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Madrid Protocol - Frequently Asked Questions

Definitions

What is a trademark?

A trademark includes any word, name, symbol, or device, or any combination, used, or intended to be used, in commerce to identify and distinguish the goods of one manufacturer or seller from goods manufactured or sold by others, and to indicate the source of the goods. In short, a trademark is a brand name.

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What is a service mark?

A service mark is any word, name, symbol, device, or any combination, used, or intended to be used, in commerce, to identify and distinguish the services of one provider from services provided by others, and to indicate the source of the services.

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What is a certification mark?

A certification mark is any word, name, symbol, device, or any combination, used, or intended to be used, in commerce with the owner's permission by someone other than its owner, to certify regional or other geographic origin, material, mode of manufacture, quality, accuracy, or other characteristics of someone's goods or services, or that the work or labor on the goods or services was performed by members of a union or other organization.

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What is a collective mark?

A collective mark is a trademark or service mark used, or intended to be used, in commerce, by the members of a cooperative, an association, or other collective group or organization, including a mark which indicates membership in a union, an association, or other organization.

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Basic Questions

Do I have to register my trademark?

No, but federal registration has several advantages, including notice to the public of the registrant's claim of ownership of the mark, a legal presumption of ownership nationwide, and the exclusive right to use the mark on or in connection with the goods or services set forth in the registration.

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What are the benefits of federal trademark registration?

1. Constructive notice nationwide of the trademark owner's claim.
2. Evidence of ownership of the trademark.
3. Jurisdiction of federal courts may be invoked.
4. Registration can be used as a basis for obtaining registration in foreign countries.
5. Registration may be filed with U.S. Customs Service to prevent importation of infringing foreign goods.

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Do I have to be a U.S. Citizen to obtain a federal registration?

No. However, an applicant's citizenship must be set forth in the record. If an applicant is not a citizen of any country, then a statement to that effect is sufficient. If an applicant has dual citizenship, then the applicant must choose which citizenship will be printed in the Official Gazette and on the certificate of registration.

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Where can I find trademark forms?

You can access forms through the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>. TEAS can be used to file an application for registration of a mark, response to examining attorney's Office action, notice of change of address, amendment to allege use, statement of use, request for extension of time to file a statement of use, affidavit of continued use under 15 U.S.C. §1058, affidavit of incontestability under 15 U.S.C. §1065, combined affidavit under 15 U.S.C. §§1058 and 1065, or combined filing under 15 U.S.C. §§1058 and 1059. Additional forms may be available through the Trademark Assistance Center at 1-800-786-9199 (or 571-272-9250).

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Where can I get basic trademark information?

The USPTO website at <http://www.uspto.gov/main/trademarks.htm> provides a wide variety of information about trademarks and offers electronic filing of trademark applications and other trademark documents. The Trademark Electronic Business Center contains all the information needed for the entire registration process. You can search the trademark database for conflicting marks using the Trademark

Electronic Search System (TESS), at http://tess2.uspto.gov/bin/gate.exe?f=login&p_lang=english&p_d=trmk, file applications and other trademark documents online using the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>, and check the status of applications and registrations through the Trademark Applications and Registrations Retrieval (TARR) database at <http://tarr.uspto.gov>.

For information about applying for a trademark, click [Basic Facts About Trademarks](#). If you need answers to specific trademark questions, please contact the Trademark Assistance Center at 1-800-786-9199 (or 571-272-9250).

For patent information, please contact the Inventors Assistance Center at 1-800-786-9199. If you live in Northern Virginia, the number is (703) 308-4357.

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Where can I ask a question about trademarks?

If you need answers to specific trademark questions or want to know more about trademarks in general, please contact the Trademark Assistance Center at 1-800-786-9199 (or 571-272-9250).

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Are there federal regulations governing the use of the designations "TM" or "SM" with trademarks?

No. Use of the symbols "TM" or "SM" (for trademark and service mark, respectively) may, however, be governed by local, state, or foreign laws and the laws of the pertinent jurisdiction must be consulted. These designations usually indicate that a party claims rights in the mark and are often used before a federal registration is issued.

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When is it proper to use the federal registration symbol (the letter R enclosed within a circle -- ® -- with the mark.

The federal registration symbol may be used once the mark is actually registered in the U.S. Patent and Trademark Office. Even though an application is pending, the registration symbol may not be used before the mark has actually become registered. The federal registration symbol should only be used on goods or services that are the subject of the federal trademark registration. [Note: Several foreign countries use the letter R enclosed within a circle to indicate that a mark is registered in that country. Use of the symbol by the holder of a foreign registration may be proper.]

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Do I need an attorney to file a trademark application?

No, although it may be desirable to employ an attorney who is familiar with trademark matters. An applicant must comply with all substantive and procedural requirements of the Trademark Act and Trademark Rules of Practice even if he or she is not represented by an attorney. The names of attorneys who specialize in trademark law may be found in the telephone yellow pages, or by contacting a local bar association. Trademark search firms are often listed in the yellow pages under the heading "Trademark Search Services" or "Patent and Trademark Search Services." The USPTO cannot aid in the selection of a search firm or an attorney.

