

UNITED STATES
PATENT AND TRADEMARK OFFICE



Federal trademark searching: Overview

Jason Lott

Managing Attorney, Trademarks Customer Outreach

Images used in this presentation are for educational purposes only.

Searching overview

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

Discussion topics

- Comprehensive clearance searching
- Likelihood of confusion
- Search system fundamentals
- Federal trademark searching
- Common search strategy
- How to find help

USPTO restrictions

- The USPTO does not provide legal advice.
 - This program is for informational purposes only.
 - It only covers the mechanics of searching the federal register.
 - It does not cover full clearance searching.
 - It does not cover everything you need to know about federal and common law trademark rights.

Discussion topic

Comprehensive clearance searching



Comprehensive clearance searching

- **Concept:**
 - Determine whether your trademark conflicts with the rights of a trademark owner who filed before you.
- **Potential benefits:**
 - Avoid a likelihood of confusion refusal from the USPTO.
 - Avoid an opposition proceeding at the USPTO.
 - Avoid a trademark infringement lawsuit.





Comprehensive clearance searching

(cont'd)

- Hire a private trademark attorney.
 - Search might include:
 - USPTO database of registrations and applications
 - State trademark databases
 - Business name registries
 - Foreign trademark databases
 - The internet





Comprehensive clearance searching

(cont'd 2)

- Conduct searches on your own.
 - Search might include:
 - USPTO database
 - Federally applied-for and registered trademarks
 - The internet
 - Looking for common law use by others





Discussion topic

Likelihood of confusion



Likelihood of confusion

- **Concept:**
 - Avoid confusing consumers about the source of the goods and services.
- **Test:**
 - Are the trademarks confusingly **similar**?
 - and
 - Are the goods and/or services **related**?





Likelihood of confusion refusal

- Examining attorney issues refusal if:
 - The trademark in the application is confusingly **similar** with a registered trademark.and
 - The goods and/or services in both the application and the registration are **related**.





Likelihood of confusion: example #1

Your trademark

T.MARKEY

for

shirts

Registered trademark

T.MARKEY

for

pants





Likelihood of confusion: example #2

Your trademark

T.MARKEY

for

shirts

Registered trademark

TEE MARQEE

for

pants





Likelihood of confusion: example #3

Your trademark

T.MARKEY

for

shirts

Registered trademark

TEE MARQEE

for

golf flags



Discussion topic

Search system fundamentals



Search system fundamentals

- Reasons to use the search system
 - Conduct a clearance search before applying to register your trademark.
 - Research how the USPTO treated similar marks.
 - Research marks owned by a particular owner.
 - Check the status of your application or registration.



Search system fundamentals (cont'd)

The screenshot shows the USPTO Trademark Search homepage. At the top, there is a navigation bar with the USPTO logo and links for Patents, Trademarks, Fees and payment, Contact us, MyUSPTO, and Sign in. Below this is a dark blue header with 'Trademark Search' and a 'Home' link. A search bar is prominently displayed with a 'General search' dropdown, a search input field containing the text 'Search for words in trademarks, products, or owners', a search icon, and buttons for 'Basic' and 'Expert' search options. The main content area features two columns: 'Help' (with a question mark icon) and 'Announcements' (with a megaphone icon). The footer contains links for 'About the USPTO', 'Search for patents', and 'Search for trademarks', along with a 'Receive updates from the USPTO' section with an email subscription form.

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uspto Patents Trademarks Fees and payment Contact us MyUSPTO Sign in

Trademark Search

Home [Help](#)

General search Search for words in trademarks, products, or owners Basic Expert

Help
Answers to frequently asked questions

Announcements
We value your input. We're committed to making ongoing updates to the search tool to serve you better. Help us enhance your user experience by sharing your feedback and suggestions.

Feedback

About the USPTO · Search for patents · Search for trademarks

US Department of Commerce
Accessibility
Privacy Policy
Financial and Performance Data

Freedom of Information Act
Inspector General
NoFEAR Act
USA.gov

Receive updates from the USPTO
Enter your email to subscribe or update your preferences
your@email.com **Subscribe**



Search system fundamentals (cont'd 2)

- Two ways to use the system
 - Dropdown searches
 - Field tag searches
- Two ways to adjust your options
 - Basic mode
 - Expert mode



Search system fundamentals (cont'd 3)

