

UNITED STATES
PATENT AND TRADEMARK OFFICE



Trademark basics for attorneys: Searching and filing

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Discussion topics


- TESS basics
- Search options
- Common search strategy
- TEAS basics
- TEAS pre-filing checklist
- How to find help

Discussion topic

TESS basics

TESS basics

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Are you filing electronically through TEAS?



[Trademarks](#) > Trademark Electronic Search System (TESS)


Welcome to the **Trademark Electronic Search System (TESS)**. This search engine allows you to search the USPTO's database of registered trademarks and prior pending applications to find marks that may prevent registration due to a **likelihood of confusion** refusal.


WARNING: Before conducting your search, you must understand the following: (1) what the database includes; (2) how to construct a complete search; and (3) how to interpret the search results. Click [TESS TIPS](#) for detailed information on these and other important search topics.

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Select A Search Option

 [Basic Word Mark Search \(New User\)](#)
This option cannot be used to search design marks.

 [Word and/or Design Mark Search \(Structured\)](#)
This option is used to search word and/or design marks. **NOTE:** You must first use the [Design Search Code Manual](#) to look up the relevant Design Codes.

 [Word and/or Design Mark Search \(Free Form\)](#)
This option allows you to construct word and/or design searches using Boolean logic and multiple search fields. **NOTE:** You must first use the [Design Search Code Manual](#) to look up the relevant Design Codes.



TESS basics

- Purpose
 - Allows you to search the database of federally applied-for and registered trademarks.
 - Use the database as part of a likelihood of confusion clearance search.
 - Use the database to search for other information.

TESS basics

- Flexibility
 - Allows you to determine how you search.
 - Create your own search strategy.
 - Truncation
 - Pattern matching
 - Search logic
 - Design codes

TESS basics

- Flexibility
 - Allows you to determine how you search.
 - Decide what part of the database to search.
 - Field tags

Discussion topic

Search options



Field tags

- Purpose
 - Allows you to determine where to search in the database.
 - Choose among various “buckets” of information.



Common field tags

Field tag	What it searches	What it returns
[comb]	Multiple data sets of trademarks	Trademarks with words in them
[on]	Owner names	Matching owner names
[ld]	Active/inactive status	Live or dead applications and registrations
[rg]	Current register	Applications and registrations on the Principal or Supplemental Registers



Less common field tags

Field tag	What it searches	What it returns
[dc]	Design codes	Trademarks with designs in them
[ic]	International class of goods and services	Trademarks in one specific class of goods or services
[gs]	Goods and services	Applications and registrations with a specific identification of goods or services
[de]	Description of the trademark	Applications and registrations with specific wording in the description of the trademark
[md]	Mark drawing code	Specific types of trademarks



Truncation

- Purpose
 - Allows you to execute a broad search.
 - Choose among various truncation operators.
 - Search for one instance of an undefined character.
 - Search for zero to infinite instances of an undefined character.
 - **Pro tip:** Use it to search for compound words.



Truncation

Truncation	What it returns	Which field tag	Where to use
*	Unlimited characters	[comb]	Left or right external truncation
\$	Unlimited characters	Any	Internal and external truncation
?	One character	Any	Internal and external truncation

Truncation example

- Trademark:
 - FLEX
- Dead-on search won't return:
 - ibuproflex, flexxiz, or neuroreflexivity
- External truncation:
 - *flex*[COMB]

Pattern matching

- Purpose
 - Allows you to execute a narrower search.
 - Choose among various pattern matching operators.
 - Customize which characters to search.
 - Customize number of characters to search.
 - **Pro tip:** Use it to search for misspelled words and alternate spellings.



Common pattern matches

Substitution	What it returns
{v}	Any one vowel – A,E,I,O,U,Y
{v0:2}	Zero, one, or two vowels next to each other
{"e"1:2}	One or two instances of "e"
{"eiy"}	One instance of "e," "i," or "y"
{"eiy"1:3}	One, two, or three instances of "e," "i," or "y" next to each other



Pattern matching example

- Trademark:
 - FLEX
- Dead-on search won't return:
 - phlex, flecks, fleqs, fflexx, or phlehccz
- External truncation and pattern matching:
 - *{"fh"}le{"h"0:1}{{"ckqx"}*[COMB]

Search logic

- Purpose
 - Allows you to broaden and narrow a search.
 - Choose among various search logic operators.
 - Search using traditional Boolean operators.
 - Customize operators to search in proximity.
 - **Pro tip:** Use the SAME operator to search for related goods or services.



