

# TRADEMARK INSTRUCTIONS

## Trademark Selection Guide:

Selection of a good trademark can be critical to the success of your product or service. You should spend time (for a few hours to several days) carefully selecting your trademark. You should take the following into consideration when selecting your mark:

Good Trademarks should be:

- Unique
  - Dissimilar to other marks being used for the same goods or services
- Evocative of an idea related to your goods or services
  - “Elephant” for computer memory—Elephants are alleged to have good memories and the product is memory. Thus, there is a subtle connection between the mark “Elephant” and the goods “memory”
- An adjective
- Words and/or graphics
  - If you include graphics, then your mark MUST be used with those graphics at all times, otherwise a new application may be required.
  - If you use words only, then you can change any associated graphics at any time, without the need to file any new applications.

Good Trademarks SHOULD NOT be:

- Expressly descriptive of the goods or services
  - While possible, this triggers a special set of rules for examination and may cause problems in registering your trademark
- The generic term to describe the goods or services—Generic terms are not registerable
  - For example: If I make shoes, I cannot register a trademark for “shoes”
- A noun

## Preliminary Searching:

Once you’ve narrowed down your choice of marks to a few, you should conduct a quick and simple search of the Federal Database of Registered Trademarks. From any internet connected computer,

- 1) browse to [www.uspto.gov](http://www.uspto.gov) and select the link to “Search Marks.”
- 2) Select the link to “New User Form Search (Basic)”
- 3) Select the radio button for “Live”
- 4) Type your selected trademark in the search box
  - a. Search alternate spellings too—according to the TM office, words that sound the same are viewed as the same word (regardless of spelling).
  - b. If your mark is a foreign word, search the English translation—according to the TM office, foreign words are viewed as if they were their English translations.
- 5) Click “Submit Query”
- 6) View the results
  - a. If the exact same mark appears in the search results, this DOES NOT mean you cannot register the trademark. You should record the identified “serial number” and continue your search. During your

consultation time, we can review your search results and determine whether registration may or may not be possible.

### **Contact Us for Review & Filing**

Once you've selected your mark and searched it, you should complete the attached "Trademark Disclosure Form" and send it to our office:

Mail:	Fax:	e-mail:
West & Associates, A PC 3050 Citrus Circle, Suite 207 Walnut Creek, CA 94598	(925)262.2205	trademark@westpatentlaw.com

Upon receipt we will review your form and contact you for your final consultation prior to filing your trademark application.

### **Time Frames & Final Notes**

At a minimum, trademarks take approximately 9 months to register from the time of filing. Most trademarks take approximately 14 months to register. During the trademark application process, we may receive what is referred to as an "office action." An office action can be a request for clarification or it can be a trademark examiner's arguments as to why your mark may not be registerable. If we receive an office action with examiner's arguments, we will immediately contact you to discuss the next steps.

Attached is a simplified timeline showing the various steps of the trademark registration process to help you understand what is happening and what to expect.

During the time your trademark is pending, you should use the indicator "TM" (trademark) or "SM" (service mark) next to your trademark. You may not use "®" until such time as the trademark is officially registered.

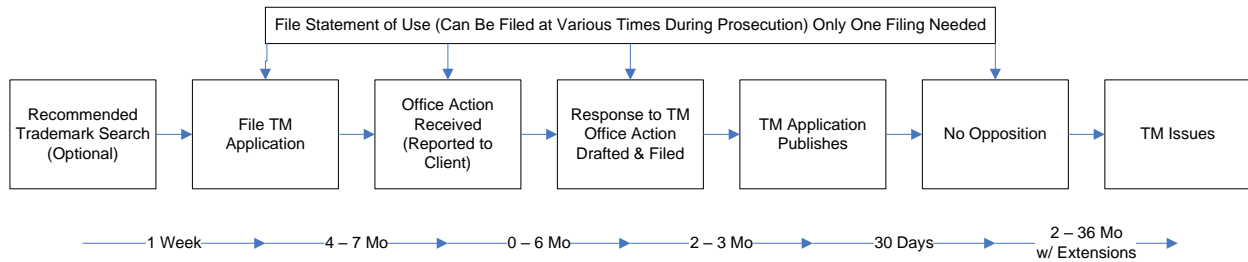
Our office is a professional law firm with years of experience in dealing with trademark registrations. Please trust that we will do everything possible to represent you and obtain your desired trademark representation.

We wish you every success in your new business venture.

**The Trademark Team at West & Associates, A PC**

# TRADEMARKS

## Typical Process & Timeframes



## INCLUDED IN FILING FEES

- Up to 30 Minutes of Consultation with Professional Filing Your Application
  - Client shall provide completed Trademark Disclosure Form
- Filing fee for one (1) class for Trademark application
  - For Stylized Trademark applications, client shall provide necessary black and white art
- Filing of Specimen, if specimen is provided by client at time of filing
- Electronic Filing of Trademark Application with USPTO
- Report of filing of Trademark Application with copy of electronic filing receipt

## Possible Costs In Addition to Filing

Item	Typical Time*	Typical Legal Cost*	Typical Gov. Fee
Comprehensive TM Search (optional)	1 - 2 Hrs	\$200	
Creation of Pure Black & White Drawing	Varies	Varies	
Analysis & Reporting of TM Office Action	¼ Hour	\$20 - \$50	
Response to TM Office Action	1 - 2 Hrs	\$100 - \$300	
Filing of Statement of Use	½ Hour	\$100	\$100
Statement of Use Extension Req.	½ Hour	\$100	\$150
Obtaining Specimen Req. by USPTO	Varies	Varies	
Addition of TM Classes	½ Hour	\$100	\$325/Class
Response to TM requests	½ Hour	\$100	Varies
International Filing Reminder	.2 Hours	\$15 - \$30	
Appeal	Varies	Varies	Varies
Opposition	Varies	Varies	Varies
Licensing	Varies	Varies	
Post-Issue Reminders	.2 Hours	\$15 - \$30	
Post-Issue Renewals/Filings	Varies	Varies	Varies
Communications unrelated to Application	Varies	Varies	

\*Typical Time and Typical Cost are provided as examples only and will vary depending on complexity and actual time taken.

## TRADEMARK DISCLOSURE FORM

Selected Trademark (Words): \_\_\_\_\_

Does The Trademark Include Any Graphics?  Yes  No

If yes, then please have a PURE BLACK AND WHITE (no grays) drawing of the Trademark with the graphic (exactly as it will be used) available in JPEG (JPG) format.

Describe the Goods or Services that the Trademark Will Be or Has Been Used In Connection With:

---

---

---

Who will be the owner(s) of the Trademark:

Name: \_\_\_\_\_ (If a company, indicate entity type and State of Formation)

Mailing Address (this address will be viewable by the public):

---

Domicile Address (this address will NOT be viewable by the public):

---

Telephone No.: \_\_\_\_\_ E-Mail: \_\_\_\_\_

- If Multiple Owners, Indicate the Same Information as Requested Above for Each Owner.

Have You Used Your Trademark In Commerce?  Yes  No

- If Yes, Then Please Tell Us The Date You First Used The Mark In Commerce Anywhere:

\_\_\_\_\_

Have You Used Your Trademark in INTERSTATE (across State Lines) Commerce?  Yes  No

- If Yes, Then Please Tell Us The Date You First Used The Trademark in Interstate Commerce: \_\_\_\_\_

The required search of the USPTO database is included in the cost of your trademark filing. If you have not yet used the mark, a comprehensive search is recommended. We can provide this comprehensive search at a cost of \$200.

Would you like us to perform a comprehensive search?  Yes  No