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What constitutes interstate commerce?

For goods, "Interstate commerce" involves sending the goods across state lines with the mark displayed

on the goods or the packaging for the goods. With services, "interstate commerce" involves offering a service to those in another state or rendering a service which affects interstate commerce (e.g. restaurants, gas stations, hotels, etc.). See TMEP section [901.03](#).

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How do I find out whether a mark is already registered?

You may conduct a search free of charge on the USPTO website using the Trademark Electronic Search System (TESS) at http://tess2.uspto.gov/bin/gate.exe?f=login&p_lang=English&p_d=trmk. If your mark includes a design element, you will have to search it by using a design code. To locate the proper design code(s), please consult the [Design Search Code Manual](#).

You may also conduct a trademark search by visiting the Trademark Public Search Facility, between 8:00 a.m. and 8:00 p.m. at Madison East, 1st Floor; 600 Dulany St.; Alexandria, VA 22313. Use of the Public Search Facility is free to the public. You can also conduct a search at a Patent and Trademark Depository Library near you. For locations, click [PTDL](#).

Private trademark search firms will conduct searches for a fee. The USPTO cannot aid in the selection of a search firm. Search firms are often listed in the yellow page section of telephone directories under the heading "Trademark Search Services" or "Patent and Trademark Search Services."

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Is a federal registration valid outside the United States?

No. However, if you are a qualified owner of a trademark application pending before the USPTO, or of a registration issued by the USPTO, you may seek registration in any of the countries that have joined the Madrid Protocol by filing a single application, called an "international application," with the International Bureau of the World Property Intellectual Organization, through the USPTO. For more information about the Madrid Protocol, see [TMEP Chapter 1900](#).

Also, certain countries recognize a United States registration as a basis for filing an application to register a mark in those countries under international treaties. See [TMEP Chapter 1000](#) for further information. The laws of each country regarding registration must be consulted.

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Searching

Is it advisable to conduct a search of the Office records before filing an application?

Yes. You may conduct a search free of charge on the USPTO website using the Trademark Electronic Search System (TESS) at http://tess2.uspto.gov/bin/gate.exe?f=login&p_lang=English&p_d=trmk. You may also conduct a trademark search by visiting the Public Search Facility between 8:00 a.m. and 8:00 p.m. at the Madison East, 1st Floor; 600 Dulany St.; Alexandria, VA 22313. Use of the Public Search Facility is free to the public. You can also conduct a search at a Patent and Trademark Depository Library near you. For locations, click [PTDL](#).

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Can the Office conduct a search for an applicant?

No. After a trademark application is filed, the U.S. Patent and Trademark Office (USPTO) will conduct a search of the records as part of the official examination process. The official search is not done for the applicant but rather to determine whether the mark applied for can be registered.

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Can trademarks be searched online?

Yes. We now offer online searching through the Trademark Electronic Search System (TESS) database, at http://tess2.uspto.gov/bin/gate.exe?f=login&p_lang=English&p_d=trmk.

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Where can I conduct a trademark search?

You may conduct a search free of charge on the USPTO website using the Trademark Electronic Search System (TESS) at http://tess2.uspto.gov/bin/gate.exe?f=login&p_lang=English&p_d=trmk. If your mark includes a design element, you will have to search it by using a design code. To locate the proper design code(s), please consult the [Design Search Code Manual](#).

You may also conduct a trademark search by visiting the Trademark Public Search Facility, between 8:00 a.m. and 8:00 p.m. at Madison East, 1st Floor; 600 Dulany St.; Alexandria, VA 22313. Use of the Public Search Facility is free to the public. You can also conduct a search at a Patent and Trademark Depository Library near you. For locations, click [PTDL](#).

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What are common law rights?

Federal registration is not required to establish rights in a trademark. Common law rights arise from actual use of a mark. Generally, the first to either use a mark in commerce or file an intent to use application with the Patent and Trademark Office has the ultimate right to use and registration. However, there are many [benefits of federal trademark registration](#).

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What is a common law search? How can I do one? Is doing a common law search necessary?

A common law search involves searching records other than the federal register and pending application records. It may involve checking phone directories, yellow pages, industrial directories, state trademark registers, among others, in an effort to determine if a particular mark is used by others when they have not filed for a federal trademark registration. A common law search is not necessary but some find it beneficial. Telephone numbers for search firms that perform these searches for a fee can be found in the yellow pages of local phone directories and through an Internet search.

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In searching the trademark data base on the Web there are records that appear to be a registrations but the registration numbers are shown as 0000000. Is this an error?

No, this is not an error. The registration number 0000000 is associated with USPTO records that have serial numbers that begin with "89-". The prefix "89-" is assigned to material that the PTO is obligated to protect either by law or treaty. However, since this material is not actually registered under the Trademark Act, it is not issued a registration number.

