



THE STEP-BY-STEP  
TRADEMARK PROCESS



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# **Conduct a trademark search**

**TIME PERIOD: 1 DAY**

The first step in the trademark process is to conduct a comprehensive search to make sure that your mark is not confusingly similar to another trademark.

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# **File application with USPTO**

**TIME PERIOD: 1 TO 2 WEEKS**

Once you confirm the mark is available, your next step is to prepare and file a new trademark application with the U.S Patent and Trademark Office (USPTO). You can file your application based on your actual use of the mark in commerce or your bona fide intention to use the mark in commerce.

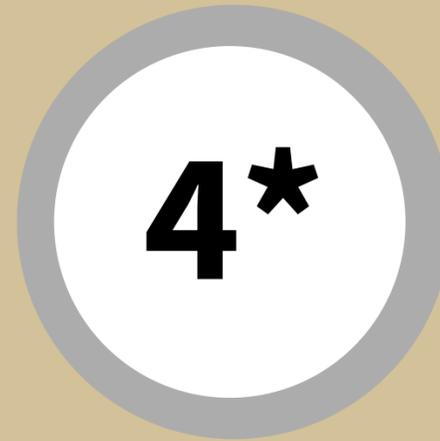


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# **USPTO Examines the Application**

**TIME PERIOD: 3 TO 6 MONTHS**

Once you file your application, it takes approximately 3–6 months before the USPTO assigns an Examining Attorney (or Examiner) to the application. The Examiner will review your application to determine whether it meets all of the requirements for federal registration.



# Examining Attorney issues an Office Action

## TIME PERIOD: 1 MONTH

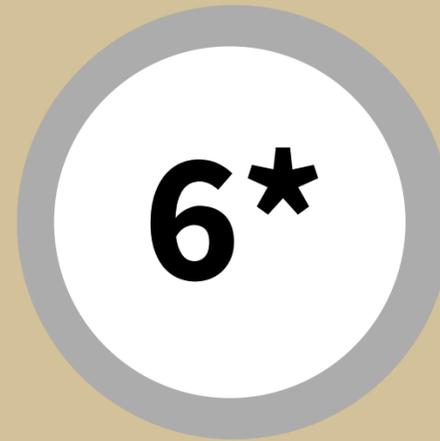
Approximately 1 month after the Examiner receives your application and conducts the initial review, the Examiner may issue an Office Action. An Office Action raises any issues that need to be addressed before the application is approved to to the next step. Sometimes there is no OA issued and the Examiner will immediately approve your application to move forward to Step 8.



# File Response to Office Action

**TIME PERIOD: 6 MONTHS**

You have up to 6 months to respond to an Office Action. If you do not respond in time, your application will become abandoned and you will need to start the application process over again. In some instances, an abandoned application may be eligible for a revival, or reinstatement.



# **Examining Attorney issues 2nd Office Action**

**TIME PERIOD: 1 TO 2 MONTHS**

Approximately 1–2 months after the Examiner reviews your response to the Office Action, the Examiner may determine that the response was unpersuasive or unsatisfactory, and will issue a second or final Office Action.



# File Response to 2nd Office Action

## **TIME PERIOD: 6 MONTHS**

You have up to 6 months to respond to the second Office Action. If you don't file in time, the application will be abandoned and you will have to start the process over again. In some cases, the application may be reinstated. You also have 6 months to request the Examining Attorney to reconsider the final Office Action, or you can file a Notice of Appeal of the Examiner's decision with the Trademark Trial and Appeal Board.

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# USPTO Publishes Application for Opposition

## **TIME PERIOD: 1 TO 2 MONTHS**

About 1–2 months after you resolve all Office Actions, the USPTO will publish your application for third-party opposition for a period in the Official Gazette, the official journal of the USPTO. Publication provides anyone who believes your mark infringes on their mark an opportunity to oppose registration of your mark, opposing third-parties can request to have the opposition period extended beyond the 30 days.

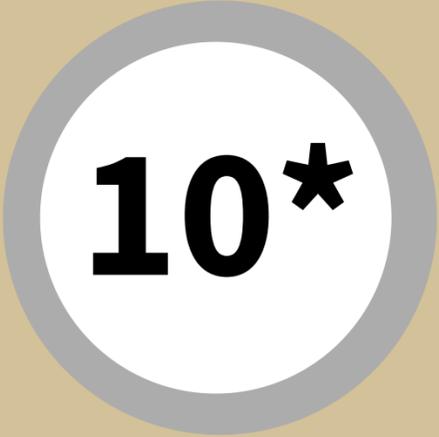
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## **USPTO Issues a Trademark Registration (if no opposition)**

**TIME PERIOD: 2 TO 3 MONTHS**

If no opposition is filed against the application, the USPTO will approve it for registration, and the Certificate of Registration will be issued in approximately 2–3 months.

If you initially filed your application based on your intention to use the mark in commerce, rather than your actual use in commerce, the USPTO will issue a Notice of Allowance as an interim step before registration. This means that the application will be approved to register once you file an acceptable Statement of Use. The Statement of Use must be filed within 6 months of the allowance, but the deadline may be extended.



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# **File Statement of Use or Request for Extension (for ITU)**

**TIME PERIOD: 2 TO 3 MONTHS**

A Statement of Use proves that you are using your trademark in commerce to sell your products or services. Commercial use is proved by filing a specimen with the USPTO that shows how the trademark is actually used your products or to advertise your services. The USPTO will approve your application for registration as soon as the Statement of Use is accepted. Requests to extend the deadline for filing a Statement of Use may be filed every 6 months, for up to 36 months.

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# USPTO issues Certificate of Registration

**TIME PERIOD: 2 TO 3 MONTHS**

About 2–3 months after your application is approved for registration, the USPTO will issue a Certificate of Registration, which includes the official registration number. Federal registration also means that you can use the registration symbol—the encircled 'R'—with the mark.

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# File Maintenance Documents

**TIME PERIOD: 5 TO 6 YEARS**

Between the 5th and 6th years after the mark is registered, you must file a Declaration of Continued Use proving the mark is still in commercial use for the goods and/or services listed in the registration. Failure to file the required declaration will result in the registration being cancelled. At this stage, you also have the opportunity to declare your mark incontestable, which significantly enhances your ability to enforce your mark.

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# **File Renewal Documents**

**TIME PERIOD: 9 TO 10 YEARS**

Between the 9th and 10th years after registration, you must file another Declaration of Continued Use and Renewal Application. These documents must be filed every 10 years for as long as the trademark is in use. Failing to file the required renewal documents will cause the registration to be cancelled.