Common Boolean operators

Operator	What it returns
AND	Trademarks with both terms
OR	Trademarks with either term
NOT	Trademarks with the first term but not the second
ADJ	Trademarks with both terms and in that order



Logical operator examples

- All trademarks with “cat” and “dog”:
 - (“cat” and “dog”)[COMB]
- All trademarks with “cat” or “dog”:
 - (“cat” or “dog”)[COMB]
- All trademarks with “cat,” but not “dog”:
 - (“cat” not “dog”)[COMB]

Logical operator examples

- All trademarks with “cat” and “dog” within three instances of each other in any order:
 - (“cat” adj3 “dog”)[COMB]
- Both types of goods or services appearing in the same international class:
 - (sh{v}rt\$ same shoes\$ same “ic 025”)[GS]




Design codes

- Purpose
 - Allows you to execute a search for trademarks that include designs.
 - Use the Design Search Code Manual to search for relevant design codes.
 - Use those codes when searching in TESS.
 - **Pro tip:** Use the ? truncation operator to broaden your search within a category.



Design Search Code Manual

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USPTO Design Search Code Manual

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TABLE OF CATEGORIES

01

[Celestial bodies, natural phenomena, geographical maps](#)

This category includes objects that appear in the sky, including clouds, stars, moons, sun, planets and constellation. Additionally, designs associated with weather conditions such as rainbows, lightning, and snowflakes are found here. Maps of countries and continents are also in 01.

02

[Human beings](#)

This category includes representations of men, women and children regardless of the activity they are engaged in or how they are dressed. Stylized humans, those in caricature form, stick figures and parts of the human body are also in this category.

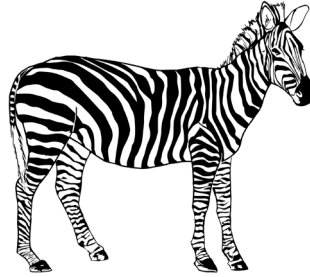
03

[Animals](#)

This category includes most animals, except mythological animals. Animals found here include mammals, birds, kiwi, kiwi bird, fish, reptiles and insects. Prehistoric animals, stylized animals and animals with human attributes are also coded in category 03.

Design search code example

- Trademark:



- Sample searches:
 - 030503[DC] – Zebras
 - 0305??[DC] - Horses, donkeys, zebras
 - 03????[DC] - Animals

Discussion topic

Common search strategy



Common search strategy

1. Search for owner in [ON] field.
2. Execute “dead-on” search in [COMB] field.
3. Execute additional searches in [COMB] field using truncation and pattern matching.
 - **Pro tip:** “Not out” your previous search to avoid looking at already viewed results.



Common search strategy

4. Execute additional searches looking for alternative versions of the trademark.
 - Words/designs alone and together
 - Words that have similar meanings
 - Acronyms and what they stand for
 - **Pro tip:** Search for pictorial equivalents using the [DC] field tag.





Common search strategy

- Narrow if needed:
 - By coordinated class with [CC] field tag.
 - By international class with [IC] field tag.
 - **Pro tip:** Use the ("xxx" a b 200)[IC] formula.
 - By goods and services with [GS] field tag.
 - **Pro tip:** Only narrow this way if absolutely necessary.

Discussion topic

TEAS basics



TEAS basics

- Trademark Electronic Application System (TEAS)
 - Two filing options: TEAS Plus and TEAS Standard
 - www.uspto.gov/TEAS



TEAS basics

- Filing fees per TEAS filing option
 - TEAS Plus: \$250 per international class
 - TEAS Standard: \$350 per international class
- Formula for calculating filing fee
 - Your filing option fee multiplied by the number of international classes in the application



TEAS basics

- TEAS Plus benefits
 - Less expensive than TEAS Standard
 - More streamlined process than TEAS Standard
 - Two times more likely to receive an initial approval
 - 20% faster to get to final disposition

Discussion topic

TEAS pre-filing checklist

TEAS pre-filing checklist

Pre-filing checklist for your trademark application

Use this checklist to understand the decisions you must make before filing your application.

1. Determine your mark type

Standard character drawing

- To register words, letters, and slogans used as marks, without stylization or design.
- Protects the wording itself without limiting the mark to a specific font style, size, or color.
- Provides broader protection than a special form drawing.

Special form drawing

- To register stylized and design marks.
- If the mark consists of both words and a design, the drawing must depict both the words and the design combined as one image.
- Save a JPG image of your mark to your computer.

