

Trademark, Patent and Copyright Information

What is a trademark?

A trademark includes any word, name, symbol, or device, or any combination, used, or intended to be used, in commerce to identify and distinguish the goods of one manufacturer or seller from goods manufactured or sold by others, and to indicate the source of the goods. In short, a trademark is a brand name.

What is a service mark?

A service mark is any word, name, symbol, device, or any combination, used, or intended to be used, in commerce, to identify and distinguish the services of one provider from services provided by others, and to indicate the source of the services.

What is a certification mark?

A certification mark is any word, name, symbol, device, or any combination, used, or intended to be used, in commerce with the owner's permission by someone other than its owner, to certify regional or other geographic origin, material, mode of manufacture, quality, accuracy, or other characteristics of someone's goods or services, or that the work or labor on the goods or services was performed by members of a union or other organization.

What is a collective mark?

A collective mark is a trademark or service mark used, or intended to be used, in commerce, by the members of a cooperative, an association, or other collective group or organization, including a mark which indicates membership in a union, an association, or other organization.

Basic Questions

Do I have to register my trademark?

No, but federal registration has several advantages, including notice to the public of the registrant's claim of ownership of the mark, a legal presumption of ownership nationwide, and the exclusive right to use the mark on or in connection with the goods or services set forth in the registration.

What are the benefits of federal trademark registration?

1. Constructive notice nationwide of the trademark owner's claim.
2. Evidence of ownership of the trademark.
3. Jurisdiction of federal courts may be invoked.
4. Registration can be used as a basis for obtaining registration in foreign countries.
5. Registration may be filed with U.S. Customs Service to prevent importation of infringing foreign goods.

Do I have to be a U.S. Citizen to obtain a federal registration?

No. However, an applicant's citizenship must be set forth in the record. If an applicant is not a citizen of any country, then a statement to that effect is sufficient. If an applicant has dual citizenship, then the applicant must choose which citizenship will be printed in the Official Gazette and on the certificate of registration.

Where can I find trademark forms?

You can access forms through the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>. TEAS can be used to file an application for registration of a mark, response to examining attorney's Office action, notice of change of address, amendment to allege use, statement of use, request for extension of time to file a statement of use, affidavit of continued use under 15 U.S.C. §1058, affidavit of incontestability under 15 U.S.C. §1065, combined affidavit under 15 U.S.C. §§1058 and 1065, or combined filing under 15 U.S.C. §§1058 and 1059. Additional forms may be available through the Trademark Assistance Center at 1-800-786-9199 (or 571-272-9250).

Where can I get basic trademark information?

The USPTO website at <http://www.uspto.gov/main/trademarks.htm> provides a wide variety of information about trademarks and offers electronic filing of trademark applications and other trademark documents. The Trademark Electronic Business Center contains all the information needed for the entire registration process. You can search the trademark database for conflicting marks using the Trademark Electronic Search System (TESS), at http://tess2.uspto.gov/bin/gate.exe?f=login&p_lang=english&p_d=trmk, file applications and other trademark documents online using the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>, and check the status of applications and registrations through the Trademark Applications and Registrations Retrieval (TARR) database at <http://tarr.uspto.gov>.

For information about applying for a trademark, click [Basic Facts About Trademarks](#). If you need answers to specific trademark questions, please contact the Trademark Assistance Center at 1-800-786-9199 (or 571-272-9250).

For patent information, please contact the Inventors Assistance Center at 1-800-786-9199. If you live in Northern Virginia, the number is (703) 308-4357.

Where can I ask a question about trademarks?

If you need answers to specific trademark questions or want to know more about trademarks in general, please contact the Trademark Assistance Center at 1-800-786-9199 (or 571-272-9250).

Are there federal regulations governing the use of the designations "TM" or "SM" with trademarks?

No. Use of the symbols "TM" or "SM" (for trademark and service mark, respectively) may, however, be governed by local, state, or foreign laws and the laws of the pertinent jurisdiction must be consulted. These designations usually indicate that a party claims rights in the mark and are often used before a federal registration is issued.

When is it proper to use the federal registration symbol (the letter R enclosed within a circle -- ® -- with the mark.

The federal registration symbol may be used once the mark is actually registered in the U.S. Patent and Trademark Office. Even though an application is pending, the registration symbol may not be used before the mark has actually become registered. The federal registration symbol should only be used on goods or services that are the subject of the federal trademark registration. [Note: Several foreign countries use the letter R enclosed within a circle to indicate that a mark is registered in that country. Use of the symbol by the holder of a foreign registration may be proper.]