There are two types of material that are assigned "89-" serial numbers. One type is material that is used by U.S. federal agencies that should not be registered as trademarks unless the agencies themselves are filing the trademark applications. The second type is material we are obligated to protect under various international treaties. The entities holding this material may be international organizations or foreign governments. These filings are not assigned registration numbers because the "89-" materials are not "registered"; they are only deposited in the USPTO for reference and informational purposes. During the USPTO examination of pending applications, the "89-" material will be referenced as a bar to the

registration of a mark undergoing examination if it is determined that the mark in the application creates a false association with entity holding the "89-" material [15 U.S.C. 1052(a)] or if the "89-" material is the official flag, coat of arms or other insignia of a country or other political entity [15 U.S.C. 1052(b)].

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Trademarks, Patents and Copyrights

How do I find out if I need patent, trademark and/or copyright protection?

Patents protect inventions and improvements to existing inventions. Copyrights cover literary, artistic, and musical works. Trademarks are brand names and/or designs which are applied to products or used in connection with services. [Click here](#) for further information.

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How do I register a copyright?

The U.S. Patent and Trademark Office (USPTO) does not handle the registration of copyrights. The Copyright Office is part of the Library of Congress (202-707-3000). For more information, click on [Copyright Office](#).

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Application Process

How do I obtain a federal trademark registration?

You can fill out an application online, check it for completeness, and file it over the Internet using the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>. You can also respond to Office actions and file, notices of change of address, allegations of use and requests for extension of time to file a statement of use through TEAS. You can check the status of your application through the Trademark Applications and Registrations Retrieval (TARR) database at <http://tarr.uspto.gov>. If you do not have access to the Internet, you can call the Trademark Assistance Center at 1-800-786-9199 (or 571-272-9250) to request a paper form.

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Who may file an application?

Only the owner of the trademark may file an application for its registration. An application filed by a person who is not the owner of the mark will be declared void. Generally, the person who uses or controls the use of the mark, and controls the nature and quality of the goods to which it is affixed, or the services for which it is used, is the owner of the mark.

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Do I have to use the application form provided by the Office?

No, but filing electronically through the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html> is strongly encouraged, to avoid the omission of important information. Also, applications filed electronically are processed faster than paper applications.

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Can a fax copy or photocopy of an application be filed?

You cannot transmit an application by means of facsimile transmission, i.e., by "faxing" it to the Office, but you can file a photocopy or a fax copy by U.S. mail or hand delivery.

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Can I fax in my application?

No.

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What is a specimen?

A specimen is a real-world example of how the mark is actually used on the goods or in the offer of services. Labels, tags, or containers for the goods are considered to be acceptable specimens of use for a trademark. For a service mark, specimens may be advertising such as magazine advertisements or brochures. Actual specimens, rather than facsimiles, are preferred. However, if the actual specimens are bulky, or larger than 8½" x 11", then the applicant must submit facsimiles, (e.g., photographs or good photocopies) of the specimens. Facsimiles may not exceed 8½" x 11". **ONE SPECIMEN IS REQUIRED FOR EACH CLASS OF GOODS OR SERVICES SPECIFIED IN THE APPLICATION.**

Specimens are required in applications based on actual use in commerce, Section 1(a), 15 U.S.C. §1051(a), and must be filed with the Amendment to Allege Use, 15 U.S.C. §1051(c), or the Statement of Use, 15 U.S.C. §1051(d), in applications based on a bona fide intention to use the mark in commerce, Section 1(b), 15 U.S.C. §1051(b). Specimens are not required for applications based on a foreign application or registration under Section 44 of the Trademark Act, 15 U.S.C. §1126, or for applications based on an extension of protection of an international registration to the United States under Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

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What is the drawing?

The "drawing" is a page which depicts the mark applicant seeks to register. In an application based on actual use, Section 1(a), 15 U.S.C. §1051(a), the drawing must show the mark as it is actually used, i.e., as shown by the specimens. In the case of an application based on a bona fide intention to use, Section 1(b), 15 U.S.C. §1051(b), the drawing must show the mark as the applicant intends to use it. In an application based on a foreign application or foreign registration, Sections 44(d) or 44(e), 15 U.S.C. §§1126(d) or (e), the drawing must depict the mark as it appears or will appear on the foreign registration. The applicant cannot register more than one mark in a single application. Therefore, the drawing must display only one mark.

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If an applicant submits a specimen, is a drawing still required?

Yes. A drawing is required in all applications, and is used by the Office for several purposes, including printing the mark in the Official Gazette, and on the registration certificate. A specimen, on the other hand, is required as evidence that a mark is in actual use in commerce.

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Do I need an attorney to file my application?

No, although it may be desirable to employ an attorney who is familiar with trademark matters. An applicant must comply with all substantive and procedural requirements of the Trademark Act and the Trademark Rules of Practice even if he or she is not represented by an attorney. The names of attorneys who specialize in trademark law may be found in the telephone yellow pages, or by contacting a local bar association. The USPTO cannot aid in the selection of an attorney.

