# TRADEMARK INFORMATION REQUIRED FOR THE FILING OF A STATEMENT OF USE

INFORMATION
ABOUT
WHAT WE NEED IN ORDER TO
FILE YOUR STATEMENT OF USE

#### What Information Do I Need to Provide?

- To file a statement of use we will need:
  - 1. The date the mark was first used in commerce;
  - 2. The date the mark was first used in inter-state commerce; and
  - 3. A specimen showing use of the mark.

#### How do I Determine the Date of First use?

• The date of first use is the date the goods were first sold or transported, or the services provided, even if the sale was local or within one state.

#### How do I Determine the Date of First use in Inter-state Commerce?

- The date of first use in inter-state commerce is the date the goods were first sold or transported, or the services provided, between more than one state, US territory, or between the US and a foreign country.
- The use in inter-state commerce can be met if a product is sold within the same state but shipped via the United States Postal Service.

#### What is a Specimen?

- A specimen is a sample of how you use your trademark in the marketplace in connection with the goods and/or services identified in your trademark application.
- Specimens for goods are often digital photographs of the mark on the goods associated with your trademark application.
- Specimens for services are often screenshots of your website or brochures showing use of the trademark in connection with the services associated with your trademark application.

## Why Does the USPTO Need a Specimen?

- The USPTO requires a specimen as evidence that you are using the mark in connection with the goods and/or services that you applied for in your trademark application.
- A specimen must match the mark exactly. If the specimen does not match the drawing the USPTO may reject your specimen.

# Do I Need To Have Fancy Packaging For The Specimen?

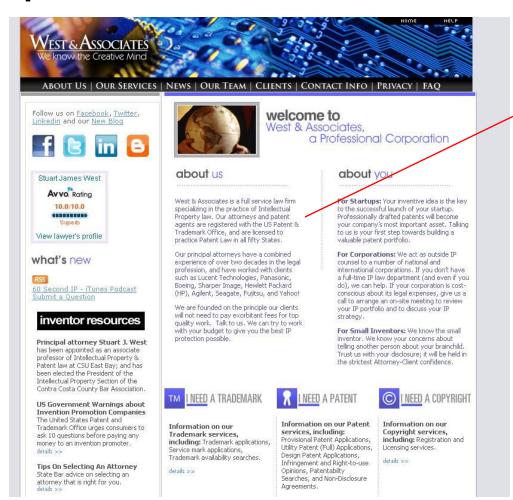
 No, not at all. If you are just starting out and you are selling your product in a plastic bag with a sticker with your trademark on it the USPTO will generally accept a digital photograph of such packaging.

# What Is An Example Of An Acceptable Specimen For Goods?



This specimen was accepted by the USPTO to show the use of the trademark "Palm Grips" in connection with protective covers for handles of athletic equipment and machinery.

# What Is An Example Of An Acceptable Specimen for Services?



West & Associates is a full service law firm specializing in the practice of Intellectual Property law. Our attorneys and patent agents are registered with the US Patent & Trademark Office, and are licensed to practice Patent Law in all fifty States.

This specimen was accepted by the USPTO to show the use of the trademark "West & Associates" in connection with legal services. Note how there is a description of the legal services West & Associates provides.

## What Happens If my Specimen is Rejected?

 We encourage the filing of Statements of Use well before the deadline given by the USPTO in case the specimen is rejected. If a specimen is rejected and the deadline to file a statement of use has passed, and a request for an extension of time to file the statement of use has not been filed, the USPTO may deem the application abandoned. If the deadline to file a statement of use has not passed, the USPTO may request a new specimen.

#### Contact Us

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