

Trademarks and search strategy

PROTECTING THE BRAND OR SYMBOLS OF YOUR BUSINESS



Patent and Trademark Resource Center

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BOOK A TIME WITH US

PTRC consultations typically last 30-45 minutes and are held on Zoom. If you would like to work with an OSU Librarian on patent or trademark research, just get in touch by emailing: ptrc-osu@oregonstate.edu. We'll respond within about a day.

WELCOME TO THE OSU PATENT AND TRADEMARK RESOURCE CENTER

What's a PTRC?

A **Patent and Trademark Resource Center (PTRC)** is a library designated by the **U.S. Patent and Trademark Office (USPTO)** to help the public with patent and trademark searches. PTRCs offer free access to databases, research tools, and expert guidance to assist inventors, entrepreneurs, and businesses in

How can the OSU PTRC help?

OSU Libraries joined the **PTRC network** to expand IP research support within OSU and the communities of **western and central Oregon**. Our librarians are ready to assist inventors and entrepreneurs to find relevant patents and trademarks, a crucial part of the process. We'll also connect you with resources that you'll need

Why Seek Federal Registration for Trademarks?



Legal presumption of ownership and right to use the mark



Legal right to enforce the mark through legal action in federal court



Provides public notice because mark is listed in the USPTO database



Rights are granted throughout the United States and its territories



Means of preventing importation of infringing products through recordation with U.S. Customs and Border Protection



Serves as a basis for foreign filing in treaty member countries



Important things to keep in mind

The trademark application process is a legal proceeding governed by U.S. law

If you are an **applicant domiciled in the United States**, you are not required to have a U.S.-licensed attorney represent you, but we strongly encourage you to hire one who specializes in trademark law to guide you through the application process.

Your application must meet many legal requirements before your trademark can be registered

Is your trademark federally registrable? Can you properly identify your goods or services? Can you identify the proper filing basis for your application?

(USPTO, <https://www.uspto.gov/trademarks/basics>)

Trademark examples



The Coca-Cola logo is a classic script font in black, with the words "Coca-Cola" written in a cursive, flowing style.

[73809309](#)



[90293801](#)

Got Chili?

[88630840](#)



The Apple Music logo features the black silhouette of an apple with a bite taken out of it, followed by the word "Music" in a bold, sans-serif font.

[88634555](#)



[76545188](#)

Word mark vs. design mark

One contains design elements, the other is just a word. Often a company will trademark both

The Exxon logo features the word "Exxon" in a bold, red, sans-serif font. The letter "x" is stylized with a diagonal slash through it. Below the text is a solid blue horizontal bar.

88061127

The word "EXXON" is displayed in a black, all-caps, serif font.

87366220

Likelihood of confusion

- A concept that is used to determine whether a trademark interferes with another trademark. Two main tests:

Similarity of Marks

To determine whether a likelihood of confusion exists, the marks are first examined for their similarities and differences. Note that in order to find a likelihood of confusion, the marks do not have to be identical. **When marks sound alike when spoken, are visually similar, and/or create the same general commercial impression in the consuming public's mind, the marks may be considered confusingly similar.** Similarity in sound, appearance, and/or meaning may be sufficient to support a finding of likelihood of confusion, depending on the relatedness of the goods and/or services.

Relatedness of Goods and/or Services

Even if two marks are found to be confusingly similar, a likelihood of confusion will exist only if the goods and/or services upon which or in conjunction with the marks are used are, in fact, related. Whether the goods and/or services are related is determined by considering the commercial relationship between the goods and/or services identified in the application with those identified in the registration or earlier-filed application. **To find relatedness between goods and/or services, the goods and/or services do not have to be identical. It is sufficient that they are related in such a manner that consumers are likely to assume (mistakenly) that they come from a common source.** The issue is not whether the actual goods and/or services are likely to be confused but, rather, whether a likelihood of confusion would exist as to the source of the goods and/or services.

Deceptive marks, foreign cases



JUMPMAN LOGO



QIAODAN LOGO

<https://www.hongdaservice.com/blog/major-brands-still-losing-battles-for-china-trademarks>



<http://seattletrademarklawyer.com/blog/2007/1/12/its-final-starbucks-loses-south-korean-starpreya-infringemen.html>

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Trademark Search syntax primer

Field tags

For each mark in our database, data is stored in distinct fields, and you can use field tags to search the various fields individually. Visit <https://tmsearch.uspto.gov/help> for the complete list of tags.

Field tag	Field	Example
CM:	Combines word, pseudo mark, translation, and transliteration fields	CM: fiesta CM: "happy day"
LD:	Live/dead indicator	LD: true or LD: false
CC:	Coordinated class	CC: 009
IC:	International class	IC: 025 or IC: (025 a b 200)
GS:	Goods and services	GS: dish* GS: "dietary supplements"
SN:	Serial number	SN: 90866054
RN:	Registration number	RN: 6832052

Field tag	Field	Example
RG:	Register	RG: principal or RG: p* RG: supplemental or RG: s*
DS:	Disclaimer	DS: beauty
DC:	Design code	DC: 26.17.13 or DC: 261713
DE:	Description of the mark	DE: panda
OW:	Owner name, address, or entity	OW: registrant OW: "registrant inc"
ON:	Owner name	ON: "world wide"
AT:	Attorney of record	AT: "Jane Smith"

General search ▾

CM:SunWave AND CC:009 AND mob*

> Search builder

2 results for CM:SunWave AND CC:009 AND mob*

Image


Image

set

SUNWAVE

Wordmark [SUNWAVE](#)

Status **LIVE** PENDING

Goods & services IC 009: Downloadable mobile applications for conducting telemedicine... 

