

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Trademark basics boot camp: Application walk-through

Jason Lott

Managing Attorney, Trademarks Customer Outreach

Images used in this presentation are for educational purposes only.

# Trademark basics boot camp

- 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 basics
- Filing basics
- Trademark Center pre-filing checklist
- Trademark Center filing demonstration
- How to find help

Discussion topic

# Trademark basics



# Trademark basics

- Trademark
  - Identifies the source of goods and services.
  - Distinguishes them from the goods and services of another party.
  - Provides legal protection for a brand.



# Trademark basics (cont'd)

- Remember:
  - You are not “buying” a trademark.
  - Not every trademark is registrable.
  - Filing fees are not refundable.

Discussion topic

# Filing basics



# Filing basics

- Trademark Center
  - Mobile-friendly design
  - Guided user interface
  - Drafts that automatically save every 60 seconds
  - Application costs that update as you go
  - Prompts to complete commonly omitted information



Discussion topic

# **Trademark Center pre-filing checklist**

# Trademark Center pre-filing checklist

## Pre-filing checklist for your trademark application

Use this checklist to understand the decisions you must make before filing your application.

### 1. Determine your mark drawing format.

Decide which version of your trademark you want to register.

**Standard character format**

- Protects words, letters, and slogans used as marks, without limiting the mark to a specific typeface, size, or color.
- Provides protection for the wording itself, not what it looks like.
- For example: **T.MARKEY**
- Pro tip:** This provides more flexible protection than special form format registration.

**Special form format**

- Protects stylized and design marks.
- Provides protection for the look of the mark, plus any wording.
- For example:  

- Pro tip:** Registering the mark without color provides more flexible protection than registering it with color.
- Pro tip:** Save a JPG image of your mark to your computer before filing.

For more information about drawing formats, see [www.uspto.gov/trademarks/trademark-examples](http://www.uspto.gov/trademarks/trademark-examples)

### 2. Determine your filing basis.

Verify the legal reason to register your mark.

**Section 1(a) – Use-in-commerce**

- You're using the mark with customers in another state, U.S. territory, or foreign country.
- Pro tip:** Save a PDF or JPG image of your specimen to your computer before filing. A specimen is evidence of how you're actually using the mark with your goods and services.

**Section 1(b) – Intent-to-use**

- You're not yet using the mark in interstate commerce, but have a good faith intent to do so in the future.

For more information, see [www.uspto.gov/trademarks/basics/application-filing-basis](http://www.uspto.gov/trademarks/basics/application-filing-basis).

### 3. Determine your goods and services.

Prepare a list of goods and services that you use (or have a bona fide intent to use) with your mark.

- Use the USPTO's ID Manual to find acceptable identifications of goods and services: [www.uspto.gov/TrademarkID](http://www.uspto.gov/TrademarkID).
- Inaccurate and unacceptable identifications will result in a refusal to register your mark.

**See the reverse side to estimate your filing fee and learn how to file.**

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# Trademark Center pre-filing checklist

(cont'd)

- Choose your mark drawing format.
  - Standard character drawing
  - Special form drawing

**COCA-COLA**

*Coca-Cola*





# Trademark Center pre-filing checklist

(cont'd 2)

- Know your filing basis.
  - Required for each listed good or service in your application
  - Most common bases
    - Use in commerce
    - Intent to use





# Trademark Center pre-filing checklist

(cont'd 3)

- Identify your goods and services.
  - Generally understood terminology
  - Specific terminology
  - Cannot expand “scope” after filing
  - Trademark ID Manual
    - [www.uspto.gov/TrademarkID](http://www.uspto.gov/TrademarkID)