The screenshot shows the USPTO Trademark Search interface. At the top, there is a navigation bar with the USPTO logo and links for Patents, Trademarks, Fees and payment, Contact us, and MyUSPTO. Below this is the 'Trademark Search' header with a breadcrumb trail 'Home > Search results' and a 'Help' link. The search input field contains 'uspto' and is set to 'Wordmark' type. A search button with a magnifying glass icon is present, along with 'Basic' and 'Expert' search mode buttons. The results section shows '8 results for uspto'. On the left, there is a 'Status filter' sidebar with checkboxes for Live (4), Registered, Pending, Dead (4), Cancelled, and Abandoned. Below the filter is a 'Sort' section and a 'Configure' section with a 'Show image' checkbox and a 'Reset' button. The main results area displays two search results. The first result is for the wordmark 'USPTO' with status 'LIVE' and 'REGISTERED', goods and services 'IC 009: Downloadable documents in the field of intellectual property...', class '009, 035, 041, 042, 045', serial '90865893', and owners 'United States Patent and Trademark Office, U.S. Department of Commerce (agency of the United States government; USA)'. The second result is for the wordmark 'uspto' with the same status, goods and services, class, serial '90866032', and owners. A 'Feedback' button is visible on the right side of the results area.




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uspto® Patents ▾ Trademarks ▾ Fees and payment ▾ Contact us ▾ MyUSPTO

Trademark Search

Home > Search results [Help](#)

Wordmark ▾ uspto × Refine search by goods or services 🔍 Basic Expert

^ Status filter **8 results** for uspto    Export ▾

Live 4
 Registered
 Pending
 Dead 4
 Cancelled
 Abandoned

▽ Sort

^ Configure

Show image
[Reset](#)

Wordmark	Status	Goods & services	Class	Serial	Owners
USPTO	LIVE REGISTERED	IC 009: Downloadable documents in the field of intellectual property...	009, 035, 041, 042, 045	90865893	United States Patent and Trademark Office, U.S. Department of Commerce (agency of the United States government; USA)
uspto	LIVE REGISTERED	IC 009: Downloadable documents in the field of intellectual property...	009, 035, 041, 042, 045	90866032	United States Patent and Trademark Office, U.S. Department of Commerce (agency of the United States government; USA)

[Feedback](#)

Search system fundamentals (cont'd 4)

The screenshot shows the USPTO Trademark Search interface. At the top, there is a navigation bar with the USPTO logo and links for Patents, Trademarks, Fees and payment, Contact us, and MyUSPTO. Below this is the 'Trademark Search' header with a breadcrumb trail 'Home > Search results' and a 'Help' link. The search input field contains 'uspto' and is set to 'Wordmark' type. A search button with a magnifying glass icon is present, along with 'Basic' and 'Expert' search mode buttons. Below the search bar, the results are displayed in a table format. The first two results are for the 'USPTO' trademark, which is 'LIVE' and 'REGISTERED'. The third result is for 'USPTO EXAMWARE', which is 'DEAD' and 'ABANDONED'. On the left side, there is a 'Status filter' section with checkboxes for 'Live', 'Registered', 'Pending', 'Dead', 'Cancelled', and 'Abandoned'. There are also 'Sort' and 'Configure' options, and a 'Reset' button. On the right side, there are buttons for 'Export' and a 'Feedback' link.




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uspto® Patents ▾ Trademarks ▾ Fees and payment ▾ Contact us ▾ MyUSPTO

Trademark Search

Home > Search results [Help](#)

Wordmark ▾ uspto × Refine search by goods or services 🔍 Basic Expert

^ Status filter **8 results** for uspto    Export ▾

<input checked="" type="checkbox"/> Live 4	Wordmark	USPTO	Status LIVE REGISTERED	Class 009, 035, 041, 042, 045
<input checked="" type="checkbox"/> Registered	Serial 90865893			
<input checked="" type="checkbox"/> Pending	Goods & services			IC 009: Downloadable documents in the field of intellectual property...
<input checked="" type="checkbox"/> Dead 4	Owners			United States Patent and Trademark Office, U.S. Department of Commerce (agency of the United States government; USA)
<input checked="" type="checkbox"/> Cancelled	Wordmark	USPTO	Status LIVE REGISTERED	Class 009, 035, 041, 042, 045
<input checked="" type="checkbox"/> Abandoned	Serial 90866032			
	Goods & services			IC 009: Downloadable documents in the field of intellectual property...
	Owners			United States Patent and Trademark Office, U.S. Department of Commerce (agency of the United States government; USA)
	Wordmark	USPTO EXAMWARE	Status DEAD ABANDONED	Class 009
	Serial 78186670			
	Goods & services			(ABANDONED) IC 009: Interactive pre-recorded CD-ROM consisting of