Do I need an attorney to file a trademark application?

No, although it may be desirable to employ an attorney who is familiar with trademark matters. An applicant must comply with all substantive and procedural requirements of the Trademark Act and Trademark Rules of Practice even if he or she is not represented by an attorney. The names of attorneys who specialize in trademark law may be found in the telephone yellow pages, or by contacting a local bar association. Trademark search firms are often listed in the yellow pages under the heading "Trademark Search Services" or "Patent and Trademark Search Services." The USPTO cannot aid in the selection of a search firm or an attorney.

What constitutes interstate commerce?

For goods, "interstate commerce" involves sending the goods across state lines with the mark displayed on the goods or the packaging for the goods. With services, "interstate commerce" involves offering a service to those in another state or rendering a service which affects interstate commerce (e.g. restaurants, gas stations, hotels, etc.). See TMEP section [901.03](#).

How do I find out whether a mark is already registered?

You may conduct a search free of charge on the USPTO website using the Trademark Electronic Search System (TESS) at http://tess2.uspto.gov/bin/gate.exe?f=login&p_lang=English&p_d=trmk. If your mark includes a design element, you will have to search it by using a design code. To locate the proper design code(s), please consult the [Design Search Code Manual](#).

You may also conduct a trademark search by visiting the Trademark Public Search Library, between 8:00 a.m. and 5:00 p.m. at **Public Search Facility - Madison East, 1st Floor; 600 Dulany St.; Alexandria, VA 22313**. Use of the Public Search Library is free to the public. You can also conduct a search at a Patent and Trademark Depository Library near you. For locations, click [PTDL](#).

Private trademark search firms will conduct searches for a fee. The USPTO cannot aid in the selection of a search firm. Search firms are often listed in the yellow page section of telephone directories under the heading "Trademark Search Services" or "Patent and Trademark Search Services."

Is a federal registration valid outside the United States?

No. However, if you are a qualified owner of a trademark application pending before the USPTO, or of a registration issued by the USPTO, you may seek registration in any of the countries that have joined the Madrid Protocol by filing a single application, called an "international application," with the International Bureau of the World Property Intellectual Organization, through the USPTO. For more information about the Madrid Protocol, [click here](#).

Also, certain countries recognize a United States registration as a basis for filing an application to register a mark in those countries under international treaties. See [TMEP Chapter 1000](#) for further information. The laws of each country regarding registration must be consulted.

Searching

Is it advisable to conduct a search of the Office records before filing an application?

Yes. You may conduct a search free of charge on the USPTO website using the Trademark Electronic Search System (TESS) at http://tess2.uspto.gov/bin/gate.exe?f=login&p_lang=English&p_d=trmk. You may also conduct a trademark search by visiting the Trademark Public Search Library, between 8:00 a.m. and 5:00 p.m. at **Public Search Facility - Madison East, 1st Floor; 600 Dulany St.; Alexandria, VA 22313**. Use of the Public Search Library is free to the public. You can also conduct a search at a Patent and Trademark Depository Library near you. For locations, click [PTDL](#).

Can the Office conduct a search for an applicant?

No. After a trademark application is filed, the U.S. Patent and Trademark Office (USPTO) will conduct a search of the records as part of the official examination process. The official search is not done for the applicant but rather to determine whether the mark applied for can be registered.

Can trademarks be searched online?

Yes. We now offer online searching through the Trademark Electronic Search System (TESS) database, at http://tess2.uspto.gov/bin/gate.exe?f=login&p_lang=English&p_d=trmk.

Where can I conduct a trademark search?

You may conduct a search free of charge on the USPTO website using the Trademark Electronic Search System (TESS) at http://tess2.uspto.gov/bin/gate.exe?f=login&p_lang=English&p_d=trmk. If your mark includes a design element, you will have to search it by using a design code. To locate the proper design code(s), please consult the [Design Search Code Manual](#).

You may also conduct a trademark search by visiting the Trademark Public Search Library, between 8:00 a.m. and 5:00 p.m. at **Public Search Facility - Madison East, 1st Floor; 600 Dulany St.; Alexandria, VA 22313**. Use of the Public Search Library is free to the public. You can also conduct a search at a Patent and Trademark Depository Library near you. For locations, click [PTDL](#).

What are common law rights?

Federal registration is not required to establish rights in a trademark. Common law rights arise from actual use of a mark. Generally, the first to either use a mark in commerce or file an intent to use application with the Patent and Trademark Office has the ultimate right to use and registration. However, there are many [benefits of federal trademark registration](#).