# Trademark Center pre-filing checklist

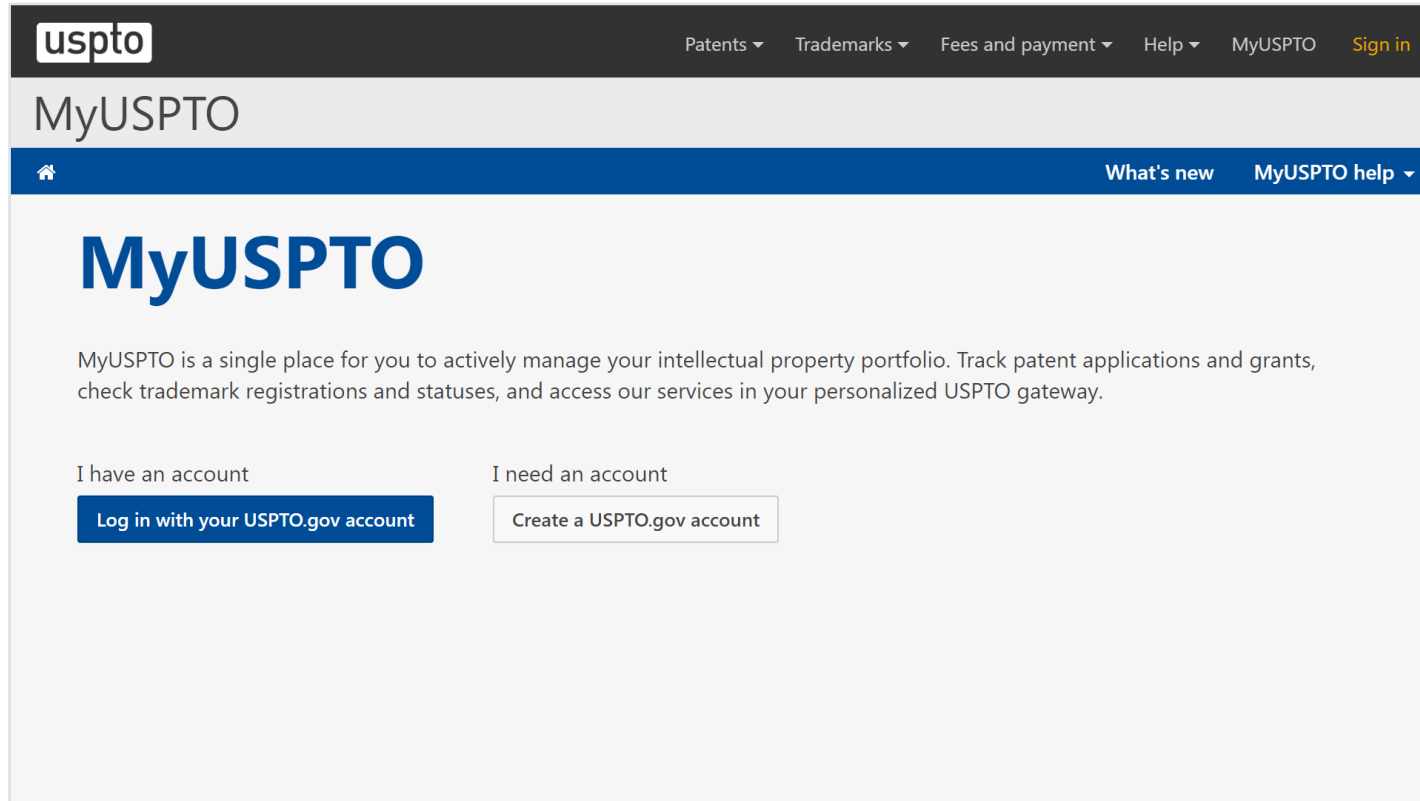
(cont'd 4)

- Estimate your filing fee.
  - You can also track it live as you complete the application.
- Create a MyUSPTO account.
  - You only need to create an account and verify your identity one time.
- File your application in Trademark Center.

