Trademark searching: transitioning from TESS to new search

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Reminders

– This session is being recorded.
– The slides will be emailed after the presentation.
– Captioning is available.
– Post your questions to the Q&A box.
Discussion topics

• Trademark Electronic Search System (TESS) retirement
• Demonstration of new search system
• Translating TESS search strings to new search strings
• USPTO resources
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

TESS retirement
TESS retirement

• Why it’s happening
  – TESS deployed on February 14, 2000
    • It relies on a backend system that will no longer be supported.
    • It relies on a programming language that will no longer be supported.
  – New search must replace TESS this year.
TESS and new search

• Similarities
  – Field tags
  – Wildcards (internal and external truncation)
  – Pattern matching
  – Boolean operators
  – String-searching with semi-colons
    • (Search1; Search2; 1 AND 2)
TESS and new search

• Differences
  – Some new or different field tags
  – Different search language
    • Called “regular expression” or “regex”
  – Different search syntax
  – New requirement of when to use uppercase and lowercase letters when searching
TESS and new search

- Different syntax, but same results
  - Tips for basic searching
    - Field tags precede search term.
    - Field tags must be in all caps.
    - Field tags must be followed by a colon.
    - Search terms must be in lowercase.
TESS and new search

• Different language, but same results
  – Tips for regex searching
    • Search terms go between two forward slashes.
    • Pattern match by placing letters inside brackets.
    • Request a single character by inserting a period.
    • Request infinite characters by inserting a period and asterisk (“dot star”).

CM:/.*trad.m[aeiouy]rk.*/
Discussion topic

Federal trademark searching: live demonstration (basic)
Live demonstration (basic)

You want to register:

RABBIT

as a brand name for

racquet ball rackets
Live demonstration (basic)

• Access the USPTO database.

https://www.uspto.gov/trademarks/search
Live demonstration (basic)

- Select “wordmark” and insert search term.

https://www.uspto.gov/trademarks/search
Live demonstration (basic)

• Look for conflicting trademarks.

https://www.uspto.gov/trademarks/search
Live demonstration (basic)

- Learn more about the potential conflict.

https://www.uspto.gov/trademarks/search
Discussion topic

Federal trademark searching: live demonstration (expert mode)
Live demonstration (advanced)

• Select “expert mode.”

https://www.uspto.gov/trademarks/search
Live demonstration (advanced)

- Filter by coordinated class.

https://www.uspto.gov/trademarks/search
Discussion topic

Translating TESS to new search: common search strategies
Translating TESS to new search

• You want to register a wordmark:

  RABBIT

  as a brand name for

  t-shirts
Translating TESS to new search

• Common search strategy
  – Execute dead-on search.
    • rabbit

• Example
  – TESS search: rabbit[comb]
  – New search: CM:rabbit
Translating TESS to new search

• Common search strategy
  – Conduct an alternative spelling search.
    • rabbit or rabbit or rabet or rabbet, etc.

• Example
  – TESS search: r{v}“b”1:2{v}t[comb]
  – New search: CM:/r[aeiouy]b{1,2}[aeiouy]t/
Translating TESS to new search

• Common search strategy
  – Conduct pattern matching with truncation.
    • rrrabbit or rabbitt or fastrabet or rabbetfood, etc.

• Examples
  – TESS search: *r{v}“b”1:2{v}t*[comb]
  – New search: CM:/.*r[aeiouy]b{1,2}[aeiouy]t.*/
Translating TESS to new search

• Common search strategy
  – Conduct design search.
    • 030901 or 03.09.01

• Example
  – TESS search: 030901[dc]
  – New search: DC:030901
Discussion topic

Translating TESS to new search: search fields and field tags
Translating TESS to new search: search fields and field tags

• What are search fields?
  – Database categories available for searching
    • e.g., goods and services

• What are field tags?
  – Abbreviations used to indicate a desired field
    • e.g., [gs] in TESS or GS: in new search
Translating TESS to new search: search fields and field tags

• How do field tags work in new search?
  – Place at the front of the search statement.
  – Use capital letters followed by a colon.
    • DS:shoes
    • RG:supplemental
Translating TESS to new search: search fields and field tags

• Combined mark field or CM:
  – Combines word mark, pseudo mark, and translation fields into a single searchable field.

<table>
<thead>
<tr>
<th>TESS</th>
<th>New search</th>
</tr>
</thead>
<tbody>
<tr>
<td>trademark[comb]</td>
<td>CM:trademark</td>
</tr>
</tbody>
</table>
Translating TESS to new search: search fields and field tags

• Design code field or DC:
  – Searches the six-digit codes assigned to the mark.
  – Search with or without the internal periods.

