

# Chapter 100 General Information

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## 101 Trademark Statute and Rules

The federal registration of trademarks is governed by the Trademark Act of 1946, as Amended, [15 U.S.C. §§1051 et seq.](#) (also known as the Lanham Act), and the U.S. Trademark Rules of Practice, 37 C.F.R. pts. 2, 3, 6-7, and 10-11. A USPTO-created compilation of the Act and rules is available in electronic form at <https://www.tfsr.uspto.gov> and in downloadable format at <https://www.uspto.gov>. These compilations were created for the public's convenience and are not meant to serve as official legal sources. Those using these compilations for legal research should verify their results against the most current official printed editions of the Code of Federal Regulations and United States Code, published Public Laws, and the daily Federal Register, as applicable.

## 102 U.S. Patent and Trademark Office Website

The USPTO website <https://www.uspto.gov> includes the Trademark Electronic Application System (TEAS), in which applicants, registrants, and parties can electronically file trademark documents with the USPTO, and a wide variety of information about trademarks.

The Trademark portion of the USPTO website contains all the information needed for the entire registration process. A customer may search the Trademark database for potentially conflicting marks using the Trademark Electronic Search System (TESS), file applications and other trademark documents online using TEAS, check the status of applications and registrations and view the contents of trademark application and registration records through the Trademark Status and Document Retrieval (TSDR) web page at <https://tsdr.uspto.gov>. See [TMEP §104](#) regarding TESS, [§108.01](#) regarding TSDR, [§109.01](#) regarding electronic image records, and [§301.01](#) for further information about electronic filing.

Trademark information available for downloading from the USPTO website includes the federal trademark statute and rules, *Trademark Manual of Examining Procedure* (TMEP), *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), *Acceptable Identification of Goods and Services Manual* (ID Manual), *Federal Register* notices, *Trademark Official Gazette* notices, examination guides, and fee schedules.

Certified or uncertified copies of trademark documents can also be purchased over the Internet. See [TMEP §111](#) for further information.

### 103 Trademark Documents

Trademark documents must be filed electronically using the appropriate TEAS forms, which are available on the USPTO website at <https://teas.uspto.gov>. See [37 C.F.R. §§2.21\(a\), 2.23\(a\), 7.4\(a\), 7.25\(a\)](#). See [TMEP §301.01](#) regarding the mandatory use of TEAS for filing trademark documents and the limited exceptions when paper submissions may be submitted.

Requests to record assignments, name changes, and other documents affecting title to an application or registration should be filed using the Electronic Trademark Assignment System (ETAS) at <https://etas.uspto.gov>. See [37 C.F.R. §3.25\(c\)](#). See [TMEP Chapter 500](#) and the webpage <https://www.uspto.gov/trademark/trademark-assignments-change-search-ownership> for more information regarding assignments.

The Electronic System for Trademark Trials and Appeals (ESTTA), at <https://estta.uspto.gov/>, must be used to file requests for extensions of time to oppose, notices of opposition, petitions to cancel, appeals, motions, briefs, notices of change of address, and other documents in Trademark Trial and Appeal Board (Board) proceedings. See [37 C.F.R. §2.126\(a\)](#).

### 104 Trademark Search Systems

X-Search, the USPTO's computerized search system, contains text and images of registered marks, and marks in pending and abandoned applications. X-Search is used by trademark examining attorneys when searching for conflicting marks during examination.

The public may conduct searches of the text and images of registered marks, and marks in pending and abandoned applications, free of charge using the Trademark Electronic Search System (TESS) on the USPTO website. Additional information, including current status, for pending trademark applications and registered trademarks can be obtained by entering the trademark serial number or registration number in the Trademark Status and Document Retrieval (TSDR) database. See [TMEP §108.01](#). TESS and TSDR are available in Patent and Trademark Resource Centers (PTRCs) (see [TMEP §112](#)).

The public may use the X-Search system and view the Trademark database without charge in the Public Search Facility, which is located on the first floor of the James Madison Building - East Wing, 600 Dulany Street, Alexandria, Virginia, and is open from 8:00 a.m. to 8:00 p.m. Eastern Time, Monday through Friday, except on Federal holidays within the District of Columbia. The Public Search Facility also contains copies of State emblems and official signs and hallmarks of member countries of the Paris Convention for the Protection of Industrial Property, which are protected under Article 6 *ter* of the Convention (see [TMEP §1205.02](#)). The Public Search Facility does not contain copies of the official insignia of state- and federally-recognized Native American tribes. X-Search or TESS can be used to search for these insignia.