Feedback

Search system fundamentals (cont'd 5)

An official website of the United States government [Here's how you know](#)

uspto Patents Trademarks Fees and payment Contact us MyUSPTO

Trademark Search

Home > Search results [Help](#)

Wordmark uspto Refine search by goods or services Basic Expert

8 results for uspto

Result	Image	Wordmark	Class	Serial	Status
1		USPTO	009, 035, 041, 042, 045	90865893	LIVE REGISTERED
2		USPTO	009, 035, 041, 042, 045	90866032	LIVE REGISTERED
3		USPTO EXAMWARE	009	78186670	DEAD ABANDONED
4		USPTO EXAMINERS	042	77350830	DEAD ABANDONED
5		PROFESSOR KAYTON'S USPTO	009	78186808	DEAD ABANDONED
6		WEIRDO FOR LIFE WWW.WEIRDOFORLIFE...	025	77613523	DEAD ABANDONED

Feedback

Search system fundamentals (cont'd 6)

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uspto Patents ▾ Trademarks ▾ Fees and payment ▾ Contact us ▾ MyUSPTO

Trademark Search

Home > Search results [Help](#)

Wordmark ▾ uspto × Refine search by goods or services 🔍 Basic Expert

▽ Status filter **8 results** for uspto Export ▾


∧ Sort

- Relevance
- Wordmark (A-Z)
- Wordmark (Z-A)
- Class (0-9)
- Class (9-0)
- Serial (0-9)
- Serial (9-0)

∧ Configure

Show image [Reset](#)

Wordmark	USPTO
Status	LIVE REGISTERED
Goods & services	IC 009: Downloadable documents in the field of intellectual property...
Class	009, 035, 041, 042, 045
Serial	90865893
Owners	United States Patent and Trademark Office, U.S. Department of Commerce (agency of the United States government; USA)

Wordmark	
Wordmark	USPTO
Status	LIVE REGISTERED
Goods & services	IC 009: Downloadable documents in the field of intellectual property...
Class	009, 035, 041, 042, 045
Serial	90866032
Owners	United States Patent and Trademark Office, U.S. Department of Commerce (agency of the United States government; USA)

[Feedback](#)

Search system fundamentals (cont'd 7)

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uspto® Patents ▼ Trademarks ▼ Fees and payment ▼ Contact us ▼ MyUSPTO

Trademark Search

Home > Search results [Help](#)

Wordmark ▼ uspto × Refine search by goods or services 🔍 Basic Expert

8 results for uspto Export ▼

^ Status filter


- Live 4
 - Registered
 - Pending
- Dead 4
 - Cancelled
 - Abandoned

Sort

Configure

Show image

Reset

Wordmark	Status	Goods & services	Class	Serial	Owners
USPTO	LIVE REGISTERED	IC 009: Downloadable documents in the field of intellectual property...	009, 035, 041, 042, 045	90865893	United States Patent and Trademark Office, U.S. Department of Commerce (agency of the United States government; USA)
	LIVE REGISTERED	IC 009: Downloadable documents in the field of intellectual property...	009, 035, 041, 042, 045	90866032	United States Patent and Trademark Office, U.S. Department of Commerce (agency of the United States government; USA)

Feedback



Search system fundamentals (cont'd 8)

- **Dropdown searches**
 - Good for exact match, single-term trademark searches
 - Don't allow for "exact phrase" trademark searches
- **Benefits of field tag searches**
 - Good for complex, multiple-term trademark searches
 - Allow for "exact phrase" trademark searches
 - Good for alternate spelling searches

Discussion topic

Federal trademark searching: Dropdown searching

Dropdown searching

The screenshot shows the USPTO Trademark Search page. At the top, there is a navigation bar with the USPTO logo and links for Patents, Trademarks, Fees and payment, Contact us, MyUSPTO, and Sign in. Below this is a header for "Trademark Search" with a "Home" link and a "Help" link. The main search area features a search bar with the placeholder text "Search for words in trademarks, products, or owners" and a search button. To the left of the search bar is a "General search" dropdown menu. To the right of the search bar are two buttons: "Basic" and "Expert", with the "Expert" button highlighted by a red border. Below the search bar, there are two main sections: "Help" with a question mark icon and the text "Answers to frequently asked questions", and "Announcements" with a megaphone icon and the text "We value your input. We're committed to making ongoing updates to the search tool to serve you better. Help us enhance your user experience by sharing your feedback and suggestions." At the bottom of the page, there is a footer with links for "About the USPTO", "Search for patents", and "Search for trademarks". On the right side of the footer, there is a "Receive updates from the USPTO" section with a text input field containing "your@email.com" and a "Subscribe" button. A vertical "Feedback" button is located on the far right edge of the page.

