

Overview of Trademark Registration Process with the United States Patent and Trademark Office

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Format of Trademark: A trademark may be registered in different formats: standard character form or stylized/design form. For a standard character format, the registration covers any particular font style, size, color, or graphic depiction, allowing the registrant flexibility in displaying the trademark on the product, product packaging, labeling, or in other marketing materials. For a stylized or in design format, the registration covers a particular graphic depiction. If both formats are important to the brand portfolio, an applicant may submit two or more applications to cover each format.

Type of Application: A trademark application may be filed as: an actual use application or an intent-to-use application. A trademark must be “in use” before any registration is granted. For an intent-to-use application, the applicant must submit evidence with a Statement of Use and an additional government fee before registration is granted.

Step 1: Examination process: A trademark examining attorney will examine the application for compliance with formalities and will evaluate if there are conflicting current USPTO trademarks registrations/ applications that would block registration of the applicant’s trademark. The applicant will have an opportunity to respond to the examiner’s rejections or objections, if applicable.

Step 2: Published for Opposition. If Step 1 is met, the examiner will approve the trademark for publication in the USPTO’s Trademark *Official Gazette*. Anyone else has thirty (30) days to oppose registration (or request an extension of time to oppose) if that party believes it would be damaged by registration of applicant’s trademark.

Step 3: Registration. If no one timely opposes the trademark, then the Trademark Office will finalize the actual use application and will issue a trademark registration certificate. For an intent-to-use application, the applicant will first need to start using the trademark for the goods/services in commerce, and will need to submit a specimen, Statement of Use, and an additional government fee. Post Registration. The registrant must timely renew the trademark registration with the Trademark Office.

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