

## Can I Reserve A Mark for Future Use?

Technology Protection

Patent Procurement

Trademark Registration

Copyright Registration

Trade Secret Protection

Licensing and Technology  
Transfer

Manufacturing Agreements

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# Can I Reserve A Mark for Future Use?

Yes, if the mark qualifies for the Principal Register and there is a bona fide intent to use the mark in commerce. (No intent to use applications are permitted on the Supplemental Register.) This makes sense since the premise of trademark protection is protection against consumer confusion in the marketplace. If you are starting a business venture, you can file an intent to use application. You will need to file a specimen of your use in commerce at some time in the future before your mark will be placed on the Register. Use in commerce means:

- For goods: the mark must appear on the goods, the container for the goods, or displays associated with the goods, and the goods must be sold or transported in commerce.
- For services: the mark must be used or displayed in the sale or advertising of the services, and the services must be rendered in commerce.

## If trademark registration is not required, why bother?

According to the U.S. Trademark Office, the advantages of federal registration include:

- Constructive notice to the public of the registrant's claim of ownership of the mark;
- A legal presumption of the registrant's ownership of the mark and the registrant's exclusive right to use the mark nationwide on or in connection with the goods and/or services listed in the registration;
- The ability to bring an action concerning the mark in Federal court;
- The use of the U.S. registration as a basis to obtain registration in foreign countries; and
- The ability to file the U.S. registration with U.S. Customs and Border Protection to prevent importation of infringing foreign goods.

Other benefits include a greater weight of evidence in the trademark owner's favor in the event of a domain name dispute over URLs incorporating the mark.

## Trademark Services

- Trademark registration
- Trademark licensing
- Trademark transactions
- Advising brand name, logo and slogan creators and users
- Correcting Trademark records
- Recording Trademark instruments
- Clearing rights
- Opinion letters
- Cease and desist letters
- Trademark office searches
- Analyze search reports
- Trademark assignments
- Security instruments for Trademarks as collateral
- Intellectual property audits
- Due diligence
- Trademark infringement analysis

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