Dropdown searching (cont'd)

- Filtering by live/dead

^ Status filter

<input checked="" type="checkbox"/>	Live	250
	<input checked="" type="checkbox"/> Registered	
	<input checked="" type="checkbox"/> Pending	
<input checked="" type="checkbox"/>	Dead	336
	<input checked="" type="checkbox"/> Cancelled	
	<input checked="" type="checkbox"/> Abandoned	

Dropdown searching (cont'd 2)

- Filtering by live/dead
- Filtering by class
 - Coordinated class

^ Class filter

Coordinated

<input type="checkbox"/> 1	<input type="checkbox"/> 2
<input type="checkbox"/> 3	<input type="checkbox"/> 4
<input type="checkbox"/> 5	<input type="checkbox"/> 6
<input type="checkbox"/> 7	<input type="checkbox"/> 8
<input checked="" type="checkbox"/> 9	<input type="checkbox"/> 10
<input type="checkbox"/> 11	<input type="checkbox"/> 12
<input type="checkbox"/> 13	<input type="checkbox"/> 14
<input type="checkbox"/> 15	<input checked="" type="checkbox"/> 16
<input type="checkbox"/> 17	<input type="checkbox"/> 18
<input type="checkbox"/> 19	<input checked="" type="checkbox"/> 20
<input type="checkbox"/> 21	<input type="checkbox"/> 22
<input type="checkbox"/> 23	<input type="checkbox"/> 24
<input checked="" type="checkbox"/> 25	<input type="checkbox"/> 26
<input type="checkbox"/> 27	<input checked="" type="checkbox"/> 28
<input type="checkbox"/> 29	<input type="checkbox"/> 30
<input type="checkbox"/> 31	<input type="checkbox"/> 32
<input type="checkbox"/> 33	<input type="checkbox"/> 34
<input checked="" type="checkbox"/> 35	<input type="checkbox"/> 36
<input type="checkbox"/> 37	<input type="checkbox"/> 38
<input type="checkbox"/> 39	<input type="checkbox"/> 40
<input checked="" type="checkbox"/> 41	<input checked="" type="checkbox"/> 42
<input type="checkbox"/> 43	<input type="checkbox"/> 44
<input type="checkbox"/> 45	<input checked="" type="checkbox"/> A
<input checked="" type="checkbox"/> B	<input checked="" type="checkbox"/> 200

Dropdown searching (cont'd 3)

- Filtering by live/dead
- Filtering by class
 - Coordinated class
 - International class
 - Consider 035, 042, a, b, and 200