What is a common law search? How can I do one? Is doing a common law search necessary?

A common law search involves searching records other than the federal register and pending application records. It may involve checking phone directories, yellow pages, industrial directories, state trademark registers, among others, in an effort to determine if a particular mark is used by others when they have not filed for a federal trademark registration. A common law search is not necessary but some find it beneficial. Telephone numbers for search firms that perform these searches for a fee can be found in the yellow pages of local phone directories and through an Internet search.

In searching the trademark data base on the Web there are records that appear to be a registrations but the registration numbers are shown as 0000000. Is this an error?

No, this is not an error. The registration number 0000000 is associated with USPTO records that have serial numbers that begin with "89-". The prefix "89-" is assigned to material that the PTO is obligated to protect either by law or treaty. However, since this material is not actually registered under the Trademark Act, it is not issued a registration number.

There are two types of material that are assigned "89-" serial numbers. One type is material that is used by U.S. federal agencies that should not be registered as trademarks unless the agencies themselves are filing the trademark applications. The second type is material we are obligated to protect under various international treaties. The entities holding this material may be international organizations or foreign governments. These filings are not assigned registration numbers because the "89-" materials are not "registered"; they are only deposited in the USPTO for reference and informational purposes. During the USPTO examination of pending applications, the "89-" material will be referenced as a bar to the registration of a mark undergoing examination if it is determined that the mark in the application creates a false association with entity holding the "89-" material [15 U.S.C. 1052(a)] or if the "89-" material is the official flag, coat of arms or other insignia of a country or other political entity [15 U.S.C. 1052(b)].

Trademarks, Patents and Copyrights

How do I find out if I need patent, trademark and/or copyright protection?

Patents protect inventions and improvements to existing inventions. Copyrights cover literary, artistic, and musical works. Trademarks are brand names and/or designs which are applied to products or used in connection with services. [Click here](#) for further information.

How do I register a copyright?

The U.S. Patent and Trademark Office (USPTO) does not handle the registration of copyrights. The Copyright Office is part of the Library of Congress (202-707-3000). For more information, click on [Copyright Office](#).

Application Process

How do I obtain a federal trademark registration?

You can fill out an application online, check it for completeness, and file it over the Internet using the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>. You can also respond to Office actions and file, notices of change of address, allegations of use and requests for extension of time to file a statement of use through TEAS. You can check the status of your application through the Trademark Applications and Registrations Retrieval (TARR) database at <http://tarr.uspto.gov>. If you do not have access to the Internet, you can call the Trademark Assistance Center at 1-800-786-9199 (or 571-272-9250) to request a paper form.

Who may file an application?

Only the owner of the trademark may file an application for its registration. An application filed by a person who is not the owner of the mark will be declared void. Generally, the person who uses or

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, is the owner of the mark.

Do I have to use the application form provided by the Office?

No, but filing electronically through the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html> is strongly encouraged, to avoid the omission of important information. Also, applications filed electronically are processed faster than paper applications.

Can a fax copy or photocopy of an application be filed?

You cannot transmit an application by means of facsimile transmission, i.e., by "faxing" it to the Office, but you can file a photocopy or a fax copy by U.S. mail or hand delivery.

Can I fax in my application?

No.

What is a specimen?

A specimen is a real-world example of how the mark is actually used on the goods or in the offer of services. Labels, tags, or containers for the goods are considered to be acceptable specimens of use for a trademark. For a service mark, specimens may be advertising such as magazine advertisements or brochures. Actual specimens, rather than facsimiles, are preferred. However, if the actual specimens are bulky, or larger than 8½" x 11", then the applicant must submit facsimiles, (e.g., photographs or good photocopies) of the specimens. Facsimiles may not exceed 8½" x 11". **ONE SPECIMEN IS REQUIRED FOR EACH CLASS OF GOODS OR SERVICES SPECIFIED IN THE APPLICATION.**

Specimens are required in applications based on actual use in commerce, Section 1(a), 15 U.S.C. §1051(a), and must be filed with the Amendment to Allege Use, 15 U.S.C. §1051(c) , or the Statement of Use, 15 U.S.C. §1051(d), in applications based on a bona fide intention to use the mark in commerce, Section 1(b), 15 U.S.C. §1051(b). Specimens are not required for applications based on a foreign application or registration under Section 44 of the Trademark Act, 15 U.S.C. §1126, or for applications based on an extension of protection of an international registration to the United States under Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

What is the drawing?

