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United States Patent and Trademark Office

An Agency of the Department of Commerce

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BEFORE FILING AN APPLICATION

What is a trademark?

A trademark is a word, phrase, symbol or design, or a combination thereof, that identifies and distinguishes the source of the goods of one party from those of others.

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What is a service mark?

A service mark is a word, phrase, symbol or design, or a combination thereof, that identifies and distinguishes the source of a service rather than goods. The term "trademark" is often used to refer to both trademarks and service marks.

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What is a patent?

A patent is a limited duration property right relating to an invention, granted by the United States Patent and Trademark Office in exchange for public disclosure of the invention. For more information, [click here](#).

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What is a copyright?

A copyright protects works of authorship, such as writings, music, and works of art that have been tangibly expressed. For more information, contact the [U.S. Copyright Office](#) (a division of the Library of Congress).

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What is a certification mark?

A certification mark is any word, phrase, symbol or design, or a combination thereof owned by one party who certifies the goods and services of others when they meet certain standards. The owner of the mark exercises control over the use of the mark; however, because the sole purpose of a certification mark is to indicate that certain standards have been met, use of the mark is by others.

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What is a collective membership mark?

A collective membership mark is any word, phrase, symbol or design, or a combination thereof which indicates that the user of the mark is a member of a particular organization. The owner of the mark exercises control over the use of the mark; however, because the sole purpose of a membership mark is to indicate membership, use of the mark is by members.

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What is a collective mark?

A collective mark is any word, phrase, symbol or design, or a combination thereof owned by a cooperative, an association, or other collective group or organization and used by its members to indicate the source of the goods or services.

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Where can I get basic trademark information?

For information about applying for a trademark, click [Basic Facts About Trademarks](#), and view the [trademark videos](#) that cover important topics and critical application filing tips. To understand what to expect in the overall process, view the [timelines](#) for trademark processing. If you still have questions, contact the Trademark Assistance Center at 1-800-786-9199.

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Must I register my trademark?

No. You can establish rights in a mark based on use of the mark in commerce, without a registration. However, owning a federal trademark registration on the Principal Register provides several important benefits.

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What are the benefits of federal trademark registration?

Owning a federal trademark registration on the Principal Register provides several advantages, including:

- Public notice of your claim of ownership of the mark;
- A legal presumption of your ownership of the mark and your exclusive right to use the mark nationwide on or in connection with the goods/services listed in the registration;
- The ability to bring an action concerning the mark in federal court;
- The use of the U.S. registration as a basis to obtain registration in foreign countries;
- The ability to record the U.S. registration with the U.S. Customs and Border Protection (CBP) Service to prevent importation of infringing foreign goods;
- The right to use the federal registration symbol ® and
- Listing in the United States Patent and Trademark Office's online databases.

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Do federal regulations govern the use of the designations "TM" or "SM" or the ® symbol?

If you claim rights to use a mark, you may use the "TM" (trademark) or "SM" (service mark) designation to alert the public to your claim of ownership of the mark, regardless of whether you have filed an application with the United States Patent and Trademark Office (USPTO). However, you may only use the federal registration symbol "®" after the USPTO actually *registers a mark*, and not while an application is pending.

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Should I have an attorney?

You are not required to hire an attorney, but if you decide to prepare and submit your own application, you must comply with all requirements of the trademark statutes and rules and may be required to respond to legal issues raised by the USPTO. Because the application process can be complex, many applicants choose to appoint an attorney to represent them. If you choose to appoint an attorney, we will only communicate with your attorney. The USPTO cannot help you select an attorney. However, the [American Bar Association website](#) includes information on how to find local attorneys who practice trademark law.

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Is registration guaranteed and can I get a refund of money paid?

Registration is not guaranteed and only money paid when not required may be refunded. For information on why registration may be refused, see [Basic Facts About Trademarks](#).

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SEARCHING FOR SIMILAR TRADEMARKS

Should I conduct a search for similar trademarks before filing an application?

It is advisable to conduct a search before filing your application. See [TESS TIPS](#) for further information.

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Where can I conduct a trademark search for trademarks in pending applications and federal registrations?

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You may search the [USPTO's Trademark Electronic Search System \(TESS\)](#) database free of charge before filing or you may wish to hire an attorney to perform the search and assess the results for you. Alternatively, you can search the database at a Patent and Trademark Depository Library (PTDL). Information about PTDL locations can be found [here](#).

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Will the Office conduct a search for me?

The USPTO cannot search your mark for you prior to filing. After filing, the USPTO will conduct a search and will refuse to register your mark if there is another registered or pending mark similar to yours.

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FILING THE APPLICATION AND OTHER DOCUMENTS

Where can I find trademark forms?

You can find USPTO forms through the [Trademark Electronic Application System \(TEAS\)](#). Two forms are available for the initial application: regular TEAS and TEAS Plus. Both forms allow you to pay by credit card, electronic funds transfer, or through an existing United States Patent and Trademark Office (USPTO) deposit account.

If you do not have Internet access, you can access TEAS at any Patent and Trademark Depository Library (PTDL) throughout the United States. Many public libraries also provide Internet access.

We recommend using TEAS, but you may file a paper application. To obtain a printed form, call the Trademark Assistance Center at 1-800-786-9199.

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What is the Trademark Electronic Application System (TEAS)?

The [Trademark Electronic Application System](#) allows you to fill out and file an application form online, paying by credit card, electronic funds transfer, or through an existing USPTO deposit account. TEAS can also be used to file other documents including a response to an examining attorney's Office action, a change of address, an allegation of use, and post registration maintenance documents.

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Where do I send mail or make deliveries?

Although we recommend you file documents online using TEAS, paper mail may be sent to the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

Submissions sent using other delivery services such as Federal Express, United Parcel Service, and DHL is not encouraged, but if used, must be delivered to: Trademark Assistance Center, Madison East, Concourse Level Room C 55, 600 Dulany Street Alexandria, VA 22314.

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Who may file an application?

Only the owner of the trademark may file an application for registration. The owner controls the use of the mark, and controls the nature and quality of the goods to which it is affixed, or the services for which it is used. The owner may be an individual, corporation, partnership, LLC, or other type of legal entity.

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May a minor file a trademark application?

The question of whether an application may be filed in the name of a minor depends on your state's law. If the minor may validly enter into binding legal obligations, and may sue or be sued, in the state in which he or she is domiciled, the application may be filed in the name of the minor. Otherwise, the application must be filed in the name of a parent or legal guardian, clearly setting