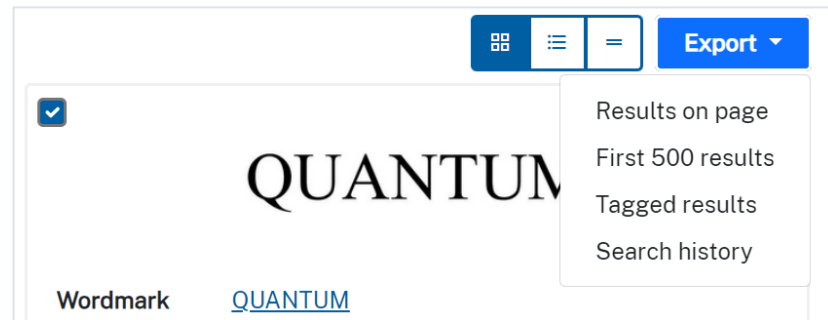
^ Class filter

Coordinated

<input type="checkbox"/> 1	<input type="checkbox"/> 2
<input type="checkbox"/> 3	<input type="checkbox"/> 4
<input type="checkbox"/> 5	<input type="checkbox"/> 6
<input type="checkbox"/> 7	<input type="checkbox"/> 8
<input type="checkbox"/> 9	<input type="checkbox"/> 10
<input type="checkbox"/> 11	<input type="checkbox"/> 12
<input type="checkbox"/> 13	<input type="checkbox"/> 14
<input type="checkbox"/> 15	<input type="checkbox"/> 16
<input type="checkbox"/> 17	<input type="checkbox"/> 18
<input type="checkbox"/> 19	<input type="checkbox"/> 20
<input type="checkbox"/> 21	<input type="checkbox"/> 22
<input type="checkbox"/> 23	<input type="checkbox"/> 24
<input type="checkbox"/> 25	<input type="checkbox"/> 26
<input type="checkbox"/> 27	<input checked="" type="checkbox"/> 28
<input type="checkbox"/> 29	<input type="checkbox"/> 30
<input type="checkbox"/> 31	<input type="checkbox"/> 32
<input type="checkbox"/> 33	<input type="checkbox"/> 34
<input checked="" type="checkbox"/> 35	<input type="checkbox"/> 36
<input type="checkbox"/> 37	<input type="checkbox"/> 38
<input type="checkbox"/> 39	<input type="checkbox"/> 40
<input type="checkbox"/> 41	<input checked="" type="checkbox"/> 42
<input type="checkbox"/> 43	<input type="checkbox"/> 44
<input type="checkbox"/> 45	<input checked="" type="checkbox"/> A
<input checked="" type="checkbox"/> B	<input checked="" type="checkbox"/> 200

Dropdown searching (cont'd 4)

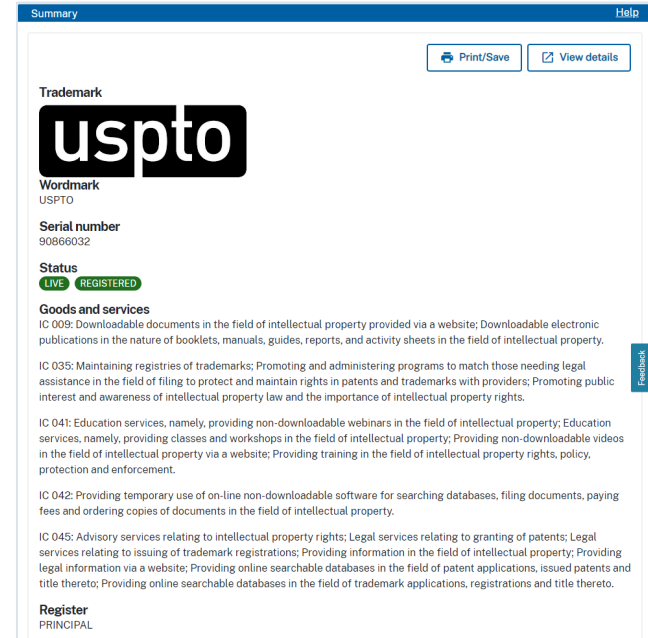
- Filtering by live/dead
- Filtering by class
- Tagging
 - Export to Excel spreadsheet



Dropdown searching - expert

- Dropdown searches
- Filtering by live/dead
- Filtering by class
- Tagging
- Summary page

– Must be logged into your USPTO.gov account.



Dropdown hypothetical

You want to register:

QUANTUM

as a brand name for

t-shirts



Discussion topic

Federal trademark searching: Field tag searching



Field tag searching

- Tips for search construction
 - Field tags precede the search term.
 - Field tags must be in all caps.
 - Field tags must be followed by a colon.
 - Search terms must be in lowercase.

CM:trademark



Search fields and field tags

Search field	Field tag
Combined mark	CM:
Design code	DC:
Live/dead	LD:
Coordinated class	CC:
International class	IC:
Goods/services	GS:
Disclaimer	DS:
Serial number	SN:
Registration number	RN:
Owner name and address	OW:
Attorney of record	AT:



Field tag hypothetical

You want to register:

QUANTUM LEAP

as a brand name for

t-shirts





Field tag hypothetical (cont'd)

- Common search strategy
 1. Execute dead-on search.

Field tag hypothetical (cont'd 2)

- Search string
 - Dead-on search

CM:"quantum leap"

The **search term** appears in all lowercase.

The **CM: field code** searches for trademarks in multiple areas of the database.

Use **quotation marks** to search for exact phrases or multiple-term marks.

Field tag hypothetical (cont'd 3)

- Search string
 - Dead-on search

CM:"quantum leap" AND LD:true

The LD: field code searches whether the result is "live" or "dead."

The AND operator tells the system to provide combined results – but note the use of uppercase.



Field tag hypothetical (cont'd 4)

- Common search strategy
 1. Execute dead-on search.
 2. Execute expanded search.