The "drawing" is a page which depicts the mark applicant seeks to register. In an application based on actual use, Section 1(a), 15 U.S.C. §1051(a), the drawing must show the mark as it is actually used, i.e., as shown by the specimens. In the case of an application based on a bona fide intention to use, Section 1(b), 15 U.S.C. §1051(b), the drawing must show the mark as the applicant intends to use it. In an application based on a foreign application or foreign registration, Sections 44(d) or 44(e), 15 U.S.C. §§1126(d) or (e), the drawing must depict the mark as it appears or will appear on the foreign registration. The applicant cannot register more than one mark in a single application. Therefore, the drawing must display only one mark.

If an applicant submits a specimen, is a drawing still required?

Yes. A drawing is required in all applications, and is used by the Office for several purposes, including printing the mark in the Official Gazette, and on the registration certificate. A specimen, on the other hand, is required as evidence that a mark is in actual use in commerce.

Do I need an attorney to file my application?

No, although it may be desirable to employ an attorney who is familiar with trademark matters. An applicant must comply with all substantive and procedural requirements of the Trademark Act and the Trademark Rules of Practice even if he or she is not represented by an attorney. The names of attorneys who specialize in trademark law may be found in the telephone yellow pages, or by contacting a local bar association. The USPTO cannot aid in the selection of an attorney.

On what bases can a foreign applicant file an application for registration?

1. Use in interstate commerce or commerce between the United States and a foreign country.
2. Bona fide or good faith intention to use the mark in interstate commerce or commerce between the United States and a foreign country.
3. Ownership of an application filed in a foreign country (if within six months of the foreign filing date).
4. Ownership of a foreign registration (with a copy).
5. Extension of protection of an international registration to the United States under the Madrid Protocol, pursuant to section 66(a) of the Trademark Act. See TMEP Chapter 1900 at <http://tess2.uspto.gov/tmdb/tmep/1900.htm> for further information about the Madrid Protocol.

Can the Office refuse to register a mark?

Yes. The Office will refuse to register matter if it does not function as a trademark. Not all words, names, symbols or devices function as trademarks. For example, matter which is merely the generic name of the goods on which it is used cannot be registered.

Additionally, Section 2 of the Trademark Act (15 U.S.C. §1052) contains several of the most common (though not the only) grounds for refusing registration. The grounds for refusal under Section 2 may be summarized as:

1. the proposed mark consists of or comprises immoral, deceptive, or scandalous matter;
2. the proposed mark may disparage or falsely suggest a connection with persons (living or dead), institutions, beliefs, or national symbols, or bring them into contempt or disrepute;
3. the proposed mark consists of or comprises the flag or coat of arms, or other insignia of the United States, or of any State or municipality, or of any foreign nation;
4. the proposed mark consists of or comprises a name, portrait or signature identifying a particular living individual, except by that individual's written consent; or the name, signature, or portrait of a deceased President of the United States during the life of his widow, if any, except by the written consent of the widow;
5. the proposed mark so resembles a mark already registered in the Patent and Trademark Office (PTO) that use of the mark on applicant's goods or services are likely to cause confusion, mistake, or deception;
6. the proposed mark is merely descriptive or deceptively misdescriptive of applicant's goods or services;
7. the proposed mark is primarily geographically descriptive or deceptively geographically misdescriptive of applicant's goods or services;
8. the proposed mark is primarily merely a surname; and
9. matter that, as a whole, is functional.

Can I get a refund of monies paid to the Office?

Not usually. Only money paid by mistake or in excess (that is, paid when not required, or not required in the amount paid) may be refunded. A filing fee will be returned if submitted with a defective application which is denied a filing date. However, once the application receives a filing date, the filing fee will normally not be returned. All requests for refunds should be referred to the Finance Office, or the Examining Attorney assigned.

How can I check on the status of a pending U.S. trademark application?

Once you receive a filing receipt containing the serial number of your application, you may check on the status of your application through the Trademark Applications and Registrations Retrieval (TARR) database on the Office's World Wide Web site at <http://tarr.uspto.gov/>. If you do not have access to the Internet, you can call the Trademark Assistance Center at 1-800-786-9199 (or 571-272-9250 if you live in Northern Virginia) to request a status check. Applicants should check on the status of their pending applications every six months.

How long does it take for a mark to be registered?

