets

www.infopackets.com

Company Awards



More Awards »

Join Our Newsletter

Join IObit Newsletter - please enter your email address here. Privacy Guaranteed!

Email: *



Unacceptable specimen for services

"Our sincere commitment to all our customers is that we will continue delivering innovative system utilities that are as simple to use as they are powerful and reliable. We also promise that we will keep providing the first-class free software and online service, for personal or non-commercial use."

"We pursue the genuine ambition of becoming one of the world's top utility producers and Windows system service providers on the Internet."





Specimens for services - signage

- Mark appearing on the front door of applicant's offices without reference to the services is unacceptable.
 - The door is advertising, which must create an association between the mark and the services.
 - Display on the door is not using the mark in rendering the services. The door is unconnected to any service without prior knowledge of an existing client.



Software specimens

- Software must be specifically identified as recorded or downloadable, which is a good, or as providing online non-downloadable software, which is a service.
- An acceptable specimen for software services may not be acceptable for recorded or downloadable software.



Software specimens - goods

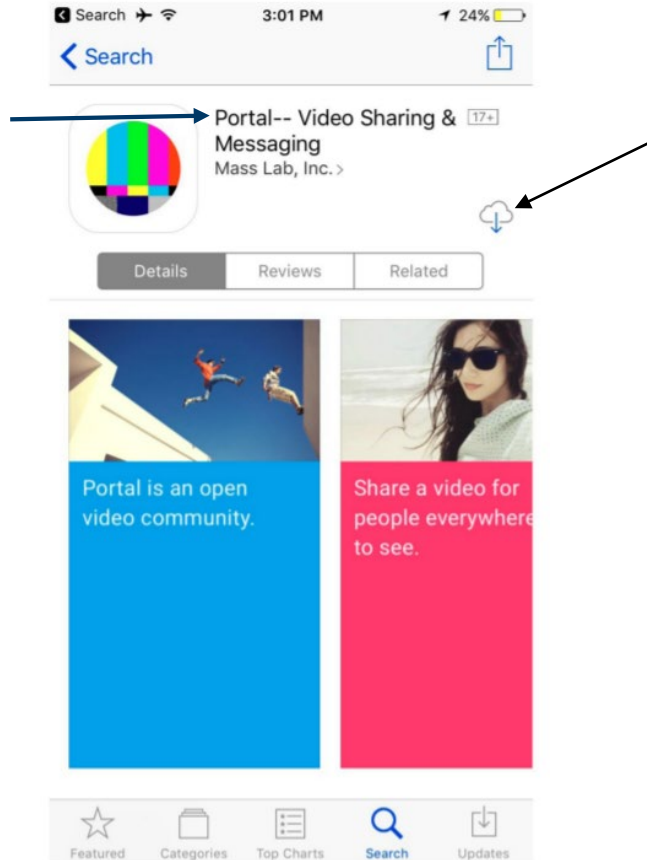
- Recorded or downloadable software:
 - Mark may be on the packaging or the recording itself
 - Mark may be in a display screen for the software or screenshot of software running
 - Downloadable from an app or webpage
 - Must create an association between the mark and the software
 - Must provide means to purchase or download



Software specimens - goods

- Means to purchase or download:
 - Purchaser must see the mark contemporaneously with the ability to purchase.
 - A “Request a demo” button is not sufficient.
 - Ordinary meaning of demo suggests an opportunity to see how the product works, not purchase.