Field tag hypothetical (cont'd 5)

- Truncation and wildcards
 - Use wildcards to search for variations of a mark.
 - Example: **?** (to return one character)
 - Example: ***** (to return infinite characters)
 - External truncation
 - Examples:
 - CM:?appines? (returns **happiness**)
 - CM:*appines* (returns **happiness**, **happinest**, and **wrappiness**)

Field tag hypothetical (cont'd 6)

- Search string
 - Expanded search

CM:*quantumleap* AND LD:true

The asterisk tells the system to look for an infinite number of characters.



Field tag hypothetical (cont'd 7)

- Common search strategy
 1. Execute dead-on search.
 2. Execute expanded search.
 3. Execute alternate spelling search.

Field tag hypothetical (cont'd 8)

- Search string
 - Alternate spelling search

Removing **final sounds** and adding an **asterisk** can capture variations in spelling at the ends of words.

CM:(*quant* OR *qwant*) AND LD:true

CM:(*leap* OR *leep*) AND LD:true

Field tag hypothetical (cont'd 9)

- Search string
 - Combined term search – option 1

CM:(*quant* OR *qwant*) AND CM:(*leap* OR *leep*) AND LD:true

Use the **OR operator** to search spelling variations – but note use of parentheses.

Remember to use a **field tag** in front of each search term when combining terms.

Field tag hypothetical (cont'd 10)

- Search string
 - Combined term search – option 2

CM:(*quant* OR *qwant*) AND LD:true

CM:(*leap* OR *leep*) AND LD:true

1 AND 2

Using previous search strings is a way to combine search terms – but must be in expert mode.

Discussion topic

Field tag searching: Using the search builder



Using the search builder

- Search builder
 - Allows you to create complex searches without learning the search syntax.
 - Choose the field you want to search.
 - Enter your search term, including wildcards.
 - Refine your search by adding more criteria.
 - Edit your search in the search bar.



Using the search builder (cont'd)

The screenshot shows the USPTO Trademark Search interface. At the top, there is a navigation bar with the USPTO logo and links for Patents, Trademarks, Fees and payment, Contact us, MyUSPTO, and Sign in. Below this is the 'Trademark Search' header with a 'Home' link and a 'Help' link. The main search area features a 'Field tag and Search builder' dropdown menu, a search input field with the placeholder text 'Search using field tags', a search button, and 'Basic' and 'Expert' buttons. Below this, the 'Search builder' section is highlighted with a red box. It contains a dropdown menu labeled 'Search builder', a text input field with the placeholder 'Type to select field tag', another text input field with the placeholder 'Search text', and a 'Build' button with a plus sign icon. Below the search area, there are two sections: 'Help' with a question mark icon and the text 'Answers to frequently asked questions', and 'Announcements' with a megaphone icon and the text 'We value your input. We're committed to making ongoing updates to the search tool to serve you better. Help us enhance your user experience by sharing your feedback and suggestions.' At the bottom, there is a footer with links for 'About the USPTO', 'Search for patents', and 'Search for trademarks', a 'Receive updates from the USPTO' button, and a vertical 'Feedback' button on the right side.

Discussion topic

Common search strategy



Common search strategy

1. Search for owner in ON: field.
2. Execute “dead-on” search in CM: field.
3. Execute alternate spelling searches in CM: field.
 - **Pro tip:** “Not out” your previous search to avoid looking at already viewed results.

Common search strategy (cont'd)

4. Execute additional searches looking for alternative versions of the trademark.
 - Words/designs alone and together
 - Words that have similar meanings
 - Acronyms and what they stand for
 - **Pro tip:** Search for pictorial equivalents using the DC: field tag.





Common search strategy (cont'd 2)

- Narrow if needed:
 - By coordinated class with CC: field tag.
 - By international class with IC: field tag.
 - **Pro tip:** Use the IC:(xxx 035 042 a b 200) formula.
 - By goods and services with GS: field tag.
 - **Pro tip:** Only narrow this way if absolutely necessary.

Discussion topics

How to find help

USPTO resources

- Website
 - www.uspto.gov
- Trademark search
 - www.uspto.gov/trademarks/search
- Trademark search help
 - <https://tmsearch.uspto.gov/help>





USPTO resources (cont'd)

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

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.
 - www.uspto.gov/trademarks/protect/filing-firms
- Beware of misleading notices and offers.
 - www.uspto.gov/TrademarkSolicitations



Questions?



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