

Trademark Registration Cheat Sheet

A Step-by-Step Guide to Registering a Trademark at the United States Patent and Trademark Office

Step 1: Conduct a Trademark Search

Before applying, ensure your trademark is unique and not already registered.

Checklist for Searching Trademarks:

- Use the [Trademark Electronic Search System \(TESS\)](#)
- Search for similar names, logos, and related goods/services
- Check for common law trademarks (e.g., business directories, social media, domain names)
- Consider hiring a trademark attorney for a thorough search

Search Step	Description
Exact Match	Look for identical marks
Similar Marks	Check for phonetic, visual, or conceptual similarity
Industry-Specific Marks	Focus on related industries or product categories

Step 2: Determine Your Filing Basis

The USPTO allows for two primary bases:

1. **Use in Commerce (Section 1(a))** – If you are already using the mark in business.
2. **Intent-to-Use (Section 1(b))** – If you plan to use the mark soon but have not started yet.
3. **Foreign registration (Section 44(e))** – You already own the mark in another country and are seeking to register it in the United States.
4. **Foreign application (Section 44(d))** – You have applied for the same mark in a foreign jurisdiction within the last 6 months and want your US application considered on a “foreign priority” basis.

Step 3: Prepare and File the Application

Required Information:

- Applicant's name and address
- Trademark name or logo design

- Description of goods/services (use USPTO's **Acceptable Identification of Goods and Services Manual**)
- Filing basis (Use in Commerce or Intent-to-Use)
- Specimen (for actual use applications)
- Attorney information (if applicable)

Filing Methods:

- Online via the [Trademark Center](#)
- File under the TEAS Standard (\$350 per class) (As of 2025, the USPTO will no longer be accepting applications under the "TEAS Plus" which had cost \$250 and was less expensive than the TEAS Standard due to certain features).

Application Type Filing Fee (per class) Requirements

TEAS Plus	\$250	Strict classification adherence, more upfront details
TEAS Standard	\$350	More flexible, but additional steps required

Step 4: USPTO Review Process

After submission, the USPTO assigns an examiner to review your application.

Timeline and Steps:

1. **USPTO Review (3-6 months)** – Examiner checks for conflicts and compliance.
2. **Office Action (If Needed)** – If issues arise, you must respond within **3 months**.
3. **Publication for Opposition (30 days)** – If approved, third parties can oppose registration.
4. **Registration or Notice of Allowance:**
 - If no opposition: **Certificate of Registration issued** (for Use in Commerce applications).
 - If Intent-to-Use: Receive **Notice of Allowance**, then submit proof of use (Statement of Use + \$100 fee).

USPTO Action	Approximate Timeframe
Initial Review	3-6 months
Office Action Response	3 months
Opposition Period	30 days

USPTO Action	Approximate Timeframe
Final Registration	9-12 months (average)

Step 5: Maintain and Protect Your Trademark

Once registered, a trademark owner must maintain the registration.

Key Maintenance Deadlines:

- **Between 5th and 6th year:** File **Declaration of Use (Section 8)**
- **At 10 years and every 10 years after:** File **Renewal (Section 9) + Declaration of Use (Section 8)**
- **Watch for Infringement:** Monitor unauthorized use and enforce rights

Maintenance Requirement	Filing Window	Fee
Section 8 (Use Declaration)	Year 5-6	\$225/class
Section 9 (Renewal, if filed before grace period)	Year 10+	\$525/class
Combined Section 8 & 9	Year 10+	\$725/class

Final Tips

- **Monitor your application:** Check the status using the [TSDR system](#).
- **Respond promptly to Office Actions:** Delays can result in abandonment.
- **Use the ® symbol only after registration.**
- **Renew on time** to avoid losing rights.
- **Consider international registration** if you plan to expand globally.

For more details, visit [USPTO.gov](https://uspto.gov).