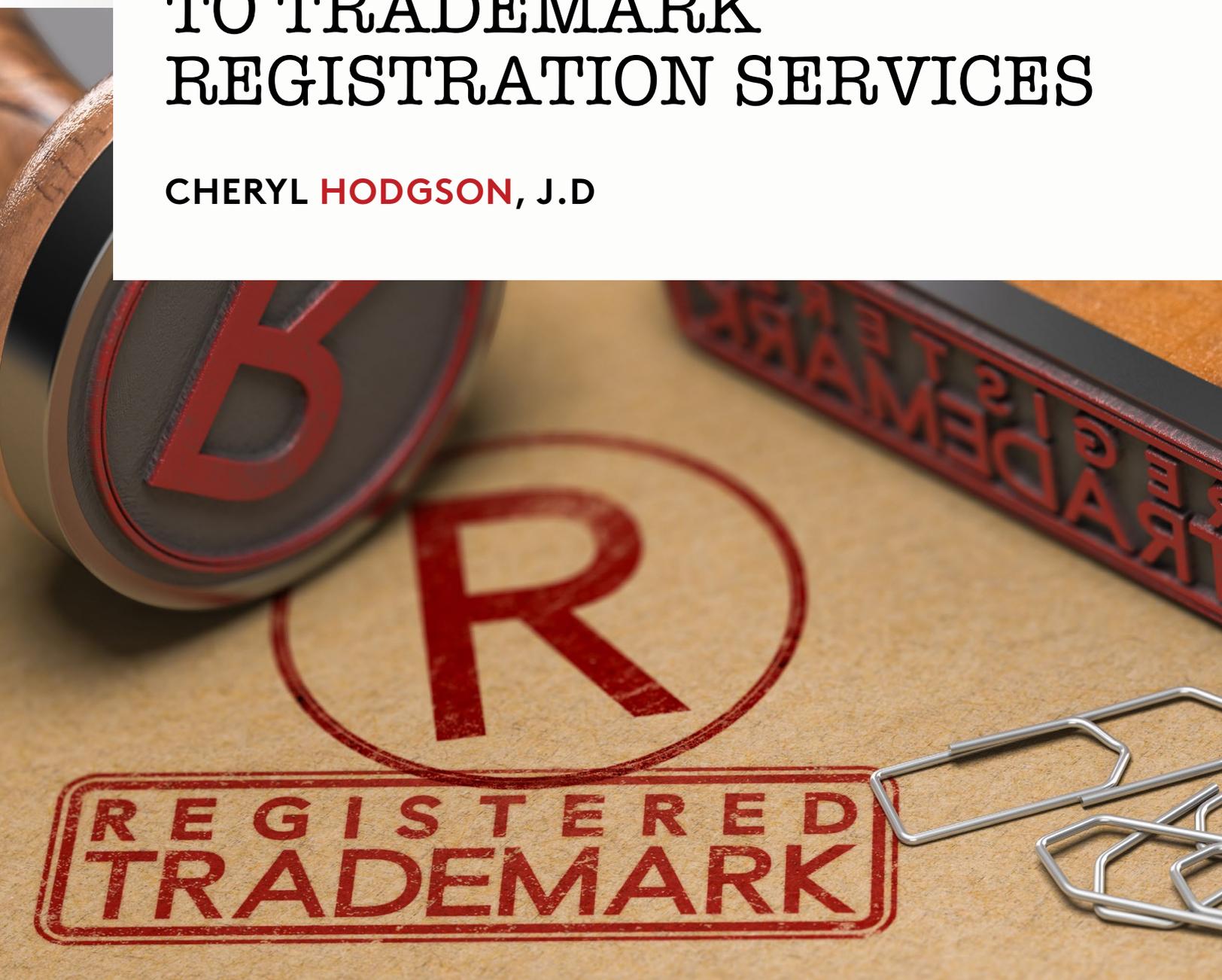




Brandaide, 23052 Alicia Parkway , Suite H119, Mission Viejo, CA 92692 | 310-623-3515
service@brandaide.com | brandaide.com

CONSUMER GUIDE TO TRADEMARK REGISTRATION SERVICES

CHERYL **HODGSON**, J.D



The business of filing trademark applications is unregulated and there is a low barrier to entry. Many of these are services offered by non-attorneys. This guide is designed to provide you with the tools you need to make a decision that's best for you.