2. Check the Trademark ID Manual and identify your goods/services

- The ID Manual lists acceptable identifications of goods and services.
- Find entries that accurately describe your goods/services.
- Inaccurate and unacceptable identifications will result in a refusal to register your mark.

3. Know your filing basis

Section 1(a) – Use-in-commerce filing basis

- To register a mark you have already used in commerce in connection with your goods/services.
- Save a PDF or JPG image of your specimen to your computer. A specimen is evidence of how you actually use the mark in commerce on your goods or with your services.
- For specimen examples, watch the video at www.uspto.gov/Watch/TMINSpecimen.

Section 1(b) – Intent-to-use filing basis

- To register a mark you have not yet used in commerce but have a good faith intent to use in commerce in the future.
- Before we will register your mark, you must:
 - Use the mark in commerce.
 - File an additional form that includes a specimen and an additional fee.

4. Choose your application form

- You must file electronically. There are two online application forms: TEAS Plus and TEAS Standard.
- Learn more at www.uspto.gov/AboutTEAS.

See the reverse side to help determine which TEAS form is right for you.



TEAS pre-filing checklist

- Choose your mark drawing type.
 - Standard character drawing
 - Special form drawing

COCA-COLA

Coca-Cola





TEAS pre-filing checklist

- Identify your goods and services.
 - Generally understood terminology
 - Specific terminology
 - Cannot expand “scope” after filing
 - Trademark ID Manual
 - www.uspto.gov/TrademarkID



TEAS pre-filing checklist

- Know your filing basis.
 - Required for each listed good or service in your application
 - Most common bases
 - Use in commerce
 - Intent to use

TEAS pre-filing checklist

- Choose your application form option.
 - TEAS Plus
 - TEAS Standard

Discussion topic

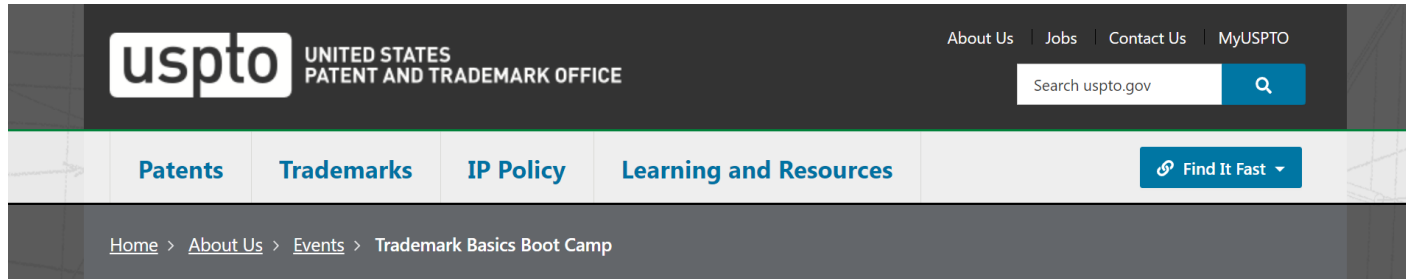
How to find help



USPTO resources

- Website
 - www.uspto.gov
- “Basic Facts About Trademarks” booklet
 - www.uspto.gov/TrademarkBasicsPDF
- Trademark videos
 - www.uspto.gov/TMvideos

USPTO resources



Trademark Basics Boot Camp

This free USPTO event series provides a comprehensive overview of the process for federal trademark registration and maintaining a federal trademark. If you're a small business owner or entrepreneur seeking to protect your brand and product identities, Trademark Basics Boot Camp is for you.

Trademark Basics Boot Camp is offered regularly throughout the year. During each series run, we cover one module weekly for eight weeks, with each module focusing on different aspects of trademarks and the registration process, from filing and examination to post-registration requirements for keeping your registration alive. Each module concludes with a question-and-answer period where you can ask our USPTO trademark experts questions.

You can attend the entire series or just the modules that best match your interests, but you must sign up for each module to attend. If you attend all eight modules, you can request a certificate of attendance. To learn more and sign up, select an individual module from the listing below.





USPTO resources

- Trademark Assistance Center
 - Phone: 1-800-786-9199
 - Email: TrademarkAssistanceCenter@uspto.gov
 - Web: www.uspto.gov/TrademarkAssistance

USPTO resources

- The USPTO does not:
 - Provide legal advice.
 - Enforce legal rights.
 - Recommend specific private attorneys.

Questions?