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On what bases can a foreign applicant file an application for registration?

1. Use in interstate commerce or commerce between the United States and a foreign country.
2. Bona fide or good faith intention to use the mark in interstate commerce or commerce between the United States and a foreign country.
3. Ownership of an application filed in a foreign country (if within six months of the foreign filing date).
4. Ownership of a foreign registration (with a copy).
5. Extension of protection of an international registration to the United States under the Madrid Protocol, pursuant to section 66(a) of the Trademark Act. See [TMEP Chapter 1900](#) for further information about the Madrid Protocol.

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Can the Office refuse to register a mark?

Yes. The Office will refuse to register matter if it does not function as a trademark. Not all words, names, symbols or devices function as trademarks. For example, matter which is merely the generic name of the goods on which it is used cannot be registered.

Additionally, Section 2 of the Trademark Act (15 U.S.C. §1052) contains several of the most common (though not the only) grounds for refusing registration. The grounds for refusal under Section 2 may be summarized as:

1. the proposed mark consists of or comprises immoral, deceptive, or scandalous matter;
2. the proposed mark may disparage or falsely suggest a connection with persons (living or dead), institutions, beliefs, or national symbols, or bring them into contempt or disrepute;
3. the proposed mark consists of or comprises the flag or coat of arms, or other insignia of the United States, or of any State or municipality, or of any foreign nation;
4. the proposed mark consists of or comprises a name, portrait or signature identifying a particular living individual, except by that individual's written consent; or the name, signature, or portrait of a deceased President of the United States during the life of his widow, if any, except by the written consent of the widow;
5. the proposed mark so resembles a mark already registered in the Patent and Trademark Office (PTO) that use of the mark on applicant's goods or services are likely to cause confusion, mistake, or deception;
6. the proposed mark is merely descriptive or deceptively misdescriptive of applicant's goods or services;
7. the proposed mark is primarily geographically descriptive or deceptively geographically misdescriptive of applicant's goods or services;
8. the proposed mark is primarily merely a surname; and
9. matter that, as a whole, is functional.

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Can I get a refund of monies paid to the Office?

Not usually. Only money paid by mistake or in excess (that is, paid when not required, or not required in the amount paid) may be refunded. A filing fee will be returned if submitted with a defective application which is denied a filing date. However, once the application receives a filing date, the filing fee will normally not be returned. All requests for refunds should be referred to the Finance Office, or the

Examining Attorney assigned.

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How can I check on the status of a pending U.S. trademark application?

Once you receive a filing receipt containing the serial number of your application, you may check on the status of your application through the Trademark Applications and Registrations Retrieval (TARR) database on the Office's World Wide Web site at <http://tarr.uspto.gov/>. If you do not have access to the Internet, you can call the Trademark Assistance Center at 1-800-786-9199 (or 571-272-9250 if you live in Northern Virginia) to request a status check. Applicants should check on the status of their pending applications every six months.

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How long does it take for a mark to be registered?

It is difficult to predict how long it will take for an application to mature into a registration, because there are so many factors that can affect the process. Generally, an applicant will receive a filing receipt approximately six months after filing. The filing receipt will include the serial number of the application. All future correspondence with the PTO must include this serial number. You should receive a response from the Office within six to seven months from filing the application. However, the total time for an application to be processed may be anywhere from almost a year to several years, depending on the basis for filing, and the legal issues which may arise in the examination of the application. Current status information on trademark applications and registrations may be obtained through the Trademark Applications and Registrations Retrieval (TARR) database on the Office's World Wide Web site at <http://tarr.uspto.gov/>. If you do not have access to the Internet, you can call the Trademark Assistance Center at 1-800-786-9199 (or 571-272-9250 if you live in Northern Virginia) to request a status check.

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How long does a trademark registration last?

For a trademark registration to remain valid, an Affidavit of Use ("Section 8 Affidavit") must be filed: (1) between the fifth and sixth year following registration, and (2) within the year before the end of every ten-year period after the date of registration. The registrant may file the affidavit within a grace period of six months after the end of the sixth or tenth year, with payment of an additional fee.

The registrant must also file a §9 renewal application within the year before the expiration date of a registration, or within a grace period of six months after the expiration date, with payment of an additional fee.

Assuming that an affidavit of use is timely filed, registrations granted PRIOR to November 16, 1989 have a 20-year term, and registrations granted on or after November 16, 1989 have a 10-year term.

This is also true for the renewal periods; renewals granted PRIOR to November 16, 1989 have a 20-year term, and renewals granted on or after November 16, 1989 have a 10-year term.

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When did the renewal period change from twenty to ten years?

November 16, 1989. Registrations issued on or after November 16, 1989 have a ten-year term, renewable every ten years.

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How long does an Intent-to-Use applicant have to allege actual use of the mark in commerce?