Software specimens - example

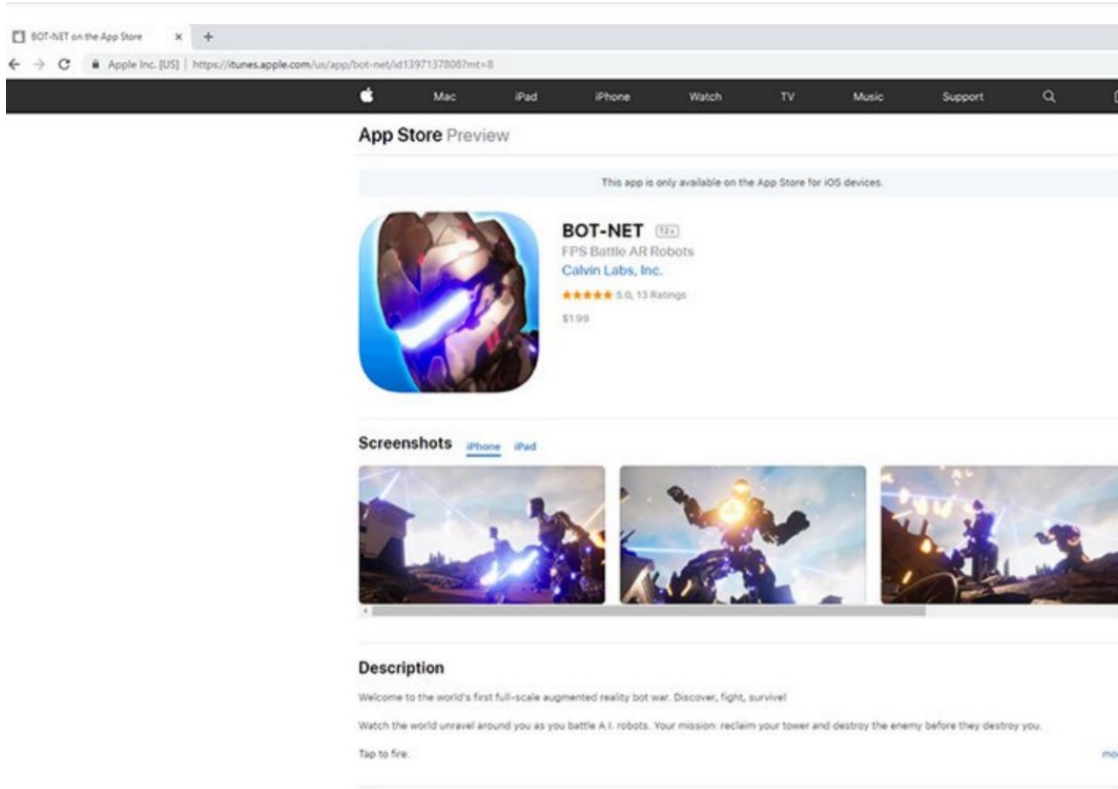


Mark: PORTAL

Goods: Downloadable software enabling users to create, edit, distribute, shape, exhibit, transmit, annotate, download, store, comment on, license, and monetize digital media content via computer, mobile device, and communications networks



Poll: Why would you refuse this specimen?



Mark: BOT-NET

Goods: Downloadable computer game software via a global computer network and wireless devices

Specimen: Digital images of a website currently used in commerce.



Software specimens – manuals

- Software user manuals may be acceptable.
- May not be acceptable where wording on the specimen called into question whether the specimen was actually a manual for software.

Software specimens – manuals



Mark: USER FIRST

Goods: Computer software, namely, software development tools for the creation of mobile internet applications and client interfaces.

Specimen is described as a scanned first page of a PDF instruction manual.

Wording "Certification Training Lab:" made it doubtful that these materials would be recognized as a user manual.



Online non-downloadable software specimens

- Providing temporary use of non-downloadable software is a service.
- Specimens are analyzed from the view point of the purchaser.
- The mark must be shown “in a manner that would be perceived by potential purchasers as identifying the applicant’s services and indicating their source.”