If a mark includes a design element, it can be searched by using a design code. To locate the proper design code(s), the public can use the *USPTO Design Search Code Manual* on the USPTO website.

For some marks, the USPTO has added a pseudo mark to the search data to assist users in identifying relevant marks related to their search term. The "pseudo mark" field, which is not displayed, often contains spellings that are very similar or phonetically equivalent to the word mark. For example, if "4U" appears in the mark,

the term "for you" would be added to the pseudo-mark field. This provides an additional search tool for locating marks that contain an alternative or intentionally corrupted spelling for a normal English word. Pseudo mark entries are not displayed or printed in the search results and are not part of the official application or registration.

USPTO personnel cannot conduct trademark searches for the public. However, a private trademark attorney may search or obtain a search and provide an opinion on the availability of a proposed mark, for a fee, prior to filing a trademark application. To find the names of private attorneys who are licensed to practice law in the U.S. and handle trademark matters, consult telephone listings or the internet, or contact the attorney referral service of a U.S. state or bar or local bar association (see the American Bar Association's Consumers' Guide to Legal Help). The USPTO cannot aid in the selection of an attorney, or provide any legal advice. See [37 C.F.R. §2.11\(a\)](#).

The public can search the trademark assignment records of the Assignment Recordation Branch on the USPTO website at <http://assignments.uspto.gov/assignments>. Assignment records can also be searched in the Public Search Facility. See [TMEP §503.08](#) for further information about the accessibility of assignment records.

## 105 General Information e-Booklet About Trademarks

The e-booklet entitled *Basic Facts About Trademarks* contains information and instructions for registering a trademark or service mark. The booklet can be accessed or downloaded from the USPTO website.

## 106 The *Official Gazette*

The *Official Gazette (OG)* is the official journal of the USPTO and publishes online each Tuesday free of charge on the USPTO website. There is a separate OG for patents and trademarks.

*Trademark Official Gazette (TMOG)*. The TMOG contains an illustration of each mark published for opposition on the Principal Register, marks registered on the Principal Register under [15 U.S.C. §1051\(d\)](#), and marks registered on the Supplemental Register on the date of the particular issue in which the marks appear. Effective July 15, 2003, the USPTO publishes the TMOG only in electronic form. See *Notice of Change in Publication Format for the Official Gazette of the U.S. Patent & Trademark Office – Trademarks*, [68 FR 37,803](#) (2003).

*USPTO Notices*. The TMOG does not contain USPTO Notices. Such notices are posted separately in the general information section of the OG. This section includes such general information as notices of changes in rules or USPTO procedures for both patents and trademarks; notices to parties who cannot be reached by mail; and indices of trademark registrations issued, renewed, cancelled, amended, or corrected on the date of the particular issue in which the marks appear.

Effective January 1, 2008, the USPTO discontinued the separate weekly publication of USPTO notices in paper form. See *Change in Publication Format of Patent & Trademark Office Notices & Changes in Display of Patent & Trademark Office Notices in Electronic Official Gazette*, [72 FR 72,999](#) (2007).

## 107 Trademark Manuals

The following manuals may be downloaded free of charge from the USPTO website:

- [Trademark Manual of Examining Procedure](#) (TMEP)
- [Trademark Trial and Appeal Board Manual of Procedure](#) (TBMP)
- [Acceptable Identification of Goods and Services Manual](#) (ID Manual)

## 108 Status Inquiries

### 108.01 Trademark Status and Document Retrieval (TSDR) Database

The Trademark Status and Document Retrieval (TSDR) database on the USPTO website provides detailed information about the status and prosecution history of trademark applications and registrations. The TSDR database is generally available 24 hours a day, 7 days a week.

The TSDR database is normally updated shortly after the USPTO internal databases are updated. However, the TSDR database may not reflect changes in ownership that have been recorded in the Assignment Recordation Branch. There are circumstances in which the Trademark database will be updated automatically upon the recordation of a change of ownership. See [TMEP §504](#). In all other cases, the new owner must separately notify the Trademark Operation in writing of the recordation of a document, and request that the Trademark database be updated manually. See [TMEP §§503.01\(a\)](#), [504.01](#), [505-505.02](#).

Information about documents recorded with the Assignment Recordation Branch can be viewed through the Trademark Assignment Search web page.

