



Brainstorming

Hire an advertising or branding agency to develop a list of potential names for your brand.

This list should be consistent with the brand equity and message you want to convey to your target audience.

Do not focus on descriptive names, for these cannot be registered as trademarks.



Search

Hire a trademark attorney to take the list of possible names from the agency and conduct a preliminary "knock out search" to narrow down the list of contenders to see which names make the short list of final names for full availability search.

Repeat the process as names are eliminated as possible contenders.



Selection

Your hired trademark attorney will conduct a comprehensive full U.S. trademark availability search, including common law databases and similar marks to be sure your mark is available for use and issue a written opinion letter.

When choosing a new name, this process may need to be done more than once, depending on what results come back.



Clearance

After the full search is completed, trademark counsel will write a full availability opinion, advising you of the risk, if any, of proceeding to register your mark and how to overcome obstacles.



Application

If the mark is available, your trademark counsel will file a Federal Trademark Application with the USPTO.

The USPTO will examine the application for any deficiencies and the mark will mature to registration in as few as 9 months or up to 3+ years, depending on whether the mark is in use or whether any issues arise during the application process.



Protection

Once your mark is registered, it is the trademark owner's duty to police the mark and ensure it is not being infringed.

This involves policing the internet, new and traditional media for potential infringers, sending any potential infringers cease and desist letters making them aware of your rights at a minimum to filing domain name disputes, trademark opposition and cancellation proceedings and/or lawsuits to enforce your rights.



Maintenance

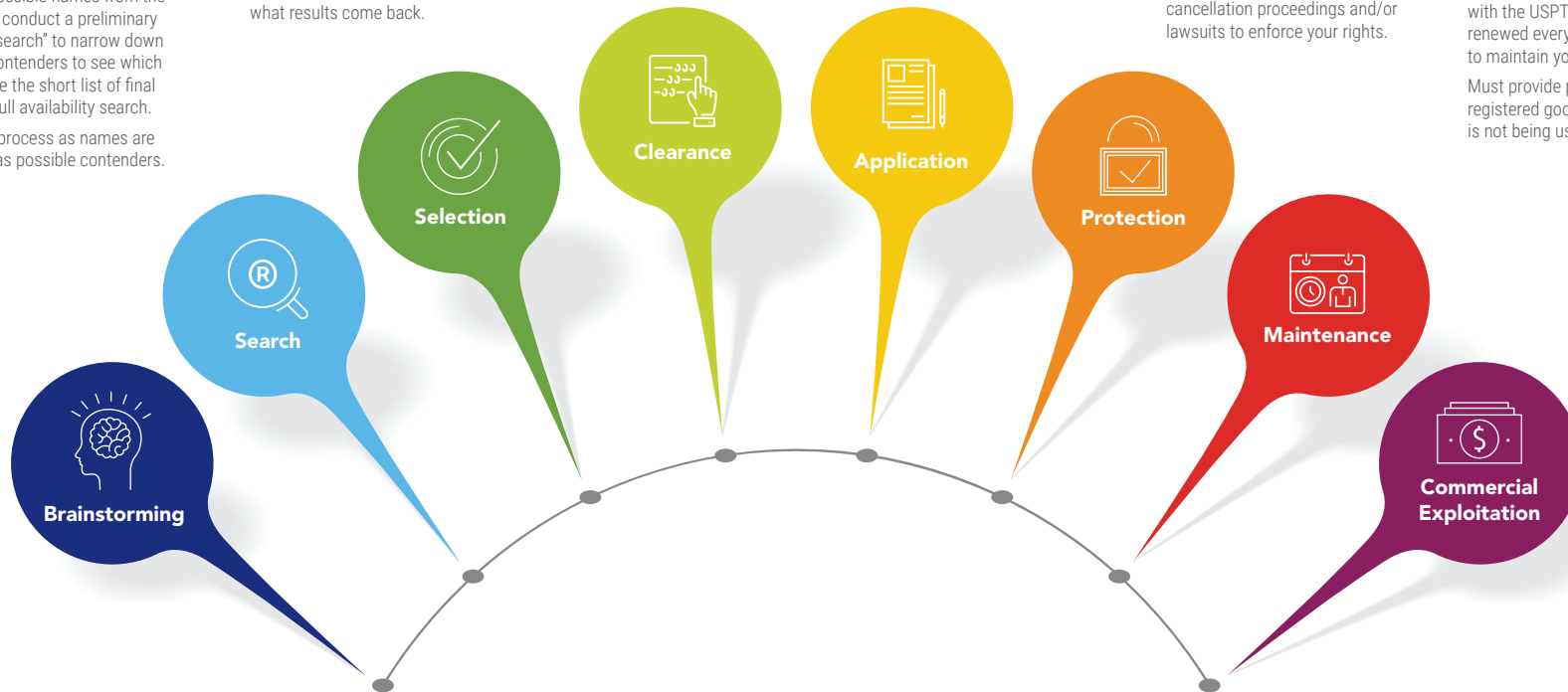
Between the 5th-6th years after registration, proof of use must be filed with the USPTO, and the mark must be renewed every 10 years after registration to maintain your registration.

Must provide proof of use for all registered goods/services or delete what is not being used in commerce.



Commercial Exploitation

To exploit your mark, licensing agreements can bring additional revenue to the TM owner; however, the TM owner must always control the quality of the mark or risk losing the mark.



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