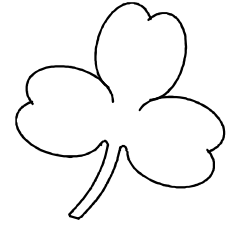




*Happy St. Patrick's Day*

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## *“Tip of the Month”*

### **Should I Register My Trademark with the US Trademark Office?**

Clients always question the need for registering their trademarks. There is no requirement to register a trademark unless you use the trademark also as a business name. Typically, State law requires you to register your business name. No law (State or Federal), however, requires you to register your trademark. Legitimately using your mark on your goods and/or services automatically establishes your rights in the mark if you are the first to use the mark.

#### ***Federal Registration***

Owning a federal trademark registration on the Principal Register, however, provides several advantages. These advantages include:

- 1) constructive notice to the public of your claim of ownership of the mark;
- 2) a legal presumption of your ownership of the mark and your exclusive right to use the mark nationwide on or in connection with the goods and/or services listed in the registration;
- 3) the ability to enforce your trademark in federal court;
- 4) the use of the US registration as a basis to obtain registration in foreign countries; and
- 5) the ability to file the US registration with the US Customs Service to prevent importation of infringing foreign goods.

#### ***Use of Trademark Symbols***

Any time you claim rights in a mark, you may use the “TM” (trademark) or “SM” (service mark) designation to alert the public to your claim. This is independent of filing an application with the US Trademark Office. The federal registration symbol “®” can only be used after the US Trademark Office actually registers the mark, not while an application is pending. In addition, you may use the registration symbol with the mark only on or in connection with the goods and/or services listed in the federal registration.

#### ***Common Misconception***

Many people think that filing an application and paying the application fee is all that is required to get their trademark federally registered. They expect to receive their federal registration quickly. Contrary to this misconception, the federal trademark application process requires a complete examination by the US Trademark Office that includes a search for conflicting marks and an examination of the written application, the drawing, and any specimen, and may involve an initial refusal to register from the examiner in the US Trademark Office. The examination process, typically, takes 10-18 months to complete.

If you have questions about the value of a federally registered trademark, please give us a call at 668-1971 or send us an email addressed to *mailbox @ biz-patlaw.com*.

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