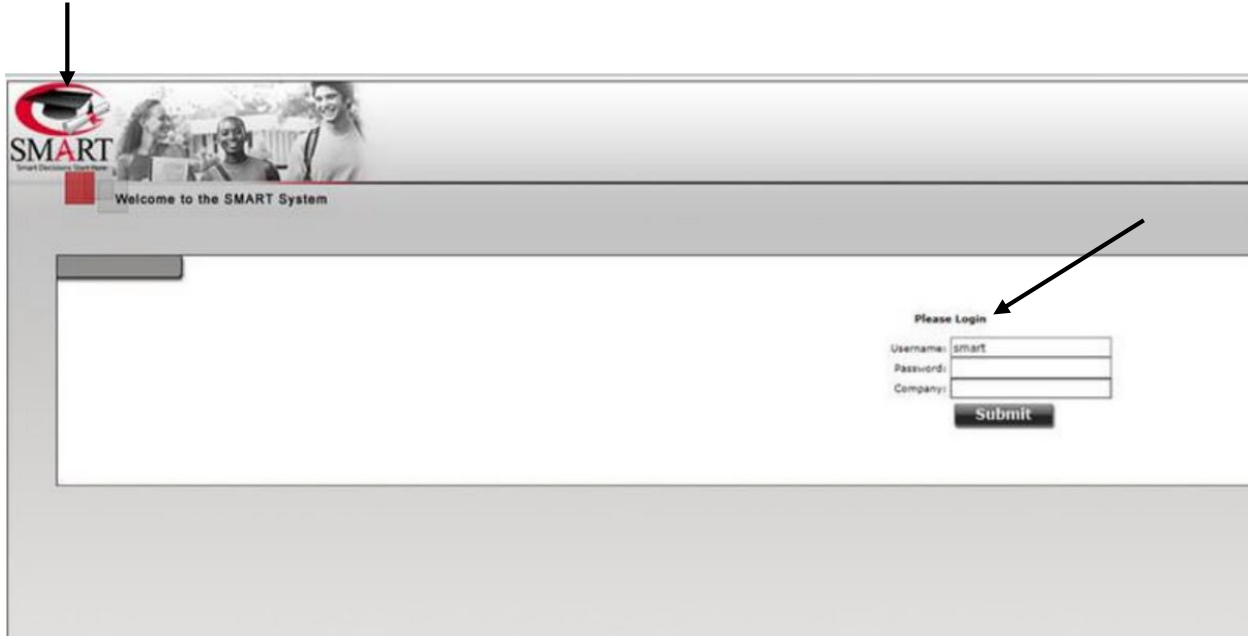


Online non-downloadable software specimens

- Advertising is acceptable if the mark is directly associated with the services.
- Sign-in screens are acceptable specimens if:
 - Display of the mark on the sign-in screen alone sufficient to associate the services with the mark
 - Generally known means of accessing online software
 - Textual description of the software is helpful, but not necessary



Online non-downloadable software specimens – example



URL: <https://portal.onlinesmart.net/Login.aspx?ReturnUrl=%2f>
Date Accessed: 9/16/2013

Mark:



Services: Providing temporary use of online non-downloadable software for the management of records, administration and operations for schools and colleges.



Online non-downloadable software specimens

- Software or services:
 - The primary consideration is whether the specimen indicates that the applicant is actually performing the relevant service activities for others or allows users to perform the activity themselves.

Services accessed via an App

Mark: KURBKARMA

Services: On-line matching services for connecting automobile drivers with other drivers who are, respectively, searching for or departing from parking spaces accessible via a mobile application.

KurbKarma

By KurbKarma, LLC

Open iTunes to buy and download apps.



Description

TechCrunch Disrupt Finalist
As seen on USA Today, CNet and Jay Leno

[KurbKarma, LLC Web Site](#) [KurbKarma Support](#)

What's New in Version 1.0.2

Added a tutorial to teach users how parking exchanges work.
Minor bug fixes.

Free

Category: [Navigation](#)
Updated: May 21, 2012
Version: 1.0.2
Size: 8.3 MB
Language: English
Seller: KurbKarma, LLC
© 2012 KurbKarma, LLC
Rated 4+

Requirements: Compatible with iPhone, iPod touch, and iPad.
Requires iOS 4.0 or later.

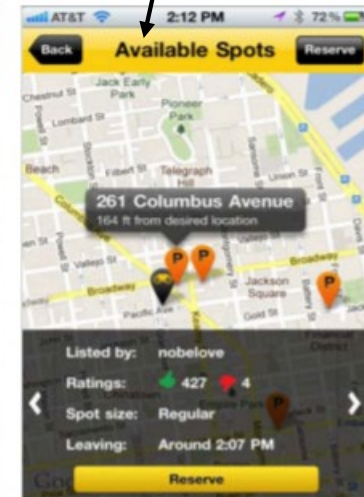
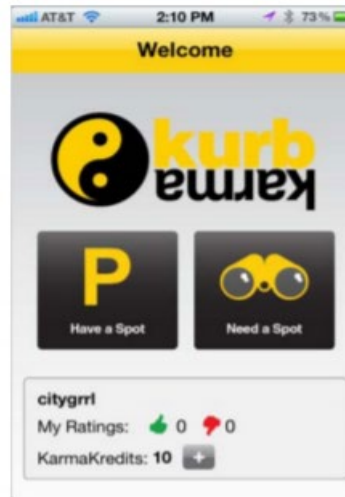
Customer Ratings

