



DOBBIN IP LAW

US TRADEMARKS

**S
T
A
R
T**

Are you using the mark in interstate commerce?

YES!
File application as "in use"

Examination

Publication & opposition

Registration!!

Maintenance & Renewal

NOPE!
File application as "intent to use"

Examination

Publication & opposition

Allowance

Registration!!

Use the mark in commerce and report use

See page 2 for more details!



DOBBIN IP LAW

US TRADEMARKS

Are you using your mark in interstate commerce?

Trademarks are created by use. The more you use it, the stronger your mark becomes. To get a federal trademark registration, you must use your mark in interstate commerce

YES! File application as “in use”

The purpose of registration is to let the world know that it is your name, and that you have the right to protect it. Use TM to label your mark.

Examination

Your mark gets assigned to a trademark examiner who searches for similar marks and then approves or rejects your mark.

Publication

Now that the examiner has approved of your mark, the world can now see it. This also means that anyone who objects to your mark has 30 days to oppose.

Registration

Congratulations! You are registered and have extra legal benefits. You can use the ® symbol.

Maintenance and Renewal

To protect your registered trademark, Statements of Use are due between the 5th and 6th year after the registration date, and renewals every tenth anniversary.

NOPE!

File as “intent to use”

The purpose of registration is to let the world know that it is your mark, and that you have the right to protect it. You can file if you have a bonafide intent to use your mark in interstate commerce. It gets the ball rolling, but it costs more.

Use the mark in commerce and report use

In order to register, the mark must be in use. If you file an intent to use application, you must later file a statement of use to show you are using the mark. This is an additional cost over the in use mark.

Allowance

The USPTO has agreed to register your mark, but only after you use it. You must file a statement of use within 6 months or extensions of time (up to 2 1/2 more years) to register your mark.