UNITED STATES PATENT AND TRADEMARK OFFICE

uspto
Advanced trademark searching in the Trademark Electronic Search System (TESS)

Jason Lott
Managing Attorney, Trademarks Customer Outreach

Images used in this presentation are for educational purposes only.
Legal disclaimer

• 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 topics

• TESS basics
• Searching in TESS
• Common search strategy
• Other helpful searches
Discussion topic

TESS basics
Welcome to the Trademark Electronic Search System (TESS). This search engine allows you to search the USPTO's database of registered trademarks and prior pending applications to find marks that may prevent registration due to a *likelihood of confusion* refusal.

**WARNING:** Before conducting your search, you must understand the following: (1) what the database includes; (2) how to construct a complete search; and (3) how to interpret the search results. Click [TESS TIPS](https://www.uspto.gov/SearchTrademarks) for detailed information on these and other important search topics.

---

**Select A Search Option**

- **Basic Word Mark Search (New User)**: This option cannot be used to search design marks.

- **Word and/or Design Mark Search (Structured)**: This option is used to search word and/or design marks. **NOTE:** You must first use the [Design Search Code Manual](https://www.uspto.gov/SearchTrademarks) to look up the relevant Design Codes.

- **Word and/or Design Mark Search (Free Form)**: This option allows you to construct word and/or design searches using Boolean logic and multiple search fields. **NOTE:** You must first use the [Design Search Code Manual](https://www.uspto.gov/SearchTrademarks) to look up the relevant Design Codes.
TESS basics

• Purpose
  – Allows you to search the database of federally applied-for and registered trademarks.
    • Use the database as part of a likelihood of confusion clearance search.
    • Use the database to search for other information.
TESS basics

• Flexibility
  – Allows you to determine how you search.
  • Create your own search strategy.
    – Truncation
    – Pattern matching
    – Search logic
    – Design codes
TESS basics

• Flexibility
  – Allows you to determine how you search.
    • Decide what part of the database to search.
      – Field tags
Discussion topic

Searching in TESS
Field tags

• Purpose
  – Allows you to determine where to search in the database.
    • Choose among various “buckets” of information.
## Common field tags

<table>
<thead>
<tr>
<th>Field tag</th>
<th>What it searches</th>
<th>What it returns</th>
</tr>
</thead>
<tbody>
<tr>
<td>[comb]</td>
<td>Multiple data sets of trademarks</td>
<td>Trademarks with words in them</td>
</tr>
<tr>
<td>[on]</td>
<td>Owner names</td>
<td>Matching owner names</td>
</tr>
<tr>
<td>[ld]</td>
<td>Active/inactive status</td>
<td>Live or dead applications and registrations</td>
</tr>
<tr>
<td>[rg]</td>
<td>Current register</td>
<td>Applications and registrations on the Principal or Supplemental Registers</td>
</tr>
</tbody>
</table>
# Less common field tags

<table>
<thead>
<tr>
<th>Field tag</th>
<th>What it searches</th>
<th>What it returns</th>
</tr>
</thead>
<tbody>
<tr>
<td>[cc]</td>
<td>Coordinated classes of goods and services</td>
<td>Trademarks in related classes of goods and services</td>
</tr>
<tr>
<td>[ic]</td>
<td>International class of goods and services</td>
<td>Trademarks in one specific class of goods or services</td>
</tr>
<tr>
<td>[gs]</td>
<td>Goods and services</td>
<td>Applications and registrations with a specific identification of goods or services</td>
</tr>
<tr>
<td>[de]</td>
<td>Description of the trademark</td>
<td>Applications and registrations with specific wording in the description of the trademark</td>
</tr>
<tr>
<td>[dc]</td>
<td>Design code</td>
<td>Trademarks with designs in them</td>
</tr>
</tbody>
</table>

Discussion topic

Searching in TESS: Word mark searching
Truncation

• Purpose
  – Allows you to execute a broad search.
    • Choose among various truncation operators.
      – Search for one instance of an undefined character.
      – Search for zero to infinite instances of an undefined character.
  – Pro tip: Use it to search for compound words.
## Truncation