<table>
<thead>
<tr>
<th>TESS</th>
<th>New search</th>
</tr>
</thead>
<tbody>
<tr>
<td>030111[dc]</td>
<td>DC:030111</td>
</tr>
<tr>
<td></td>
<td>DC:03.01.11</td>
</tr>
<tr>
<td></td>
<td>DC:(030111 “foxes”)</td>
</tr>
</tbody>
</table>
Translating TESS to new search: search fields and field tags

• Live/dead field or LD:
  – Filter based on live or dead status.
  – Live marks only = LD:true
  – Dead marks only = LD:false

<table>
<thead>
<tr>
<th>TESS</th>
<th>New search</th>
</tr>
</thead>
<tbody>
<tr>
<td>not dead[ld]</td>
<td>AND LD:true</td>
</tr>
<tr>
<td>and live[ld]</td>
<td>AND LD:true</td>
</tr>
<tr>
<td>and dead[ld]</td>
<td>AND LD:false</td>
</tr>
</tbody>
</table>
## Translating TESS to new search: search fields and field tags

<table>
<thead>
<tr>
<th>TESS field tag</th>
<th>Search field</th>
<th>New field tag</th>
</tr>
</thead>
<tbody>
<tr>
<td>[comb]</td>
<td>Combined mark</td>
<td>CM:</td>
</tr>
<tr>
<td>[dc]</td>
<td>Design code</td>
<td>DC:</td>
</tr>
<tr>
<td>[ld]</td>
<td>Live/dead</td>
<td>LD:</td>
</tr>
<tr>
<td>[cc]</td>
<td>Coordinated class</td>
<td>CC:</td>
</tr>
<tr>
<td>[ic]</td>
<td>International class</td>
<td>IC:</td>
</tr>
<tr>
<td>[gs]</td>
<td>Goods/services</td>
<td>GS:</td>
</tr>
<tr>
<td>[ds]</td>
<td>Disclaimer</td>
<td>DS:</td>
</tr>
<tr>
<td>[sn]</td>
<td>Serial number</td>
<td>SN:</td>
</tr>
<tr>
<td>[rn]</td>
<td>Registration number</td>
<td>RN:</td>
</tr>
<tr>
<td>[on]</td>
<td>Owner name</td>
<td>ON:</td>
</tr>
<tr>
<td>[at]</td>
<td>Attorney of record</td>
<td>AT:</td>
</tr>
</tbody>
</table>
Discussion topic

Translating TESS to new search: Regular expression searching
Translating TESS to new search: regular expression searching

• Regular expressions (or regex)
  – Uses a new syntax for searching.
  – Allows you to execute the same types of pattern matching and truncation as TESS.
  – Enables even more advanced pattern matching and wildcards than TESS.
Translating TESS to new search: regular expression searching

• Regex statement reminders
  – Surround search term with forward slashes.
  – Type search term in lowercase letters.
    • CM:/cat/
Discussion topic

Translating TESS to new search: pattern matching
Translating TESS to new search: pattern matching

• Pattern matching searching
  – Allows you to efficiently execute searches that include alternate spellings.
    • CAT: cat or kat or qat or ccat or ckat or cqat, etc.
Translating TESS to new search: pattern matching

- Regex reminders
  - Regex doesn’t have an equivalent to \{v\} or \{c\}.
  - Can still use quantifiers to search for multiple instances of a character.

<table>
<thead>
<tr>
<th>TESS</th>
<th>New search</th>
</tr>
</thead>
<tbody>
<tr>
<td>{v}</td>
<td>[aeiouy]</td>
</tr>
<tr>
<td>{v1:2}</td>
<td>[aeiouy]{1,2}</td>
</tr>
</tbody>
</table>
Translating TESS to new search: common phonetic equivalents

<table>
<thead>
<tr>
<th>Sound</th>
<th>Example</th>
<th>TESS</th>
<th>Regex</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hard K</td>
<td>Cat; kite; fox</td>
<td>{&quot;ckqx&quot;} or {&quot;ckqx&quot;:2}</td>
<td>[ckqx] or [ckqx]{1,2}</td>
</tr>
<tr>
<td>Soft S</td>
<td>Soup; scene; zen</td>
<td>{&quot;scz&quot;} or {&quot;scz&quot;:2}</td>
<td>[scz] or [scz]{1,2}</td>
</tr>
<tr>
<td>F/PH</td>
<td>Fun; phonics</td>
<td>{&quot;fph&quot;:2}</td>
<td>[fph] or [fph]{1,2}</td>
</tr>
<tr>
<td>J/G</td>
<td>Genius, jeans</td>
<td>{&quot;d&quot;0:1}&quot;gj&quot;}</td>
<td>d{0,1}[gj]</td>
</tr>
<tr>
<td>TION</td>
<td>Action, fashion</td>
<td>{&quot;scth&quot;:3}{v:2}n</td>
<td>[scth]{0,3}[aeiou]{1,2}n</td>
</tr>
<tr>
<td>Long I/E</td>
<td>Sigh, lye</td>
<td>{&quot;iey&quot;:2}</td>
<td>[iey]{1,2}</td>
</tr>
</tbody>
</table>
Knowledge check

• How would you draft a search statement for the letter “k” using regex?
  – TESS: {“ckqx”1:2}
  – Regex: [ckqx]{1,2}
Knowledge check

• How would you search for 1 to 3 instances of “iey” using regex?
  – TESS: {“iey”1:3}
  – Regex [iey]{1,3}
Knowledge check

• How would you search for 1 to 2 instances of the letter “t” using regex?
  – TESS: \{"t"1:2\}
  – Regex: t{1,2}
Knowledge check