An applicant may file an Amendment to Allege Use any time between the filing date of the application and the date the Examining Attorney approves the mark for publication. If an Amendment to Allege Use is not filed, then applicant has six months from the issuance of the Notice of Allowance to file a Statement of Use, unless the applicant requests and is granted an extension of time. If the applicant fails to file either an Amendment to Allege Use or a Statement of Use within the time limits allowed, then the application will be declared abandoned. No registration will be granted.

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What are the different classes of goods and services?

GOODS

CLASS 1

(Chemicals)

Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

Explanatory Note

Class 1 includes mainly chemical products used in industry, science and agriculture, including those which go to the making of products belonging to other classes.

This Class includes, in particular:

- compost;
- salt for preserving other than for foodstuffs.

This Class does not include, in particular:

- raw natural resins (Cl. 2);
- chemical products for use in medical science (Cl. 5);
- fungicides, herbicides and preparations for destroying vermin (Cl. 5);
- adhesives for stationery or household purposes (Cl. 16);
- salt for preserving foodstuffs (Cl. 30);
- straw mulch (Cl. 31).

CLASS 2

(Paints)

Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

Explanatory Note

Class 2 includes mainly paints, colorants and preparations used for the protection against corrosion.

This Class includes, in particular:

- paints, varnishes and lacquers for industry, handicrafts and arts;

- dyestuffs for clothing;
- colorants for foodstuffs and beverages.

This Class does not include, in particular:

- unprocessed artificial resins (Cl. 1);
- laundry blueing (Cl. 3);
- cosmetic dyes (Cl. 3);
- paint boxes (articles for use in school) (Cl. 16);
- insulating paints and varnishes (Cl. 17).

CLASS 3

(Cosmetics and cleaning preparations)

Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

Explanatory Note

Class 3 includes mainly cleaning preparations and toilet preparations.

This Class includes, in particular:

- deodorants for personal use;
- sanitary preparations being toiletries.

This Class does not include, in particular:

- chemical chimney cleaners (Cl. 1);
- degreasing preparations for use in manufacturing processes (Cl. 1);
- deodorants other than for personal use (Cl. 5);
- sharpening stones and grindstones (hand tools) (Cl. 8).

CLASS 4

(Lubricants and fuels)

Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks for lighting.

Explanatory Note

Class 4 includes mainly industrial oils and greases, fuels and illuminants.

This Class does not include, in particular:

- certain special industrial oils and greases (consult the Alphabetical List of Goods).

CLASS 5

(Pharmaceuticals)

Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for

dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

Explanatory Note

Class 5 includes mainly pharmaceuticals and other preparations for medical purposes.

This Class includes, in particular:

- sanitary preparations for personal hygiene, other than toiletries;
- deodorants other than for personal use;
- cigarettes without tobacco, for medical purposes.

This Class does not include, in particular:

- sanitary preparations being toiletries (Cl. 3);
- deodorants for personal use (Cl. 3);
- supportive bandages (Cl. 10).

CLASS 6

(Metal goods)

Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

Explanatory Note

Class 6 includes mainly unwrought and partly wrought common metals as well as simple products made of them.

This Class does not include, in particular:

- bauxite (Cl. 1);
- mercury, antimony, alkaline and alkaline-earth metals (Cl. 1);
- metals in foil and powder form for painters, decorators, printers and artists (Cl. 2).

CLASS 7

(Machinery)

Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.

Explanatory Note

Class 7 includes mainly machines, machine tools, motors and engines.

This Class includes, in particular:

- parts of motors and engines (of all kinds);
- electric cleaning machines and apparatus.

This Class does not include, in particular:

- certain special machines and machine tools (consult the Alphabetical List of Goods);
- hand tools and implements, hand-operated (Cl. 8);
- motors and engines for land vehicles (Cl. 12).

CLASS 8

(Hand tools)

Hand tools and implements (hand-operated); cutlery; side arms; razors.

Explanatory Note

Class 8 includes mainly hand-operated implements used as tools in the respective professions.

This Class includes, in particular:

- cutlery of precious metals;
- electric razors and clippers (hand instruments).

This Class does not include, in particular:

- certain special instruments (consult the Alphabetical List of Goods);
- machine tools and implements driven by a motor (Cl. 7);
- surgical cutlery (Cl. 10);
- paper knives (Cl. 16);
- fencing weapons (Cl. 28).

CLASS 9

(Electrical and scientific apparatus)

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

Explanatory Note

This Class includes, in particular:

- apparatus and instruments for scientific research in laboratories;
- apparatus and instruments for controlling ships, such as apparatus and instruments for measuring and for transmitting orders;
- the following electrical apparatus and instruments:
 - (a) certain electrothermic tools and apparatus, such as electric soldering irons, electric flat irons which, if they were not electric, would belong to Class 8;
 - (b) apparatus and devices which, if not electrical, would be listed in various classes, *i.e.*, electrically heated clothing, cigar-lighters for automobiles;

- protractors;
- punched card office machines;
- amusement apparatus adapted for use with an external display screen or monitor;
- all computer programs and software regardless of recording media or means of dissemination, that is, software recorded on magnetic media or downloaded from a remote computer network.