<table>
<thead>
<tr>
<th>Truncation</th>
<th>What it returns</th>
<th>Which field tag</th>
<th>Where to use</th>
</tr>
</thead>
<tbody>
<tr>
<td>*</td>
<td>Unlimited characters</td>
<td>[comb]</td>
<td>Left or right external truncation</td>
</tr>
<tr>
<td>$</td>
<td>Unlimited characters</td>
<td>Any</td>
<td>Internal and external truncation</td>
</tr>
<tr>
<td>?</td>
<td>One character</td>
<td>Any</td>
<td>Internal and external truncation</td>
</tr>
</tbody>
</table>

Truncation example

- Trademark:
  - FLEX

- Dead-on search won’t return:
  - ibuproflex, flexxiz, or neuroreflexivity

- External truncation:
  - *flex*[comb]
Pattern matching

• Purpose
  – Allows you to execute a narrower search.
    • Choose among various pattern matching operators.
      – Customize which characters to search.
      – Customize number of characters to search.
  – **Pro tip:** Use it to search for misspelled words and alternate spellings.
# Common pattern matches

<table>
<thead>
<tr>
<th>Substitution</th>
<th>What it returns</th>
</tr>
</thead>
<tbody>
<tr>
<td><code>{v}</code></td>
<td>Any one vowel – A,E,I,O,U,Y</td>
</tr>
<tr>
<td><code>{v0:2}</code></td>
<td>Zero, one, or two vowels next to each other</td>
</tr>
<tr>
<td><code>{&quot;e&quot;1:2}</code></td>
<td>One or two instances of “e”</td>
</tr>
<tr>
<td><code>{&quot;eiya&quot;}</code></td>
<td>One instance of “e,” “i,” or “y”</td>
</tr>
<tr>
<td><code>{&quot;eiya&quot;1:3}</code></td>
<td>One, two, or three instances of “e,” “i,” or “y” next to each other</td>
</tr>
</tbody>
</table>

https://tmsearch.uspto.gov/webaka/html/help.htm#PattMatc
Pattern matching example

• Trademark:
  – FLEX

• Dead-on search won’t return:
  – phlex, flecks, fleqs, fflexx, or phlehccz

• External truncation and pattern matching:
  – *{“fh”}le{“h”0:1}“ckqx”*[comb]
Search logic

• Purpose
  – Allows you to broaden and narrow a search.
    • Choose among various search logic operators.
      – Search using traditional Boolean operators.
      – Customize operators to search in proximity.
  – **Pro tip:** Use the SAME operator to search for related goods or services.
# Common Boolean operators

<table>
<thead>
<tr>
<th>Operator</th>
<th>What it returns</th>
</tr>
</thead>
<tbody>
<tr>
<td>AND</td>
<td>Trademarks with both terms</td>
</tr>
<tr>
<td>OR</td>
<td>Trademarks with either term</td>
</tr>
<tr>
<td>NOT</td>
<td>Trademarks with the first term but not the second</td>
</tr>
<tr>
<td>ADJ</td>
<td>Trademarks with both terms and in that order</td>
</tr>
</tbody>
</table>

Logical operator examples

• All trademarks with “cat” and “dog”:  
  – (“cat” and “dog”)[comb]

• All trademarks with “cat” or “dog”:  
  – (“cat” or “dog”)[comb]

• All trademarks with “cat,” but not “dog”:  
  – (“cat” not “dog”)[comb]
Logical operator examples

• All trademarks with “cat” and “dog” within three instances of each other in any order:
  – (“cat” adj3 “dog”) [COMB]

• Both types of goods or services appearing in the same international class:
  – (sh{v}rt$ same shoes$ same “ic 025”) [GS]
Discussion topic

Searching in TESS: Design mark searching
Design codes

• Purpose

  – Allows you to execute a search for trademarks that include designs.
  
    • Use the Design Search Code Manual to search for relevant design codes.
    
