

Trademark Protection Process

To help you understand the trademark protection process, CARR LLP has developed the following overview. The steps encountered in trademark selection and prosecution, along with the associated legal and official filing fees, include:

1. Screening Search

We recommend conducting a preliminary scan for applications and registrations of virtually identical marks in the U.S. Patent and Trademark Office, to identify any obvious conflicts prior to conducting a more detailed comprehensive search. The approximate cost for a screening search is \$250. Note that this charge will only be made in addition to the comprehensive search below, *if* the screening search shows that the mark is not available. This effort will otherwise be treated as part of the comprehensive search, effectively as being “no charge.”

2. Comprehensive Search

We recommend a comprehensive search to assess availability of the proposed mark for both use and federal registration in the U.S. The approximate cost for a comprehensive search is \$1,100.

3. Application for Registration

An application to register the mark in the U.S. Patent and Trademark Office in one classification of goods or services will cost \$945. Approximately \$455 per additional classification will be charged. Filing an application provides constructive use (and resulting priority) of the mark on the filing date throughout the U.S., assuming the mark is used within about 36 months and a registration issues.

4. Prosecution of the Application

Handling any objections and rejections during examination of the application varies depending primarily on *(i)* whether a comprehensive search of the mark is completed and *(ii)* whether the mark tends to be descriptive of any quality, characteristic or ingredient of the associated good or service. If a conflicting mark is cited or an initial rejection based on descriptiveness is made, the cost of prosecution could be as high as \$2,500 to \$3,500 and possibly more. Otherwise, the cost of prosecution may be as low as around \$500 to \$750, though an intermediate cost is more likely.

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