It is difficult to predict how long it will take for an application to mature into a registration, because there are so many factors that can affect the process. Generally, an applicant will receive a filing receipt approximately six months after filing. The filing receipt will include the serial number of the application. All future correspondence with the PTO must include this serial number. You should receive a response from the Office within six to seven months from filing the application. However, the total time for an application to be processed may be anywhere from almost a year to several years, depending on the basis for filing, and the legal issues which may arise in the examination of the application. Current status information on trademark applications and registrations may be obtained through the Trademark Applications and Registrations Retrieval (TARR) database on the Office's World Wide Web site at <http://tarr.uspto.gov/>. If you do not have access to the Internet, you can call the Trademark Assistance Center at 1-800-786-9199 (or 571-272-9250 if you live in Northern Virginia) to request a status check.

How long does a trademark registration last?

For a trademark registration to remain valid, an Affidavit of Use ("Section 8 Affidavit") must be filed: (1) between the fifth and sixth year following registration, and (2) within the year before the end of every ten-year period after the date of registration. The registrant may file the affidavit within a grace period of six months after the end of the sixth or tenth year, with payment of an additional fee.

The registrant must also file a §9 renewal application within the year before the expiration date of a registration, or within a grace period of six months after the expiration date, with payment of an additional fee.

Assuming that an affidavit of use is timely filed, registrations granted PRIOR to November 16, 1989 have a 20-year term, and registrations granted on or after November 16, 1989 have a 10-year term.

This is also true for the renewal periods; renewals granted PRIOR to November 16, 1989 have a 20-year term, and renewals granted on or after November 16, 1989 have a 10-year term.

When did the renewal period change from twenty to ten years?

November 16, 1989. Registrations issued on or after November 16, 1989 have a ten-year term, renewable every ten years.

How long does an Intent-to-Use applicant have to allege actual use of the mark in commerce?

An applicant may file an Amendment to Allege Use any time between the filing date of the application and the date the Examining Attorney approves the mark for publication. If an Amendment to Allege Use is not filed, then applicant has six months from the issuance of the Notice of Allowance to file a Statement of Use, unless the applicant requests and is granted an extension of time. If the applicant fails to file either an Amendment to Allege Use or a Statement of Use within the time limits allowed, then the application will be declared abandoned. No registration will be granted.

Other

What is the Trademark Electronic Application System (TEAS)?

The Trademark Electronic Application System, at <http://www.uspto.gov/teas/index.html>, allows you to fill out an application form online, check it for completeness, and file it over the Internet, paying by credit card or through an existing USPTO deposit account. TEAS can also be used to file a response to examining attorney's Office action, notice of change of address, amendment to allege use, statement of use, request for extension of time to file a statement of use, affidavit of continued use under 15 U.S.C. §1058, affidavit of incontestability under 15 U.S.C. §1065, combined affidavit under 15 U.S.C. §§1058 and 1065, or combined filing under 15 U.S.C. §§1058 and 1059.

How do I contest someone else using a trademark similar to mine?

There are several ways to dispute use of your trademark by a third party. Depending on the factual situation, the Trademark Office may or may not be the proper forum. You should consider contacting an attorney, preferably one specializing in trademark law. Local bar associations and the yellow pages usually have attorney listings broken down by specialties. Time can be of the essence. For information about proceedings before the Trademark Trial and Appeal Board, click on **TBMP**.

What official publications and information are available concerning trademarks?

The following publications are available:

Basic Facts About Trademarks, can be accessed and downloaded free of charge from <http://www.uspto.gov/web/offices/tac/doc/basic/>.

Trademark Manual of Examining Procedure (TMEP), can be accessed and downloaded free of charge from <http://www.uspto.gov/web/offices/tac/tmep/>, and is also available on a subscription basis from: Superintendent of Documents, U.S. Government Printing Office, Box 371954, Pittsburgh, PA 15250-7954 ((202) 512-2250), <http://bookstore.gpo.gov/>.

Trademark Trial and Appeal Board Manual of Procedure (TBMP) can be accessed and downloaded free of charge from <http://www.uspto.gov/web/offices/dcom/ttab/tbmp/>.

Official Gazette of the U.S. Patent and Trademark Office, can be accessed and downloaded free of charge from <http://www.uspto.gov/web/trademarks/tmog/>. It is also available on a subscription basis from Superintendent of Documents, U.S. Government Printing Office, Box 371954, Pittsburgh, PA 15250-7954 ((202) 512-2250), <http://bookstore.gpo.gov/>.

Trademark Acceptable Identification of Goods and Services Manual can be accessed and downloaded free of charge from <http://tess2.uspto.gov/netahtml/tidm.html>

Design Search Code Manual can be accessed and downloaded free of charge from <http://www.uspto.gov/tmdb/dscm/index.html>.