Class 009


Serial 99427134

Owners Sunwave Health Inc. (CORPORATION; Delaware, USA)

SUNWAVE

Wordmark [SUNWAVE](#)

Status **DEAD** **CANCELLED**

Goods & services (CANCELLED) IC 009: [downloadable software for tablets, mobile... 

Class 009

Serial 86857465

Owners HGCI, INC. (CORPORATION; NEVADA, USA)



Displaying all of 1590 records for **computer** [Search By All](#) [Status A, M, X, D](#) [NCL 12-2024](#) [Search Fields Description](#)

Sort By Then By

Term ID	Class	Description	Status	Effective Date	Type
042-1858	042	Computer programming of computer games	A	08/18/2011	SERVICES
009-2914	009	Computer hardware and computer peripherals	A	11/08/2007	GOODS
042-1082	042	Computer and computer software rental	D	01/01/2022	SERVICES
042-2097	042	Computer software design, computer programming, and maintenance of computer software	X	07/04/2013	SERVICES
042-1074	042	Computer programming and computer system analysis	A	11/29/2007	SERVICES
009-2913	009	Computer hardware and computer peripheral devices	A	11/08/2007	GOODS
020-294	020	Computer furniture	M	04/12/1999	GOODS
009-4799	009	Computer mounts	A	11/26/2015	GOODS
009-346	009	Computer cables	A	04/02/1991	GOODS
016-475	016	Computer ribbons	A	04/02/1991	GOODS
016-472	016	Computer paper	A	04/02/1991	GOODS
009-3528	009	Computer printer	D	01/01/2016	GOODS

Searching for designs

<https://tmdesigncodes.uspto.gov/>

03.01.01 Lions

Specific Guideline

Lions with mythical elements should be primarily coded elsewhere, but cross-coding may be appropriate ([03.01.02](#) for heraldic lion-based creatures, [04.05.01](#) for griffons, and other mythical creatures may be in [04.05](#)). Naturalistic lion heads should be cross-coded as [03.01.18](#) (heads of felines).



03.01.02 Lions shown with shields, seals, or other heraldic styles or symbols

Specific Guideline

Lions are cross-coded in [03.01.01](#) if naturalistic and [03.01.24](#) if notably stylized. Lions with mythical elements are cross-coded elsewhere (e.g., sphinxes in [04.03.02](#) , griffons in [04.05.01](#)).



Inspecting a registration



Word Mark VIRGIN



Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Non-medicated soaps; cosmetics; hair lotions; shampoos; non-medicated toilet preparations, namely, eau de toilette, perfumes; non-medicated preparations for the care of the skin, hands, scalp and the body; non-medicated creams and lotions for the skin; fragranced articles for fragrancing rooms, room fragrances



Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



Design Search Code 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines ; Overlined words or letters ; Underlined words or letters



Serial Number 88473464

Filing Date June 14, 2019

Current Basis 44E

Original Filing Basis 44E

Owner (APPLICANT) Virgin Enterprises Limited limited company (Ltd.) UNITED KINGDOM The Battleship Building 179 Harrow Road London UNITED KINGDOM W26NB



Attorney of Record Christian S. Morgan

Description of Mark The color(s) red is/are claimed as a feature of the mark. The mark consists of the word "VIRGIN" in a stylized font and underlined.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

Native American Tribal Insignia Registration



Goods and Services IC 001 002 003 004 005 006 007 008 009 010 011 012 013 014 015 016 017 018 019 020 021 022 023 024 025 026 027 028 029 030 031 032 033 034 035 036 037 038 039 040 041 042 043 044 045 200 A B . US 001 002 003 004 005 006 007 008 009 010 011 012 013 014 015 016 017 018 019 020 021 022 023 024 025 026 027 028 029 030 031 032 033 034 035 036 037 038 039 040 041 042 043 044 045 046 047 048 049 050 051 052 100 101 102 103 104 105 106 107 200 A B . G & S: NO GOODS/SERVICES STATEMENT ON TRAM

Mark Drawing Code (2) DESIGN ONLY

Design 26.01.02 - Circles, plain single line ; Plain single line circles

Search Code 26.17.04 - Bands, vertical ; Bars, vertical ; Lines, vertical ; Vertical line(s), band(s) or bar(s)

26.17.05 - Bands, horizontal ; Bars, horizontal ; Horizontal line(s), band(s) or bar(s) ; Lines, horizontal

Serial Number 89002171

Filing Date December 18, 2018

Current Basis UNKNOWN

Original Filing Basis UNKNOWN

Owner (APPLICANT) The Pueblo of Zia FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBE UNITED STATES 135 Capitol Square Drive Zia Pueblo NEW MEXICO 870536013

Description of Mark Color is not claimed as a feature of the mark.

Register PRINCIPAL

Other Data Native American Tribal Insignia

Live/Dead Indicator LIVE



Questions and discussion