    • Use those codes when searching in TESS.
  
  – **Pro tip:** Use the ? truncation operator to broaden your search within a category.
TABLE OF CATEGORIES

01 Celestial bodies, natural phenomena, geographical maps
   This category includes objects that appear in the sky, including clouds, stars, moons, sun, planets and constellation. Additionally, designs associated with weather conditions such as rainbows, lightning, and snowflakes are found here. Maps of countries and continents are also in 01.

02 Human beings
   This category includes representations of men, women and children regardless of the activity they are engaged in or how they are dressed. Stylized humans, those in caricature form, stick figures and parts of the human body are also in this category.

03 Animals
   This category includes most animals, except mythological animals. Animals found here include mammals, birds, kiwi, kiwi bird, fish, reptiles and insects. Prehistoric animals, stylized animals and animals with human attributes are also coded in category 03.
Design search code example

• Trademark:

• Sample searches:
  – 030503[dc] – Zebras
  – 0305??[dc] - Horses, donkeys, zebras
  – 03????[dc] - Animals
Design mark example

ORGANIC
Design mark example

010103

030503

organic

uspto
Common search strategy
Common search strategy

1. Search for owner in [on] field.
2. Execute “dead-on” search in [comb] field.
3. Execute additional searches in [comb] field using truncation and pattern matching.
   - **Pro tip:** “Not out” your previous search to avoid looking at already viewed results.
Common search strategy

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

• Narrow if needed:
  – By coordinated class with [cc] field tag.
  – By international class with [ic] field tag.
    • Pro tip: Use the (“xxx” a b 200)[ic] formula.
  – By goods and services with [gs] field tag.
    • Pro tip: Only narrow this way if absolutely necessary.
Sample search

- Owner:
  - John Smith

- Trademark:
  - ZEBRA in standard characters

- Goods and services:
  - T-shirts
  - Online retail store services featuring t-shirts
Sample search live demo
Sample search recap

1. “smith, john”[on]
2. “zebra”[comb] not dead[ld]
3. *zebra*[comb] not dead[ld] not s2
4. *{“sz”}{“eiy”1:3}b{v0:1}r*[comb]
   not dead[ld] not s3
5. s4 and “025”[cc]
Sample search recap

6. s4 and (“025” “035” “042” a b 200)[ic]
7. 030503[dc] not dead[ld] not s3
8. 0305??[dc] not s7
9. s8 and “025”[cc]
10. s8 and (“025” “035” “042” a b 200)[ic]
Discussion topic

Other helpful searches
Other helpful searches

• Use TESS to search for:
  – Descriptiveness
  – Ownership information
  – Registered or unregistered trademark
  – Hard-to-search trademarks
  – Non-traditional trademarks
  – Similar alphabetical trademarks
Descriptiveness

• Relevant field tags:
  – [ds] – Disclaimer
    • “flexible”[ds]
  – [rg] – Register
    • “supplemental”[rg]
    • “principal-2”[rg]
Ownership information

• Relevant field tags:
  – [on] – Owner name
    • “apple”[on]
  – [ow] – Owner name and address
    • “one apple park way”[ow]
Registered or unregistered

• Relevant field tag:
  – [on] – Owner status
    • “registrant”[on]
    • “applicant”[on]
Hard-to-search trademarks

• Relevant field tag:
  – [de] – Description
    • “sitar”[de]
    • “configuration”[de]
    • “trade dress”[de]
  – [fm] – Full mark
    • “m”[fm]
Non-traditional trademarks

• Relevant field tag:
  – [de] – Description
    • “scent”[de]
    • “flavor”[de]
  – [md] – Mark drawing
    • “6”[md]
    • “6”[md] and “scent”[de]
Similar alphabetical trademarks

• Browse dictionary feature:
  – Allows you to search an alphabetically-arranged index of terms in the database.
    • Can quickly browse for trademarks that have a particular root word.
    • Can narrow by field tag.
      – “zebra”[comb]
      – “apple”[on]
Questions?