Current Version:
15 Ratings
All Versions:
17 Ratings

Top In-App Purchases

1. KarmaKredit \$0.99

iPhone Screenshots

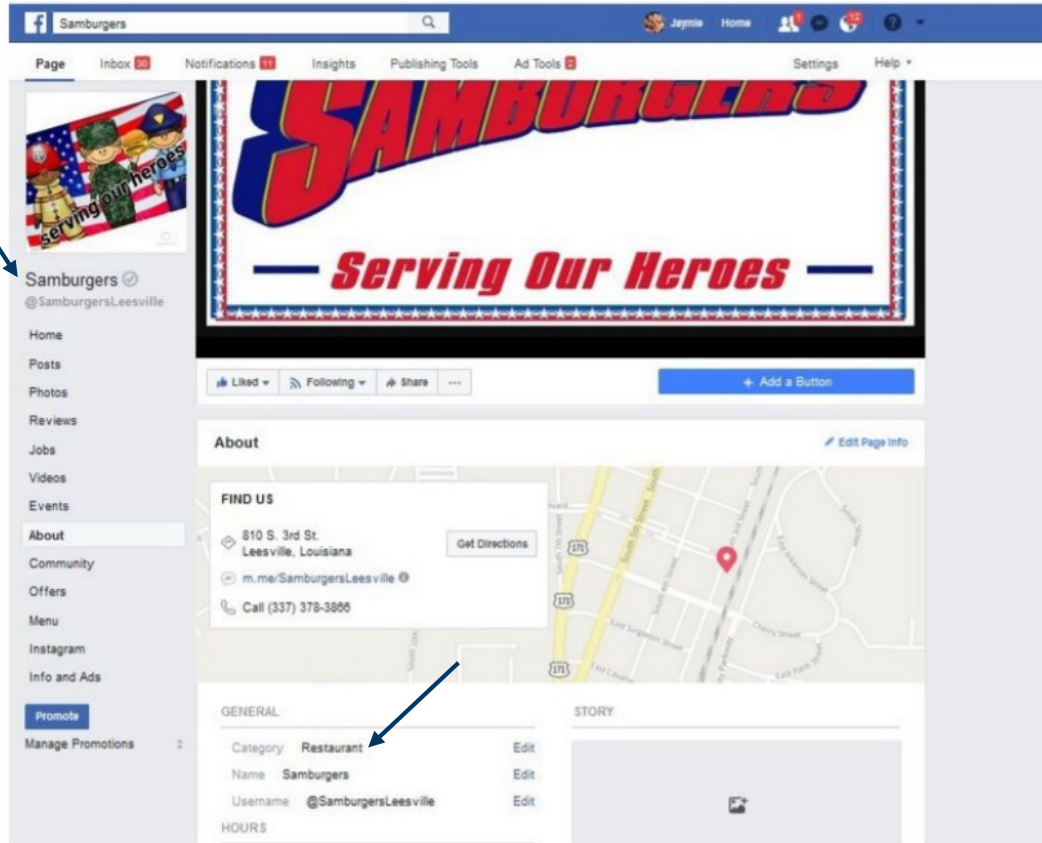




Social media specimens

- Using social media is not the same as providing social media services.
- Social media is usually a means to advertise other goods or services.
- Advertising is not acceptable for goods. Consequently, acceptable social media specimens are usually for services.

Social media specimens



Mark: SAMBURGERS

Services: Fast-food restaurant services

Page displays the mark and associates the mark with the services.

URL: <https://www.facebook.com/SamburgersLeesville/>
Date Accessed: 7/24/2018





Social media specimens

- Point of sale displays:
 - A page from social media may be accepted for goods, provided the page satisfies the elements of a display specimen. Page must:
 - Contain a picture or textual description of the goods
 - Show the mark in association with the goods
 - Provide means for ordering the identified goods



Specimens not in use in commerce

- Digitally created
- Digitally altered
- Mockup

Such specimens do not show actual use of the mark on or in connection with the goods or services in commerce and registration must be refused under Sections 1 and 45 of the Trademark Act.

Definitions

- **Digitally created**
 - Digital drawing of a product or packaging on which the mark appears
- **Digitally altered**
 - Alteration of an existing digital image of a product or packaging, a display associated with the goods, or an advertisement or website
- **Mockup**
 - Created, typically non-digitally, to show the mark in connection with the goods

Mockups and digitally altered specimens

- Fake specimens present several issues:
 - Fail to show mark as used in commerce
 - Affect integrity of the register
 - Fraud on the USPTO
 - Impact on validity of registration



Examination procedures

- If the specimen shows articulable signs of being digitally altered, created, or a mockup, or the examining attorney finds the identical image without marks or with different marks, the examining attorney must issue:
 - A refusal under Trademark Act Sections 1 and 45 refusal
 - A request for information (RFI) under 37 C.F.R. § 2.61(b)
- In rare circumstances, an RFI may be issued without a refusal.