This Class does not include, in particular:

- the following electrical apparatus and instruments:
 - (a) electromechanical apparatus for the kitchen (grinders and mixers for foodstuffs, fruit presses, electrical coffee mills, etc.), and certain other apparatus and instruments driven by an electrical motor, all coming under Class 7;
 - (b) electric razors and clippers (hand instruments) (Cl. 8);
 - (c) electric toothbrushes and combs (Cl. 21);
 - (d) electrical apparatus for space heating or for the heating of liquids, for cooking, ventilating, etc. (Cl. 11);
- clocks and watches and other chronometric instruments (Cl. 14);
- control clocks (Cl. 14).

CLASS 10

(Medical apparatus)

Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials.

Explanatory Note

Class 10 includes mainly medical apparatus, instruments and articles.

This Class includes, in particular:

- special furniture for medical use;
- hygienic rubber articles (consult the Alphabetical List of Goods);
- supportive bandages.

CLASS 11

(Environmental control apparatus)

Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

Explanatory Note

This Class includes, in particular:

- air conditioning apparatus;
- bedwarmers, hot water bottles, warming pans, electric or non-electric;
- electrically heated cushions (pads) and blankets, not for medical purposes;

- electric kettles;
- electric cooking utensils.

This Class does not include, in particular:

- steam producing apparatus (parts of machines) (Cl. 7);
- electrically heated clothing (Cl. 9).

CLASS 12

(Vehicles)

Vehicles; apparatus for locomotion by land, air or water.

Explanatory Note

This Class includes, in particular:

- motors and engines for land vehicles;
- couplings and transmission components for land vehicles;
- air cushion vehicles.

This Class does not include, in particular:

- certain parts of vehicles (consult the Alphabetical List of Goods);
- railway material of metal (Cl. 6);
- motors, engines, couplings and transmission components other than for land vehicles (Cl. 7);
- parts of motors and engines (of all kinds) (Cl. 7).

CLASS 13

(Firearms)

Firearms; ammunition and projectiles; explosives; fireworks.

Explanatory Note

Class 13 includes mainly firearms and pyrotechnical products.

This Class does not include, in particular:

- matches (Cl. 34).

CLASS 14

(Jewelry)

Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.

Explanatory Note

Class 14 includes mainly precious metals, goods in precious metals not included in other classes and, in general jewellery, clocks and watches.

This Class includes, in particular:

- jewellery (*i.e.*, imitation jewelry and jewelry of precious metal and stones);
- cuff links, tie pins.

This Class does not include, in particular:

- goods in precious metals classified according to their function or purpose, for example, metals in foil and powder form for painters, decorators, printers and artists (Cl. 2), amalgam of gold for dentists (Cl. 5), cutlery (Cl. 8), electric contacts (Cl. 9), pen nibs of gold (Cl. 16), teapots (Cl. 21), gold and silver embroidery (Cl. 26), cigar boxes (Cl. 34);
- objects of art not of precious metals (classified according to the material of which they consist).

CLASS 15

(Musical Instruments)

Musical instruments.

Explanatory Note

This Class includes, in particular:

- mechanical pianos and their accessories;
- musical boxes;
- electrical and electronic musical instruments.

This Class does not include, in particular:

- apparatus for the recording, transmission, amplification and reproduction of sound (Cl. 9).

CLASS 16

(Paper goods and printed matter)

Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks.

Explanatory Note

Class 16 includes mainly paper, goods made from that material and office requisites.

This Class includes, in particular:

- paper knives;
- duplicators;
- plastic sheets, sacks and bags for wrapping and packaging.

This Class does not include, in particular:

- certain goods made of paper and cardboard (consult the Alphabetical List of Goods);
- colours (Cl. 2);
- hand tools for artists (for example, spatulas, sculptors' chisels) (Cl. 8).

CLASS 17

(Rubber goods)

Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.

Explanatory Note

Class 17 includes mainly electrical, thermal and acoustic insulating materials and plastics, being for use in manufacture in the form of sheets, blocks and rods.

This Class includes, in particular:

- rubber material for recapping tyres;
- padding and stuffing materials of rubber or plastics;
- floating anti-pollution barriers.

CLASS 18

(Leather goods)

Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

Explanatory Note

Class 18 includes mainly leather, leather imitations, travel goods not included in other classes and saddlery.

This Class does not include, in particular:

- clothing, footwear, headgear (consult the Alphabetical List of Goods).

CLASS 19

(Nonmetallic building materials)

Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.

Explanatory Note

Class 19 includes mainly non-metallic building materials.

This Class includes, in particular:

- semi-worked woods (for example, beams, planks, panels);
- veneers;
- building glass (for example, floor slabs, glass tiles);

- glass granules for marking out roads;
- letter boxes of masonry.

This Class does not include, in particular:

- cement preservatives and cement-waterproofing preparations (Cl. 1);
- fireproofing preparations (Cl. 1).

