



WHY YOU SHOULD REGISTER YOUR TRADEMARK

Introduction

Trademarks are indicators that let others know a particular good or service originates from a particular source. Your trademark or brand can be a valuable asset to your company or organization. Rights in your trademark are automatically created under common law by their use in the marketplace. Trademark protection under common law, however, usually only extends to the geographic area where the mark is being used so your rights can only be enforced within this area. Federal registration of your mark greatly expands these rights. The following is a list of some of the benefits to federally registering your mark.

Benefits of Federal Trademark Registration

1. Registration creates trademark rights throughout the entire United States and not just your local area of use.
2. Applying for a federal registration creates a constructive use date for the mark effective throughout the U.S. as of the filing date even when you have not actually started using the mark.
3. Your registered mark will be listed in the federal trademark database that is commonly searched by others before they adopt a mark so that its listing will serve as a deterrent to others that may want to adopt a similar mark.
4. Registration allows you to use the circle R symbol (®) with your mark to give notice that your mark is federally registered.
5. Registration allows you to sue for trademark infringement in federal court.
6. Registration is presumptive evidence of the validity and ownership of your mark.
7. If your mark is registered for a period of five years, your registration can become incontestable so that it is immune from certain legal challenges.
8. Your U.S. trademark application or registration can serve as a basis for filing for registrations in foreign countries.
9. A registration greatly increases the value of your mark as an asset of your company or organization.

Things to Do

1. Investigate your mark before it is adopted to ensure your use does not infringe someone else's rights. Federal registrations and applications can be searched on the U.S. Trademark Office website here. Because it is often difficult to tell what constitutes a conflicting mark, it is strongly recommended that you consult an experienced trademark attorney before adopting a mark.
2. Keep records of the use of your mark. This would include specimens showing actual use of the mark and records of the earliest dates the mark was used with your goods or in the advertising and rendering of your services.
3. Apply for a U.S. trademark registration. You can even apply for a federal registration before you have begun using the mark if you intend to use the mark in the future.
4. If your mark is already registered, continue to use the mark to avoid its abandonment as a trademark.
5. Police your mark to ensure others do not use similar marks that could weaken your trademark rights.

If you are looking for a trademark attorney CivicBrand highly recommends:

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