Request for information under Rule 2.61(b)

- Information that will help examining attorney determine whether the specimen was in use under the statutory definition (and whether there is use in commerce at all):
 - Examples of use in a sales environment for goods or advertising for services
 - Documents showing payment or other consideration for the goods or services (personal or private information redacted)



Applicant's response options

- A properly verified and acceptable substitute specimen with satisfactory answers to the RFI:
 - All questions and requests should be addressed.
 - If no information is available for a particular question or request, then submit a statement to that effect.
 - Redact confidential, personal, or otherwise sensitive information from submitted documents.
- Amendment to assert another basis of Section 1(b) or 44(e)

Tip-offs: digitally created, digitally altered, or mockup

- No depth or surface features or otherwise missing surface features or inappropriate blank spaces
- Drawing of the goods
- Mark does not follow the contours of product or background
- Unrealistic sharp edges
- Floating appearance
- Different level of resolution or sharpness

Tip-offs: digitally created, digitally altered, or mockup

- Different texture from goods
- Odd location or odd wording on the specimen or misspellings
- Use on another party's known, recognizable product
- Questionable information on websites
- Same image used with other marks or no marks
- Incongruous white or other type of border around the mark

Examples

Digitally created label vs. actual packaging

Unacceptable: Label lacks depth, surface features and product information. Effectively only a drawing of the mark



Acceptable: Specimen is a photograph of an actual box with dimension and imperfections associated with an actual box



uspto

Digitally created – unrealistic images of the goods



uspto

Digitally Altered – mark applied to an existing third party product



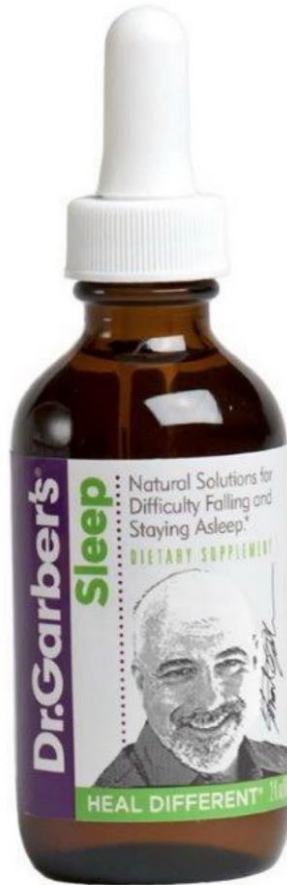
Mockup – mark applied to the product in an atypical manner



Poll: Would you refuse?

Mark: Heal Different

Goods: Supplements



uspto



Poll: Would you refuse?

Mark: STEALTH

Goods: Golf shoes





Poll: Would you refuse?

Mark: GUIGA

Goods: Knives, forks
and spoons



Poll: Would you refuse?

Mark: HEAL DIFFERENT

Goods: Supplements



uspto

Poll: Would you refuse?



NATURALLY ORGANIC

luteal BLEND

| 2 - 3oz SERVINGS

Since ancient times, women have been intimately connected to the lunar cycle. In many cultures, the light of the moon was believed to regulate the menstrual cycle, trigger ovulation, impact our moods and affect the way we relate to the world.

Just as we watch the moon wax and wane over a period of 28 days, our monthly cycles take us through a series of distinct phases that influence every aspect of our lives. From week to week, our feelings and behaviors shift to reflect the transformation that is occurring within our very own bodies.

Moontime Tea is deliberately blended with the perfect combination of pure, organic ingredients to enhance the nuances of each phase of our monthly journey and to offer us peace and balance all cycle long.

Live your cycle to its fullest every day, every week and every month. Relax with the soothing ritual of sipping Moontime Tea.

Lorem ipsum dolor sit amet, conser adipiscing elit. Nam turpis eros, porttitor in eleifend a, porta faucibus nibh. Mauris gravida pretium interdum. Mauris scelque magna felis. In et quam urna. Morbi dui dui, ullamcorper vel dictum et, volutpat sed massa. Suspendisse tellus nulla, posuere in pharetra a, venenatis in vel dictum et

Sagittis varius, est urna lacinia nibh, id ornare nisi metus vitae tortor. Pellentesque egestas nulla ut mi hendrerit at tristisque ipsum veulum. Curabitur eros massa, condimentum.



Supplement Facts		
Serving Size: 3oz (85g) (100% of Daily Value)		
	Per Serving	% Daily Value
Yucca Root Extract	25 mg	1
LEUCOXYLIN BARK EXTRACT (leucoscyllium racemosum)	15 mg	1
FRONON (1%)	5 mg	1
AKACIAS (5%)	40 mg	1
SOOTHY CHERRY BARK EXTRACT	15 mg	1
Proprietary Blend of Herbs	477 mg	
Organic Lemon Grass		1
Organic Peppermint Leaf		1
Organic Spearmint Leaf		1
Organic Chamomile Green Tea Leaf		1
AGASS 3000		1
Organic Tamarind Root		1
LUTEAL 3000		1
Organic Rosemary Leaf		1

Other Ingredients: None of Natural Origin.
 Each tea bag contains approximately 2 mg of caffeine. An average cup of tea contains approximately 40 mg of caffeine.
 *Percent Daily Values are based on a diet of organic ingredients.
 ©2015 Moontime Tea, Inc.
 HERBAL DIETARY SUPPLEMENT