See also [TMEP §109.01](#) regarding public access to electronic images of the contents of trademark application and registration records and Board proceeding records.

### 108.02 Trademark Assistance Center (TAC)

If additional information regarding the status of an application or registration is needed, applicants or registrants may contact the Trademark Assistance Center (TAC) by email at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or telephone at (571) 272-9250 or (800) 786-9199. TAC staff also provide general information about the trademark registration process. Telephone assistance is available from 8:30 a.m. to 8:00 p.m., Eastern Time, Monday through Friday, except on Federal holidays within the District of Columbia. Walk-in service is available from 8:30 a.m. to 5:00 p.m. Eastern Time, Monday through Friday, except on Federal holidays within the District of Columbia.

TAC staff will gladly answer questions about the application process. However, USPTO employees cannot:

- conduct trademark searches for the public (see [TMEP §104](#));
- comment on the validity of registered marks (see [TMEP §1801](#));
- answer questions as to whether a particular mark or type of mark is eligible for registration;
- offer legal advice or opinions about common-law trademark rights, state registrations, or trademark infringement claims; or
- aid in the selection of a private trademark attorney or search firm ([37 C.F.R. §2.11\(a\)](#)).

See [TMEP Chapter 1800](#) regarding public inquiries about applications and registrations.

### 108.03 Due Diligence: Duty to Monitor Status

*37 CFR §2.23(d)*

Notices issued or actions taken by the USPTO are displayed in the USPTO's publicly available electronic systems. Applicants and registrants are responsible for monitoring the status of their applications and registrations in the USPTO's electronic systems during the following time periods:

- (1) At least every six months between the filing date of the application and issuance of a registration; and
- (2) After filing an affidavit of use or excusable nonuse under section 8 or section 71 of the Act, or a renewal application under section 9 of the Act, at least every six months until the registrant receives notice that the affidavit or renewal application has been accepted.

Applicants and registrants are responsible for tracking the status of trademark matters pending before the USPTO in accordance with the time frames in [37 C.F.R. §2.23\(d\)](#). A party who has not received a notice or action from the USPTO within that time frame is responsible for promptly checking the matter's status and requesting corrective action, if necessary. *See id.* Failure to act diligently and follow up with appropriate action may result in denial of the requested relief. *See* [TMEP §§1705.05, 1714.01\(d\)](#).

See [TMEP §108.01](#) regarding checking the status of an application or registration through the Trademark Status and Document Retrieval (TSDR) database and [§108.02](#) regarding telephone assistance and status checks with TAC.

See [TMEP §1705.05](#) for more information regarding the responsibility of applicants and registrants to periodically check the status of a pending application or post-registration filing and the options available if the application has been abandoned or the registration has been cancelled or expired.

## 109 Access to Records

### 18 U.S.C. §2071 Concealment, removal, or mutilation generally.

(a)

Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both.

(b)

Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. As used in this subsection, the term "office" does not include the office held by any person as a retired officer of the Armed Forces of the United States.

#### 37 CFR §2.27(b)

Except as provided in paragraph (e) of this section, access to the file of a particular pending application will be permitted prior to publication under §2.80 upon written request.

#### 37 CFR §2.27(d)

Except as provided in paragraph (e) of this section, the official records of applications and all proceedings relating thereto are available for public inspection and copies of the documents may be furnished upon payment of the fee required by § 2.6.

#### 37 CFR §2.27(e)

Anything ordered to be filed under seal pursuant to a protective order issued or made by any court or by the Trademark Trial and Appeal Board in any proceeding involving an application or registration shall be kept confidential and shall not be made available for public inspection or copying unless otherwise ordered by the court or the Board, or unless the party protected by the order

voluntarily discloses the matter subject thereto. When possible, only confidential portions of filings with the Board shall be filed under seal.

In order to inspect the contents of a trademark application or registration record, it is not necessary to show good cause or to have a power to inspect from the applicant or registrant.

### **109.01 Electronic Image Records**

The public may view and print images of the contents of trademark application and registration records through the Trademark Status and Document Retrieval (TSDR) database on the USPTO. Electronic images of Board proceeding records are also available on the USPTO website. TSDR and TTABVUE are generally available 24 hours a day, seven days a week, free of charge.

The public may also view and print images of the contents of trademark application and registration records in the Public Search Facility on the USPTO premises. *See* [TMEP §402](#).