• How would you search for RABBIT using regex and pattern matching?
  – TESS: \r\v\“b”1:2\v\t\[comb\]
  – Regex: CM:/r[aeiouy]b{1,2}[aeiouy]t/
Discussion topic

Translating TESS to new search: truncation and wildcards
Translating TESS to new search: truncation and wildcards

• Wildcards
  – Allow you to efficiently broaden your search.
    • External truncation.
      – CAT: kittycat or catamaran
    • Internal truncation.
      – CAT: capture or crater
Translating TESS to new search: truncation and wildcards

- Regex reminders
  - Can still use internal and external truncation.
  - Can still use quantifiers to search for multiple instances of a character.
Translating TESS to new search: truncation and wildcards

<table>
<thead>
<tr>
<th>TESS wildcard</th>
<th>Explanation</th>
<th>Regex wildcard</th>
</tr>
</thead>
<tbody>
<tr>
<td>?</td>
<td>Match any character (excluding space) exactly one instance</td>
<td>.</td>
</tr>
<tr>
<td>$n</td>
<td>Match any character (excluding space) 0 to n instances</td>
<td>{0,n}</td>
</tr>
<tr>
<td>$</td>
<td>Match any character (excluding space) 0 or more instances (internal)</td>
<td>*</td>
</tr>
<tr>
<td>*</td>
<td>Match any character (excluding space) 0 or more instances (external truncation)</td>
<td>*</td>
</tr>
</tbody>
</table>
Knowledge check

• How would you search for PLEAD using regex with pattern matching and external truncation?
  – TESS: *pl{v:3}d*[comb]
  – Regex: CM:/.*pl[aeiouy]{1,3}d.*/
Knowledge check

• How would you search for DOG using regex with pattern matching and external truncation?
  – TESS: *d{“aou”1:2}{“hw”0:1}g*[comb]
  – Regex: CM:/.*d[aou]{1,2}[hw]{0,1}g.*/
Knowledge check

• How would you search for CAN’T using regex with pattern matching and internal and external truncation?
  – TESS: *{“ckq”}{“a”:2}{“n”:2}?t*[comb]
  – Regex: CM:/.*[ckq]a{1,2}n{1,2}.t/*
Discussion topic

Translating TESS to new search: basic operators and groupings
Translating TESS to new search: basic operators and groupings

• Operators
  – Connect two or more search statements.
  – Must be in UPPERCASE letters.

<table>
<thead>
<tr>
<th>TESS</th>
<th>New search</th>
</tr>
</thead>
<tbody>
<tr>
<td>and</td>
<td>AND</td>
</tr>
<tr>
<td>or</td>
<td>OR</td>
</tr>
<tr>
<td>not</td>
<td>AND NOT</td>
</tr>
</tbody>
</table>
Translating TESS to new search: basic operators and groupings

• Groupings
  – A space is treated as OR.
    • Except when the space is between forward slashes.
      – CM:/.*hip hop.*/ will not find any marks.
      – CM:(/.*hip.*/ /.*hop.*) will find HIP marks or HOP marks.
  – Search statements inside of parentheses are performed first.
## Translating TESS to new search: basic operators and groupings

<table>
<thead>
<tr>
<th>TESS</th>
<th>Explanation</th>
<th>Examples</th>
<th>New search</th>
</tr>
</thead>
<tbody>
<tr>
<td>AND</td>
<td>Will include only results that meet additional search statement(s)</td>
<td>CM:/.<em>d[oa]g.</em>/ AND LD:true</td>
<td>AND</td>
</tr>
<tr>
<td>OR</td>
<td>Will include results that meet one of multiple search statement</td>
<td>IC:009 OR IC:016</td>
<td>OR</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CM:(/.<em>hip.</em>/ /.<em>hop.</em>/)</td>
<td>Space</td>
</tr>
<tr>
<td>NOT</td>
<td>Will exclude results of search statement(s) met</td>
<td>GS:/toy.<em>/ AND NOT GS:/pet.</em>/</td>
<td>AND NOT</td>
</tr>
<tr>
<td>( )</td>
<td>Groups together search statements to be modified by field or operator</td>
<td>IC:(009 a b 200) AND (1 AND 2) OR 4</td>
<td>( )</td>
</tr>
</tbody>
</table>
Discussion topic

Translating TESS to new search: practice tips
Translating TESS to new search: practice tips

• Use regex to draft search terms with pattern matching.
• Surround the search term with forward slashes.
  – /term/
• Place pattern matched characters within square brackets.
  – [xyz]
• Place quantifiers in curly braces to the right of the character (or pattern matched characters).
  – [xyz]{1,3}
Discussion topic

USPTO resources
USPTO resources

https://beta-tmsearch.uspto.gov/
USPTO resources

https://beta-tmsearch.uspto.gov/
USPTO resources

• Trademark Assistance Center
  – Phone: 1-800-786-9199
  – TrademarkAssistanceCenter@uspto.gov

• USPTO virtual assistant
  – www.uspto.gov/trademarks/basics

• USPTO trademark alerts
  – www.uspto.gov/subscribe
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