What is a PTDL (Patent and Trademark Depository Library)?

A Patent and Trademark Depository Library (PTDL) is a library which is designated by the U.S. Patent and Trademark Office (USPTO) to receive and house copies of US patents and patent and trademark materials, to make them available to the public, and to disseminate both patent and trademark information. To be designated, a library must meet specific requirements and promise to fulfill certain obligations.

Patents and trademarks (word marks only) may be searched at the PTDLs. Please note that the Patent and Trademark Depository Librarians cannot give any legal advice nor can they perform the searches for you. They will, however, provide you with the information you need to get started.

For more information about the Patent and Trademark Depository Library Program, click on [PTDL](#).

How do I register to practice before the Patent and Trademark Office?

It is not necessary to register to practice before the Patent and Trademark Office (PTO) in trademark matters. Any attorney admitted in a U.S. state or territory can practice before the trademark side of the PTO. Non-lawyers can practice only in the limited circumstances set forth in [Rule 10.14\(b\)](#).

For information about registering to practice in patent cases before the PTO, click on [Patent Practice](#).

Is the name of a band a trademark?

It depends on how it is used. A band name may function as a service mark for entertainment services in the nature of performances by a musical group if it is used to identify and distinguish the service of providing live performances (see TMEP §[1301.02\(b\)](#)), or as a trademark for a series of musical recordings (see TMEP §[1202.09\(a\)](#)).

Can a minor file a trademark application?

This depends upon state law. If the person can validly enter into binding legal obligations in the state, then that person may sign a trademark application. Otherwise, a parent or legal guardian must sign the application, clearly setting forth their status as a parent or legal guardian of the applicant.

Can the ownership of a trademark be assigned or transferred from one person to another?

Yes. A registered mark, or a mark for which an application to register has been filed is assignable. Written assignments may be recorded in the U.S. Patent and Trademark Office for a fee. Specific inquiries should be referred to the Assignment Division (703-308-9723). [NOTE: Certain exceptions exist concerning the assignment of Intent-to-Use applications.] For the guidelines for filing an assignment and the assignment form itself, click on [Assignments \[PDF\]](#).

My spouse owned a trademark registration and has since died. Do I own it now?

Perhaps. Because this depends on state law, the U.S. Patent and Trademark Office cannot provide a definite answer for all factual situations. You should consider contacting an attorney, preferably one specializing in trademark law. Local bar associations and the yellow pages usually have attorney listings broken down by specialties.

What are some suggestions to facilitate filing a trademark application and/or contacting the Patent and Trademark Office (PTO)?

File electronically through the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>, whenever possible. TEAS can be used to file an application for registration of a mark, response to examining attorney's Office action, notice of change of address, amendment to allege use, statement of use, request for extension of time to file a statement of use, affidavit of continued use under 15 U.S.C. §1058, affidavit of incontestability under 15 U.S.C. §1065, combined affidavit under 15 U.S.C. §§1058 and 1065, or combined filing under 15 U.S.C. §§1058 and 1059. When a document is filed electronically, the USPTO receives it within seconds after filing, and immediately issues a confirmation of filing via e-mail that includes the date of receipt and a summary of the submission. This confirmation is evidence of filing should any question arise as to the filing date of the document. Also, documents filed electronically are processed faster than paper documents. The

data provided by the applicant is entered directly into the Office's databases, so data entry errors are unlikely. When documents are filed electronically, it is very unlikely that they will be lost or misplaced within the Office.

Carefully review all documents before filing to make sure all issues have been addressed and all the necessary elements are included.

Do not file large or "bulky" specimens. Rather, submit a picture of the mark on the specimen. Bulky specimens are specimens that are larger than 8 1/2" by 11" and which do not lie flat. The USPTO encourages applicants to send photographs of the goods, as long as the mark is clear from the photograph. If filing electronically, the specimen should be submitted as a digitized image in .jpg format.

Place the serial number or registration number (once known) on each paper or exhibit filed, including any required checks. If, for some reason neither number is available, please put some other identifying information on the correspondence (e.g., mark, name of applicant, filing date).

Promptly inform the USPTO of any change in correspondence address. This can be done through TEAS at <http://eteas.uspto.gov/V2.0/ca200/WIZARD.htm>.

Use the Trademark Applications and Registrations Retrieval (TARR) database at <http://tarr.uspto.gov> to check on the status of any application. You should check the status of your application every six months.