

Frequently Asked Questions

What is the value of trademark searches?

Before filing an application for a trademark registration, it is prudent for applicants to first conduct a trademark search to identify potential conflicts that might arise as a result of their adoption and use of a desired mark.

A search is also beneficial because it outlines the likely scope of protection available for the mark. If a search reveals numerous references to similar marks for similar goods or services, for example, then the proposed mark may be considered weak and the scope of protection narrow. In this sense, a trademark search helps to determine the potential level of difficulty associated with building brand equity in the mark moving forward.

Various searching options are available, from narrow searches conducted in-house to comprehensive searches performed by outside vendors, with the associated costs varying as a result. The more comprehensive the search, the greater the likelihood that potential risks associated with the adoption and use of a proposed mark will be identified. The typical types of searches available include the following:

1. **Knock-out Search:** Includes an online search for exact marks. Results are reviewed and analyzed, and an email summary of the conclusion regarding level of risk associated with adoption and use of proposed mark is provided.
2. **In-House U.S. Trademark Search:** Includes a more expansive online search of federal and state trademark databases for exact and similar marks, as well as a limited search of common law marks. Results are reviewed and analyzed, and a full written opinion detailing the level of risk associated with adoption and use of the proposed mark is provided.
3. **Full U.S. Trademark Search:** Includes a comprehensive search of federal, state, and common law trademark databases performed by a third-party vendor. It also typically includes a search of additional resources, such as corporate information databases, internet domain names, periodicals related to the field of goods/services to be covered by the mark. Results are reviewed and analyzed, and a full written opinion detailing the level of risk associated with adoption and use of the proposed mark is provided.

If a company contemplates introducing its products or services outside of the U.S., international searches should also be considered. These searches can be worldwide, by region, or by key countries. These searches can include International Trademark Directories such as the International Register offered by the World Intellectual Property Organization that provide comprehensive listings of active trademark registrations.