

Juneau Partners

Intellectual Property Law
Information – Analysis – Advice – Portfolios

TRADEMARK PROCESS TIMELINE Effective January 2009

Time	Day 0	Day 1	Day 7	3-4 months	6 months	7 months	8 months
Event	Introduction, engagement, retain law firm. Client to provide the TM and the type of product being sold. Brief TM search of USPTO database	Conduct Common Law Search	Authorize preparation and filing of TM application. Forward electronic receipt to client.	Receive USPTO Letter from TM Examiner; discuss how to respond. Prepare and file response.	TM application is "allowed". Receive Notice of Publication from USPTO. Mark will be published for 30 days for public opposition.	If the TM application was filed as Intent to Use, then a Statement of Use must be filed with 6 months, or within one of five 6-month extension of time periods.	Receive from USPTO the formal Certificate of Registration
Out of Pocket Cost	none	\$350 (outside vendor database charges)	\$275-325 Per class	none	none	\$100 per class to file SOU. \$150 Extension of Time Fees (per class) if mark is not being used yet in the sale of products.	None
Legal Fees	No charge for brief search of USPTO TM database	\$500 - \$1000	\$450 Per class	\$500 - \$1500	\$150	\$600 for SOU, per class or \$300 to file Ext. of Time, per class	\$150

List of Acceptable and Unacceptable Trademark Specimens

GOODS	SERVICES
<p><u>ACCEPTABLE (for goods)</u></p> <p>labels, tags, containers, display/point of sale material, packaging, stamping, software display screen, instruction sheets, catalog page (if with order form)</p> <p><i>Unacceptable (for goods)</i></p> <p>advertising material, informational or promotional material, information inserts, circulars, brochures, price lists, announcements, publicity releases, listing in trade directories, business cards, invoices, waybills, stationary, warranties, bags for packaging</p> <p><i>Additional information:</i> The specimen must show the mark as used on or in connection with the goods in commerce. TMEP 904.04.</p>	<p><u>ACCEPTABLE (for services)</u></p> <p>newspaper & magazine ads, brochures, billboards, handbills, direct mail leaflets, menus, invoices if services described, letterhead stationary, business cards</p> <p><i>Unacceptable (for services)</i></p> <p>publicity releases, materials which identify goods not services, e.g. technical bulletins, datasheets, software</p> <p><i>Additional information:</i> Section 45 of the Trademark Act, 15 U.S.C. §1127, indicates that the function of a service mark is 'to identify and distinguish the services of one person . . . from the services of others and to indicate the source of the services . . .' That section also states that a mark is deemed to be in use in commerce, on services, 'when it is used or displayed in the sale or advertising of services and the services are rendered in commerce.'</p>

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