CLASS 20

(Furniture and articles not otherwise classified)

Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

Explanatory Note

Class 20 includes mainly furniture and its parts and plastic goods, not included in other classes.

This Class includes, in particular:

- metal furniture and furniture for camping;
- bedding (for example, mattresses, spring mattresses, pillows);
- looking glasses and furnishing or toilet mirrors;
- registration number plates not of metal;
- letter boxes not of metal or masonry.

This Class does not include, in particular:

- certain special types of mirrors, classified according to their function or purpose (consult the Alphabetical List of Goods);
- special furniture for laboratories (Cl. 9);
- special furniture for medical use (Cl. 10);
- bedding linen (Cl. 24);
- eiderdowns (Cl. 24).

CLASS 21

(Housewares and glass)

Household or kitchen utensils and containers; combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

Explanatory Note

Class 21 includes mainly small, hand-operated utensils and apparatus for household and kitchen use as well as toilet utensils, glassware and articles in porcelain.

This Class includes, in particular:

- utensils and containers for household and kitchen use, for example, kitchen utensils, pails, pans of iron, of aluminum, of plastics or of other materials, small hand-operated

- apparatus for mincing, grinding, pressing, etc.;
- electric combs;
- electric toothbrushes;
- dish stands and decanter stands.

This Class does not include, in particular:

- certain goods made of glass, porcelain and earthenware (consult the Alphabetical List of Goods);
- cleaning preparations, soaps, etc. (Cl. 3);
- small apparatus for mincing, grinding, pressing, etc., driven by electricity (Cl. 7);
- razors and shaving apparatus, clippers (hand instruments), metal implements and utensils for manicure and pedicure (Cl. 8);
- cooking utensils, electric (Cl. 11);
- toilet mirrors (Cl. 20).

CLASS 22

(Cordage and fibers)

Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.

Explanatory Note

Class 22 includes mainly rope and sail manufacture products, padding and stuffing materials and raw fibrous textile materials.

This Class includes, in particular:

- cords and twines in natural or artificial textile fibres, paper or plastics.

This Class does not include, in particular:

- certain nets, sacks and bags (consult the Alphabetical List of Goods);
- strings for musical instruments (Cl. 15).

CLASS 23

(Yarns and threads)

Yarns and threads, for textile use.

CLASS 24

(Fabrics)

Textiles and textile goods, not included in other classes; bed and table covers.

Explanatory Note

Class 24 includes mainly textiles (piece goods) and textile covers for household use.

This Class includes, in particular:

- bedding linen of paper.

This Class does not include, in particular:

- certain special textiles (consult the Alphabetical List of Goods);
- electrically heated blankets, for medical purposes (Cl. 10) and not for medical purposes (Cl. 11);
- table linen of paper (Cl. 16);
- horse blankets (Cl. 18).

CLASS 25

(Clothing)

Clothing, footwear, headgear.

Explanatory Note

This Class does not include, in particular:

- certain clothing and footwear for special use (consult the Alphabetical List of Goods).

CLASS 26

(Fancy goods)

Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

Explanatory Note

Class 26 includes mainly dressmakers' articles.

This Class includes, in particular:

- slide fasteners.

This Class does not include, in particular:

- certain special types of hooks (consult the Alphabetical List of Goods);
- certain special types of needles (consult the Alphabetical List of Goods);
- yarns and threads for textile use (Cl. 23).

CLASS 27

(Floor coverings)

Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).

Explanatory Note

Class 27 includes mainly products intended to be added as furnishings to previously constructed floors and walls.

This Class does not include, in particular:

- wooden flooring (Cl. 19)

CLASS 28

(Toys and sporting goods)

Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

Explanatory Note

This Class includes, in particular:

- fishing tackle;
- equipment for various sports and games.

This Class does not include, in particular:

- Christmas tree candles (Cl. 4);
- diving equipment (Cl. 9);
- amusement apparatus adapted for use with an external display screen or monitor (Cl. 9);
- electrical lamps (garlands) for Christmas trees (Cl. 11);
- fishing nets (Cl. 22);
- clothing for gymnastics and sports (Cl. 25);
- confectionery and chocolate decorations for Christmas trees (Cl. 30).

CLASS 29

(Meats and processed foods)

Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats.

Explanatory Note

Class 29 includes mainly foodstuffs of animal origin as well as vegetables and other horticultural comestible products which are prepared for consumption or conservation.

This Class includes, in particular:

- milk beverages (milk predominating).

This Class does not include, in particular:

- certain foodstuffs of plant origin (consult the Alphabetical List of Goods);
- baby food (Cl. 5);
- dietetic substances adapted for medical use (Cl. 5);
- salad dressings (Cl. 30);
- fertilised eggs for hatching (Cl. 31);
- foodstuffs for animals (Cl. 31);
- live animals (Cl. 31).

CLASS 30

(Staple foods)

Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.