7 012345 1678908

www.MOONTIMETEA.COM



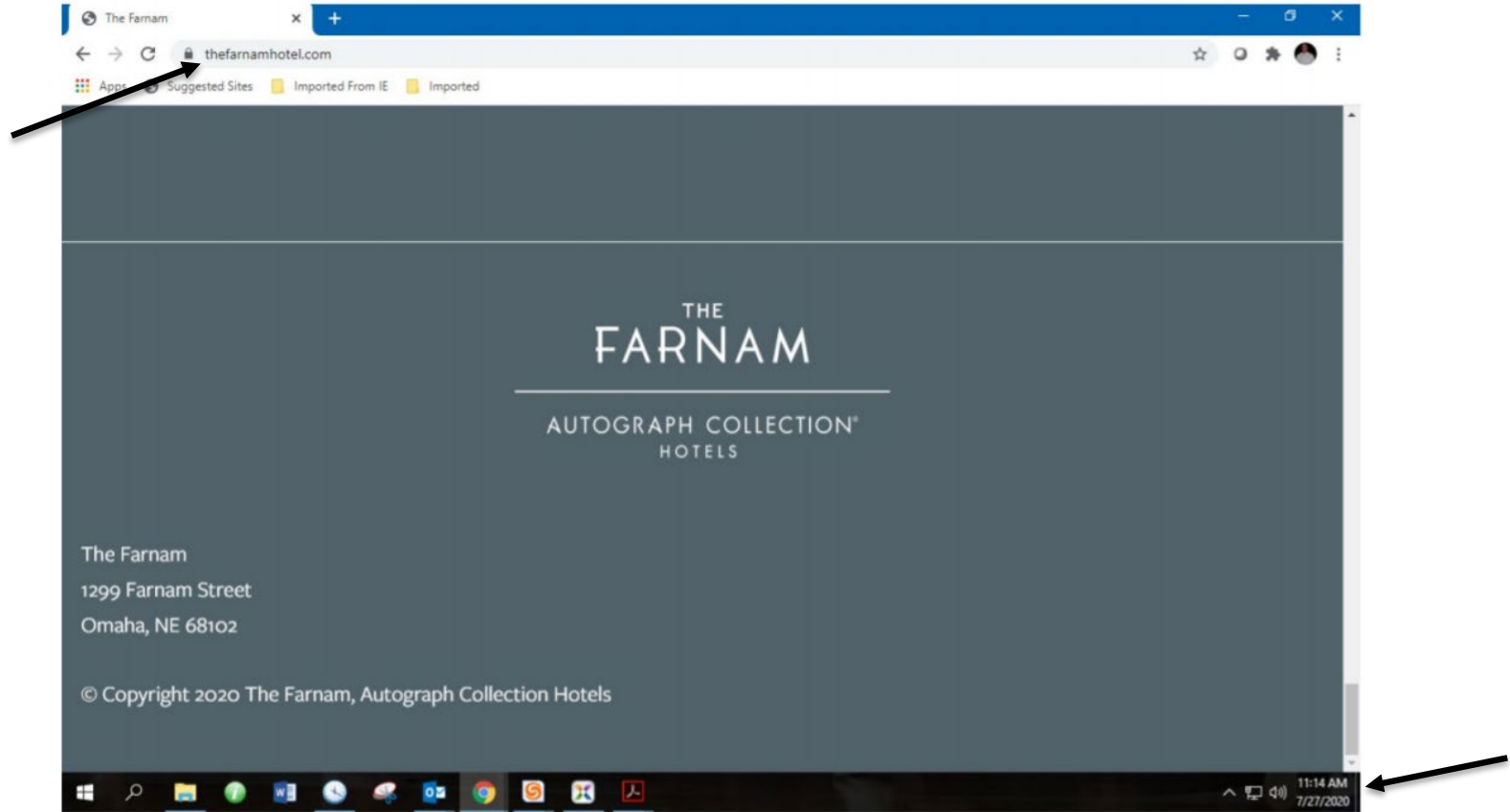
Webpage URL and access date

- A webpage specimen must include the URL and access or print date.
- The URL and access date may be submitted:
 - Directly on the specimen webpage itself
 - Within the electronic form used to submit specimen
 - In a verified statement in a later-filed response

Webpage URL and access date

- Although using the dedicated fields in the electronic filing form is recommended, the URL and access date information may be provided anywhere within the form:
 - specimen description
 - miscellaneous statement
 - arguments