### **109.02 Paper Files**

The USPTO does not create paper files for trademark applications or retain paper copies of trademark-related documents that are submitted to the USPTO in paper or electronic format. *See* [TMEP §402.01](#). All documents related to a U.S. trademark application, registration, or international application can be viewed online and printed through TSDR.

Older paper files for abandoned applications and cancelled and expired registrations may be destroyed two years after the date of abandonment, cancellation, or expiration. *See* 980 TMOG 16 (1979), reprinted at 1232 TMOG 625 (March 21, 2000). *See* [TBMP §120.03](#) regarding the retention schedule for the files of terminated Board proceedings.

*See* [TMEP §503.08](#) regarding the accessibility of assignment records.

### **109.03 Making Copies of Materials in Records**

The public may print images of the contents of trademark application, registration, and Board proceeding records through the Trademark Status and Document Retrieval (TSDR) database or TTABVUE on the USPTO website at <https://tsdr.uspto.gov/>. *See* [TMEP §109.01](#). The public may also print electronic copies of records pertaining to applications or registrations through the Trademark Electronic Search System (TESS) (*see* [TMEP §104](#)) and prosecution histories through TSDR (*see* [TMEP §108.01](#)) on the USPTO website. There is no charge for use of these databases.

The public may also print trademark documents in the Public Search Facility on the USPTO premises. There is a fee for printing images of documents in the Public Search Facility. *See* [TMEP §104](#).

*See* [TMEP §111](#) regarding requests that the USPTO provide copies of trademark documents.

## **110 Decisions Available to the Public**

### **37 CFR §2.27(c)**

Decisions of the Director and the Trademark Trial and Appeal Board in applications and proceedings relating thereto are published or available for inspection or publication.

Precedential decisions of the Director and the Board are noted as such and published in the United States Patents Quarterly (cited as USPQ or USPQ2d), which is a periodical reporting service of a non-governmental publishing company. The USPTO does not print these decisions in its own publications. Non-precedential decisions of the Director and the Board are not published in the United States Patents Quarterly. See [TMEP §705.05](#). The Board, however, has permitted citation to non-precedential decisions, although they are not binding upon the Board, for whatever persuasive value they might have. *Id.*

Both precedential and non-precedential decisions are available for viewing, downloading, and printing via TTABVue on the USPTO website.

A weekly summary of final decisions issued by the Board appears on the USPTO website and in each issue of the *Official Gazette*.

See [TMEP §1803](#) regarding requesting copies of final agency decisions that are available under the Freedom of Information Act.

## 111 Requests for Copies of Trademark Documents

*Printing from USPTO databases*. The public may print images of the contents of trademark application, registration, and Board proceeding records through the Trademark Status and Document Retrieval (TSDR) database or TTABVue on the USPTO website at <https://www.uspto.gov>. See [TMEP §109.01](#). The public can also print electronic copies of records pertaining to applications or registrations through the Trademark Electronic Search System (TESS) (see [TMEP §104](#)), and prosecution histories through TSDR (see [TMEP §108.01](#)) on the USPTO website. There is no charge for use of these databases.

*Requesting certified copies*. The public may purchase certified copies of trademark documents (e.g., application or registration records, trademark title and status reports) through the USPTO website. Fee schedules are also posted on the USPTO website. Requests for certified copies of trademark documents are handled online by the Patent and Trademark Copy Fulfillment Branch and delivered by the U.S. Postal Service. Owners may request a duplicate copy of their registration certificate by filing a petition to the Director of the USPTO. See [TMEP §1601.01\(b\)](#).

## 112 Patent and Trademark Resource Centers

The Patent and Trademark Resource Centers Program administers a nationwide network of public, state, and academic libraries designated as Patent and Trademark Resource Centers (PTRCs) authorized by [35 U.S.C. §12](#) to disseminate patent and trademark information and support the diverse intellectual property needs of the public. PTRC library staff are information experts trained on how to use search tools to access trademark information. However, PTRC representatives are not attorneys and cannot provide legal advice.

A list of the PTRCs and their telephone numbers appears on the USPTO website and in each issue of the *Official Gazette*.

Information available free of charge at the PTRCs includes a USPTO-created compilation of the trademark statute and rules (see [TMEP §101](#)); the *Trademark Manual of Examining Procedure*; *Trademark Trial and Appeal Board Manual of Procedure*; *Acceptable Identification of Goods and Services Manual*; and the Trademark Electronic Search System. Photocopiers are generally provided for a fee.

The scope of PTRC collections, hours of operation, services, and fees (where applicable) may vary from one center to another.