

Registering Your Company's Name or Logo as a Federal Trademark

Did you know that registering your company's name or logo as a federal trademark could be critical to the success of your business? The many benefits of federal trademark registration include: (1) protecting your company's name or logo, which is often a company's most valuable asset; (2) receiving exclusive nationwide ownership of the mark; (3) decreasing the likelihood of another party claiming that your trademark infringes upon their trademark; (4) providing notice to others (by use of the "TM" or "®" symbol) that the mark is taken; (5) deterring others from using the same or confusingly similar mark; and (6) increasing the remedies should someone infringe upon your trademark. These benefits minimize the possibility of future disputes and could save your company tens of thousands of dollars in legal fees.



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Obtaining a federal trademark can be a confusing process that involves several steps and can take over a year. Because of this, it's important to obtain sound legal advice and guidance. The following is a summary of the process.

1) Knockout Search. A "knockout search" of federal records will determine whether that exact name is already registered. If that name is already registered, it's knocked out of the running and another name must be chosen.

2) Full Trademark Search. We next conduct a full trademark search to look for names or logos that are similar in sight, sound or meaning. We hire a search company to search trademark offices in all 50 states, and databases with millions of company names, internet domain names, trade journals and white page listings. This helps determine whether another company in Virginia or elsewhere has developed "common law" rights to use the mark, or is protected by a registered state trademark. We then analyze the search results and advise you regarding the feasibility of registering the mark.

3) File Application. If the search results are successful, we will file a trademark application for the mark based on actual use in commerce or an intent to use the mark in commerce, even if you are not yet using the mark. Should you receive registration for the mark, your rights will relate back to the filing date of the application.

4) Post-Application Process. The examining attorney at the U.S. Patent & Trademark Office (USPTO) will either approve the mark for publication, request a modification of the application, or reject the mark if he or she believes it would be confusingly similar to another mark, merely descriptive, primarily geographically descriptive, or for other reasons. After overcoming any objections, the mark will be published by the USPTO. Any party who believes it may be damaged by registration of the mark has 30 days from the publication date to object. If no objection is filed, the USPTO will normally register the mark about three months after the publication date. Thereafter, you can enjoy the benefits of your federally registered trademark.

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