Webpage URL and access date – in the screenshot

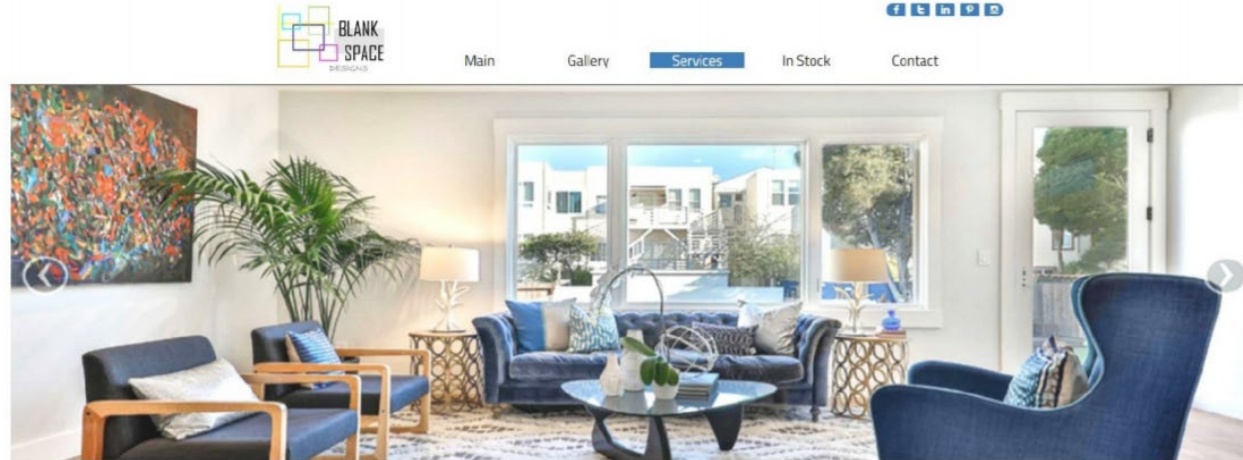


Webpage URL and access date – screen-capture software

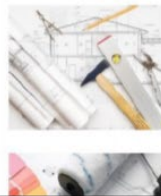
6/15/2020

nimbus screenshot app print

screenshot-blankspacedesigns.com-2020.06.15-18:49_41
<https://blankspacedesigns.com/services>
15.06.2020



Services



- 3D Rendering
- Art Selection
- Bathroom Design
- Bedroom Design
- Color Consulting
- Custom Bathroom Vanities
- Custom Blinds & Shades
- Custom Cabinets
- Custom Furniture
- Custom Kitchen Cabinets
- Custom Walk-in Closets
- Deduttering
- Dining Room Design

- Home Office Design
- Interior Design
- Kids Bedroom Design
- Kitchen Design
- Laundry Room Design
- Lighting Design
- Living Room Design
- Mudroom Design
- Nursery Design
- Playroom Design
- Project Management
- Remodel
- Space Planning

Webpage URL and access date

Section 1(a), Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

NOTE: The specimen must show the mark as actually used in commerce. Examples of specimens for goods include tags, labels, instruction manuals, containers, and photographs that show the mark on the actual goods or packaging, or displays associated with the actual goods at their point of sale. Webpages may also be specimens for goods when they include a picture or textual description of the goods associated with the mark and the means to order the goods.

Examples of specimens for services include advertising and marketing materials, brochures, photographs of business signage and billboards, and website printouts that show the mark used in the actual sale, rendering, or advertising of the services.

Watch the TMIN Specimen video explaining what is an appropriate trademark or service mark specimen for a good or service.

NOTE: For attachment, the JPG/PDF image file(s) or sound/motion file(s) showing the specimen(s) must be on your local drive.

A specimen should NOT be: (1) the same file used in the mark section; or (2) a newly-created file that shows only the mark by itself. (Reminder: Within the earlier mark section, if you attached an image file for a stylized/design mark or a sound/motion file, you must ensure that it only shows the mark by itself, and does not display anything that would not truly be considered part of the actual mark, e.g., a scan of a complete business card would not be an acceptable mark image, although it may be an acceptable specimen).

