

TRADEMARKS IN A NUTSHELL

- **GOOD FOR PROTECTING BRAND ADVANTAGE**
- **TERM: INDEFINITE AS LONG AS THE MARK IS USED IN COMMERCE (RENEWALS ARE REQUIRED AT SPECIFIED INTERVALS)**
 - **FEDERAL**
 - FILED AT US PATENT AND TRADEMARK OFFICE
 - ENFORCEABLE IN US AND ITS TERRITORIES
 - GIVES RIGHT TO EXCLUDE OTHERS USING THE MARK IN A MANNER THAT WOULD CONFUSE OTHERS AS TO THE SOURCE OR ORIGIN OF THE GOODS OR SERVICES IDENTIFIED WITH MARK
 - JURISDICTION: FEDERAL
 - **STATE**
 - FILED WITH SUITABLE STATE OFFICE
 - ENFORCEABLE WITHIN THE STATE
 - JURISDICTION: STATE
 - **COMMON LAW**
 - JURISDICTION STATE OR FEDERAL DEPENDING ON FACTS
- **PATHS TO FEDERAL TRADEMARK REGISTRATION**
 - **INTENT TO USE REGISTRATION**
 - **REGISTRATION BASED ON ACTUAL USE IN COMMERCE**
- **IMPORTANT QUESTIONS:**
 - **WHAT IS THE MARK?**
 - **WHAT ARE THE GOODS/SERVICES?**
 - **HAS THE MARK BEEN USED? IF SO WHAT ARE THE USE DATES?**
 - **WHAT OTHER INCIDENCES OF USAGE ARE THERE?**
 - **IS THE MARK DISTINCTIVE?**
- **THIRD PARTY TRADEMARKS --IMPORTANT QUESTIONS:**
 - **YOUR CLIENT CAN COMMIT TRADEMARK INFRINGEMENT WITHOUT KNOWING IT. INTENT IS NOT AN ELEMENT.**
 - **IS THERE ACTUAL OR POTENTIAL CONFUSION?**

WEBSITES AND OTHER REFERENCES:

- [HTTP://WWW.USPTO.GOV/MAIN/PROFILES/NEWUSER.HTM](http://www.uspto.gov/main/profiles/newuser.htm)
- [HTTP://WWW.USPTO.GOV/WEB/OFFICES/PAC/DOC/GENERAL/INDEX.HTML](http://www.uspto.gov/web/offices/pac/doc/general/index.html)
- [HTTP://WWW.LAW.CORNELL.EDU/USCODE/15](http://www.law.cornell.edu/uscode/15) (US TRADEMARK STATUTE)
- [HTTP://WWW.MICHIGAN.GOV/DLEG/0,1607,7-154-35299_35413_35431---,00.HTML](http://www.michigan.gov/dleg/0,1607,7-154-35299_35413_35431---,00.html) (STATE TRADEMARK WEBSITE)
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