Protecting brand assets is more important than ever, especially in a global online marketplace. Intangible assets, including brand names, are proven to be the most valuable assets of almost any company. Choosing the right professional to help protect your brand assets is important for the health and success of your business.

The U.S. Trademark Office reviews each trademark application by assigning an Examining Attorney to the file. The Examining Attorney will review your application to ensure it meets a set of strict federal regulations that are required to qualify for a trademark registration. Those that don't are refused registration. By the way, 67 percent of all filings receive a rejection!

SIX REASONS YOUR TRADEMARK APPLICATION WILL BE REFUSED

1. The mark is descriptive or generic and cannot be registered.
2. The mark is geographically descriptive and cannot be registered.
3. Your public use does not show use as a trademark that meets strict federal regulations.
4. Your application was filed in an incorrect category.
5. Your application is for the same or similar goods already registered or contained in an earlier filed application.
6. The goods and services in your application are related to those in an existing registration or application.



7 QUESTIONS TO ASK BEFORE HIRING A TRADEMARK FILING SERVICE

1. Will the filing service provide advice and counsel before filing?
2. Does your proposed trademark legally qualify for federal registration?
3. Will an experienced attorney represent you or will you represent yourself?
4. Does the filing service draft customized descriptions of goods and services?
5. Does the price include a review of your samples prior to filing to confirm they meet the federal regulations requirements?
6. What is the training and level of experience of lawyers who respond if your application is refused?
7. Will you receive expert advice on how to best respond to a refusal to refusal, and the likelihood of successfully overcoming the rejection?

HOW TO AVOID TRADEMARK REGISTRATION RIP-OFFS



New business owners sometimes file their own trademark to avoid the cost of hiring an expert trademark attorney. Deciding whether to try the DIY method (alone or by using a filing service) or hire a qualified trademark attorney is easier if you have accurate information.

Since 67 percent of all trademark applications receive an initial rejection, the odds are you will be hiring a lawyer—it's just a matter of when: before you file or after you file when it's been rejected.

Before deciding what's right for you, read the following and avoid common trademark registration scams and rip-offs.

1. The Internet is filled with paid advertising for trademark filing services offering prices that seem too good to be true. Many of these filing services use non-lawyers, often called "specialists" to fill out forms you can complete on your own. Most are trying to corner the market with mass filings to build their own business. They contribute little to maximize their clients are successful in securing a registration.

2. If the filings are by non-lawyers, there is no representative on the file, leaving you to respond to rejections on your own, or to hire the attorney you didn't hire in the first place. Most filing services also don't draft custom descriptions of goods or services, instead choosing only from the preapproved listed on the Trademark Office website. This works for some but not all businesses.
3. Nonlawyers may not legally provide counsel and advice as to whether your trademark qualifies for registration or whether it conflicts with existing applications or registrations. If they guarantee "error-free filings" inquire, "Free from what errors?" Without proper filing advice before filing to register your mark, the odds of rejection are much greater.
4. If you choose the DIY method, you will be flooded with emails and mailbox solicitations from services "monitoring" your registration. Reputable monitoring services do not solicit your business. They work through trademark legal professionals.
5. When your application is one of the 67 percent that is refused, you will also receive solicitations offering too-good-to-be-true prices to file responses by inexperienced counsel. Not all Office Actions are created equal. Some are easy to answer; others are complicated but winnable. The key is to have someone with training and experience who knows the difference and can advise you.
6. Beware of online and snail mail contact from companies posing as government agencies, sending phony billings for "watch services" either domestically or internationally. No government agency sends billings for trademark watch services.

This is an educational service of [Brandaide](#) and [Hodgson Legal](#)

Contact us:
310.623.3515
service@brandaide.com



Brandaide, 23052 Alicia Parkway , Suite H119
Mission Viejo, CA 92692 | 310-623-3515
service@brandaide.com | brandaide.com