Discussion topic

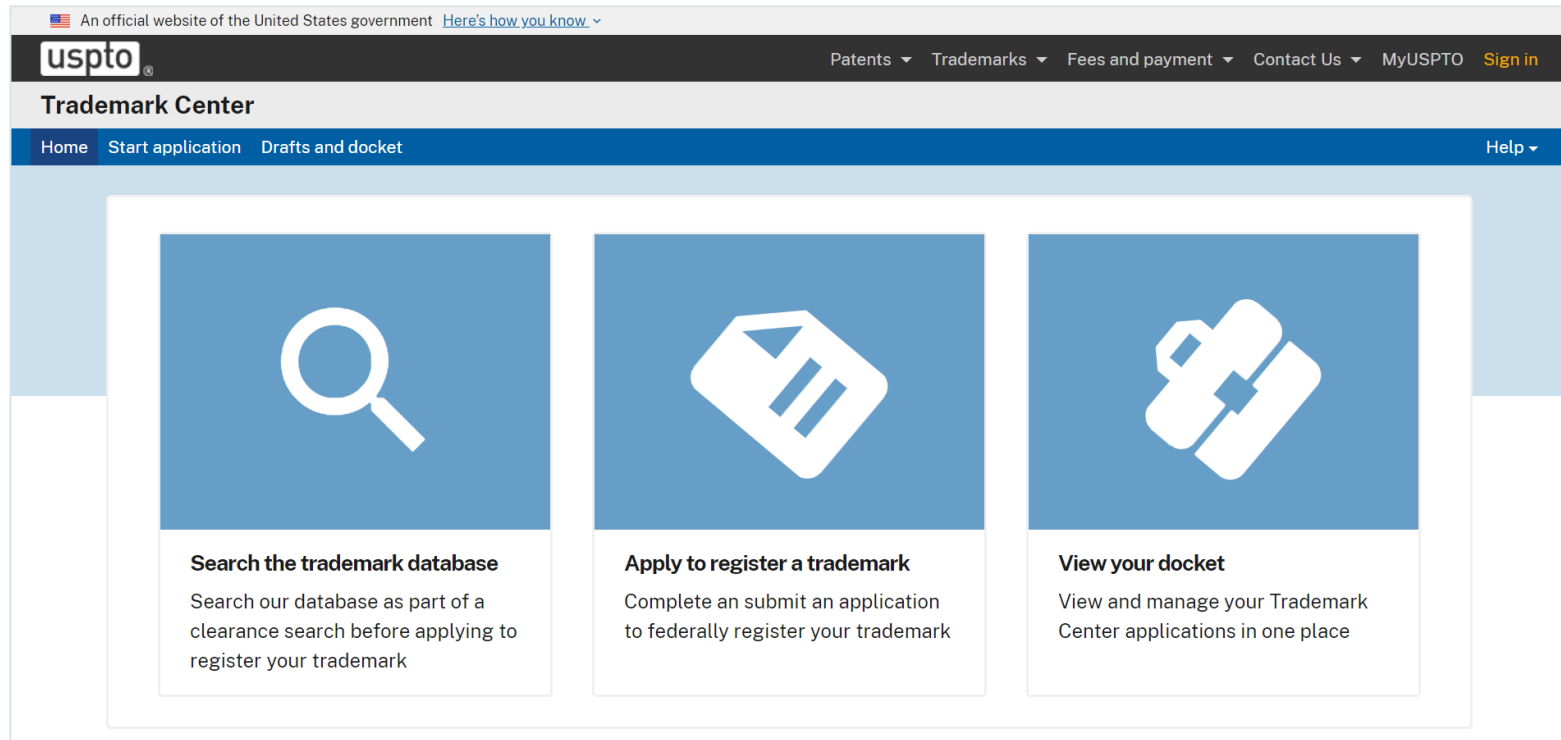
# **Trademark Center filing demonstration**

# Trademark Center demonstration



# Trademark Center demonstration

(cont'd)





# Knowledge check #1

**If you're domiciled in the United States, can you submit a trademark application without an attorney?**

Yes

No





# Knowledge check #2

**When you file an initial application, can you draft your own identification of goods and services?**

Yes

No



# Knowledge check #3

**Is your filing fee based on the number of goods or services you include in your application?**

Yes

No

Discussion topic

# How to find help



# Caution: scam alert

- Beware of scams.
  - [www.uspto.gov/TMFraud](http://www.uspto.gov/TMFraud)
- Beware of non-attorney filing firms.
  - [www.uspto.gov/trademarks/protect/filing-firms](http://www.uspto.gov/trademarks/protect/filing-firms)
- Beware of misleading notices and offers.
  - [www.uspto.gov/TrademarkSolicitations](http://www.uspto.gov/TrademarkSolicitations)



# USPTO resources

- Website
  - [www.uspto.gov](http://www.uspto.gov)
- Trademark videos
  - [www.uspto.gov/TMvideos](http://www.uspto.gov/TMvideos)
- Trademark basics registration toolkit
  - [www.uspto.gov/TrademarkBasicsToolkit](http://www.uspto.gov/TrademarkBasicsToolkit)



# USPTO resources (cont'd)

- IP Identifier
  - <https://ipidentifier.uspto.gov>
- Free services and resources
  - [www.uspto.gov/FreeServices](http://www.uspto.gov/FreeServices)
- USPTO virtual assistant
  - [www.uspto.gov/trademarks/basics](http://www.uspto.gov/trademarks/basics)





# USPTO resources (cont'd 2)

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



# USPTO resources (cont'd 3)

- 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.



**Questions?**



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