Remove this 1(a)

* Attach Specimen	<input type="button" value="Attach/Remove Specimen"/> <input type="checkbox"/> Check this box if you are mailing a non-traditional specimen using USPS because it meets the qualifications explained in the hyperlink. Sound and motion specimens are non-traditional and MUST be submitted using this TEAS Plus form. Failure to submit a required specimen through TEAS may result in processing delays and additional fees.
Description of Specimen	<input type="text"/>
Webpage Specimens	If your specimen consists of a webpage, provide the webpage URL: <input type="text"/>
	If your specimen consists of a webpage, indicate the date you accessed or printed the webpage: <input type="text"/> (MM/DD/YYYY)
<input type="button" value="Add Additional URLs(s) and Dates(s)"/>	
* Date of First Use of Mark Anywhere	By the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as <input type="text"/> (MM/DD/YYYY)
* Date of First Use of the Mark in Commerce	By the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as <input type="text"/> (MM/DD/YYYY)
<input type="button" value="Section 44(d)"/> Foreign application exists for same goods/services	
<input type="button" value="Section 44(e)"/> Foreign registration exists for same goods/services	

NOTE: To assign the selected filing basis, click on "Assign Filing Basis" button, *below*. If you selected the wrong basis, click on the "Remove this [basis]" button, *above*, and start over. To assign multiple bases, click on another basis button and complete the section (and repeat process again, if appropriate) before clicking on the "Assign Filing Basis" button.

Webpage URL and access date

Specimen File

Watch the TMIN [video explaining what is meant by the term "specimen"](#). Visit the USPTO's website for [information on acceptable file sizes and formats](#).

Instructions: Attach ONLY the specimen here, not the entire response to Office action. Each portion of this form serves a specific purpose for data processing reasons. Failure to follow this instruction will cause significant delays in the processing and review of your filing.

[Click here to Attach Specimen\(s\)](#) 0 file(s) attached

Check this box if you are [mailing a non-traditional specimen](#) using USPS because it meets the qualifications explained in the hyperlink. Sound and motion specimens are not non-traditional and MUST be submitted using this form. Failure to submit a required specimen through TEAS may result in processing delays and additional fees.

[Describe what the submitted specimen consists of](#)

ADDITIONAL INFORMATION REQUIRED FOR WEBPAGE SPECIMENS:

Enter webpage URL(s) and date(s) of access below if it does NOT appear on the attached specimen.

If your [specimen](#) consists of a webpage, provide the webpage URL:

If your [specimen](#) consists of a webpage, indicate the date you accessed or printed the webpage:

(MM/DD/YYYY)

[Add Additional URLs\(s\) and Dates\(s\)](#)

Webpage URL and access date

- If the webpage contains a picture of the goods bearing the mark, the URL and access date are not necessary.
- The picture must be otherwise acceptable as properly showing the mark on the goods.

Webpage URL and access date

Mark: GNC

Goods: Vitamins

The screenshot shows a web browser displaying the GNC website. The address bar shows the URL for 'GNC Mega Men 50 Plus Vitapak'. The page features a navigation menu with options like 'DEPARTMENTS', 'BRANDS', 'GOALS', 'LIVE WELL', and 'SALE'. The main content area is titled 'Brands / GNC' and displays a grid of product images. A large product image of the 'GNC MEGA MEN 50 Plus' box is prominently featured. To the right of the product image, the text reads 'Item #208611', 'GNC Mega Vitapak® P', '★★★★★ Read 179 Review', '\$44.99', 'Buy 1, Get 150% Off', and 'Free Shipping \$49+'. Below this, there is a 'Quantity' selector set to '1' and a 'Size: 30 Packets' label. At the bottom right, there are two radio button options: 'One time purchase' (unselected) and 'Save 10% + FREE SHIPPING' (selected). The selected option includes the text 'Selecting this option auto Deliver Every 30 Days (Most Selected)'.

Avoiding specimen pitfalls

- Review the client-provided specimen and discuss what it is with the client
- Ask if better specimens are available if what is presented is marginal
- Provide the most legible, clearly acceptable specimen you can up-front

Avoiding specimen pitfalls

- Use entire point of sale display, not a cropped, retouched picture of the goods from a webpage
- Highlight or describe where the mark appears and where the goods or services appear or are referenced

Avoiding specimen pitfalls

- Avoid submitting brochures as specimens for goods.
- Consider providing multiple specimens per class.

Avoiding specimen pitfalls

- Provide a clear and accurate description of each specimen provided, explaining what the specimen shows and its context:
 - Is the specimen a photograph and what does it show?
 - Is the specimen a website excerpt or from printed promotional materials?

Questions?

Please direct to TMPolicy@uspto.gov
with the subject line "Specimens CLE
presentation."

UNITED STATES
PATENT AND TRADEMARK OFFICE





Additional resources and feedback

- Specimens webpage at www.uspto.gov/trademarks/laws/specimen-refusal-and-how-overcome-refusal
- TMEP at tmep.uspto.gov/RDMS/TMEP/current
- General feedback about Trademarks content: TMFeedback@uspto.gov
- Trademarks contact information available at: www.uspto.gov/trademark/contact-trademarks.



