

## Frequently Asked Questions

### What are the benefits of U.S. trademark registration?

U.S. trademark rights originate when a mark is used in commerce in association with specific goods and/or services. When considering adoption and use of a particular mark, a company should consider pursuing a federal registration for the mark to more fully protect and promote that brand name. Although trademark rights depend on use and not registration in the U.S., there are a number of substantive and evidentiary advantages to registration, such as the following:

- Nationwide rights to the mark
- The right to bring suit in federal court
- Prima facie evidence of continued use since the filing date of the application
- Prima facie evidence of the validity of the registered mark and registration, the registrant's ownership of the mark, and the exclusive right to use the mark in commerce in connection with the specified goods or services
- Statutory remedies, such as mandatory treble damages and criminal penalties in counterfeit cases
- Constructive notice of the registrant's claim of ownership of the mark
- The right to use the symbol ® next to the mark
- The right to registration abroad based on registration in the United States
- The ability to bar importation of goods bearing infringing trademarks by depositing the registration with U.S. Customs
- "Incontestability" after 5 years of continuous use, which can preclude cancellation of the registration on the basis of prior use or descriptiveness

There are also significant intangible benefits associated with federal registration of a trademark. For example, by obtaining a federal registration, a trademark owner may deter a second comer from adopting a similar mark. In so doing, the registration effectively serves to preserve and promote the value of the mark, and may also help the trademark owner to avoid expensive and time-consuming litigation.

Furthermore, the federal registration also adds a greater degree of credibility to the trademark owner's use of the mark. Namely, the official government stamp of approval symbolized by a registration offers a greater impression of legitimacy to competitors, courts, and juries alike.

Please [contact us](#) if you have any questions or would like more information about the benefits of U.S. trademark registration.