Explanatory Note

Class 30 includes mainly foodstuffs of plant origin prepared for consumption or conservation as well as auxiliaries intended for the improvement of the flavour of food.

This Class includes, in particular:

- beverages with coffee, cocoa or chocolate base;
- cereals prepared for human consumption (for example, oat flakes and those made of other cereals).

This Class does not include, in particular:

- certain foodstuffs of plant origin (consult the Alphabetical List of Goods);
- salt for preserving other than for foodstuffs (Cl. 1);
- medicinal teas and dietetic substances adapted for medical use (Cl. 5);
- baby food (Cl. 5);
- raw cereals (Cl. 31);
- foodstuffs for animals (Cl. 31).

CLASS 31

(Natural agricultural products)

Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt.

Explanatory Note

Class 31 includes mainly land products not having been subjected to any form of preparation for consumption, live animals and plants as well as foodstuffs for animals.

This Class includes, in particular:

- raw woods;
- raw cereals;
- fertilised eggs for hatching;
- mollusca and crustacea (live).

This Class does not include, in particular:

- cultures of micro-organisms and leeches for medical purposes (Cl. 5);
- semi-worked woods (Cl. 19);
- artificial fishing bait (Cl. 28);
- rice (Cl. 30);
- tobacco (Cl. 34).

CLASS 32

(Light beverages)

Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

Explanatory Note

Class 32 includes mainly non-alcoholic beverages, as well as beer.

This Class includes, in particular:

- de-alcoholised drinks.

This Class does not include, in particular:

- beverages for medical purposes (Cl. 5);
- milk beverages (milk predominating) (Cl. 29);
- beverages with coffee, cocoa or chocolate base (Cl. 30).

CLASS 33

(Wine and spirits)

Alcoholic beverages (except beers).

Explanatory Note

This Class does not include, in particular:

- medicinal drinks (Cl. 5);
- de-alcoholised drinks (Cl. 32).

CLASS 34

(Smokers' articles)

Tobacco; smokers' articles; matches.

Explanatory Note

This Class includes, in particular:

- tobacco substitutes (not for medical purposes).

This Class does not include, in particular:

- cigarettes without tobacco, for medical purposes (Cl. 5);

SERVICES

CLASS 35

(Advertising and business)

Advertising; business management; business administration; office functions.

Explanatory Note

Class 35 includes mainly services rendered by persons or organizations principally with the object of:

- (1) help in the working or management of a commercial undertaking, or
- (2) help in the management of the business affairs or commercial functions of an industrial or commercial enterprise,

as well as services rendered by advertising establishments primarily undertaking communications to the public, declarations or announcements by all means of diffusion and concerning all kinds of goods or services.

This Class includes, in particular:

- the bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), enabling customers to conveniently view and purchase those goods; such services may be provided by retail stores, wholesale outlets, through mail order catalogues or by means of electronic media, for example, through web sites or television shopping programmes.
- services consisting of the registration, transcription, composition, compilation, or systematization of written communications and registrations, and also the compilation of mathematical or statistical data;
- services of advertising agencies and services such as the distribution of prospectuses, directly or through the post, or the distribution of samples. This Class may refer to advertising in connection with other services, such as those concerning bank loans or advertising by radio.

This Class does not include, in particular:

- services such as evaluations and reports of engineers which do not directly refer to the working or management of affairs in a commercial or industrial enterprise (consult the Alphabetical List of Services).

CLASS 36

(Insurance and financial)

Insurance; financial affairs; monetary affairs; real estate affairs.

Explanatory Note

Class 36 includes mainly services rendered in financial and monetary affairs and services rendered in relation to insurance contracts of all kinds.

This Class includes, in particular:

- services relating to financial or monetary affairs comprise the following:
 - (a) services of all the banking establishments, or institutions connected with them such as exchange brokers or clearing services;
 - (b) services of credit institutions other than banks such as co-operative credit associations, individual financial companies, lenders, etc.;
 - (c) services of "investment trusts," of holding companies;
 - (d) services of brokers dealing in shares and property;

(e) services connected with monetary affairs vouched for by trustees;

(f) services rendered in connection with the issue of travellers' cheques and letters of credit;

- services of realty administrators of buildings, *i.e.*, services of letting or valuation, or financing;
- services dealing with insurance such as services rendered by agents or brokers engaged in insurance, services rendered to insured, and insurance underwriting services.

CLASS 37

(Building construction and repair)

Building construction; repair; installation services.

Explanatory Note

Class 37 includes mainly services rendered by contractors or subcontractors in the construction or making of permanent buildings, as well as services rendered by persons or organizations engaged in the restoration of objects to their original condition or in their preservation without altering their physical or chemical properties.

This Class includes, in particular:

- services relating to the construction of buildings, roads, bridges, dams or transmission lines and services of undertakings specializing in the field of construction such as those of painters, plumbers, heating installers or roofers;
- services auxiliary to construction services like inspections of construction plans;
- services of shipbuilding;
- services consisting of hiring of tools or building materials;
- repair services, *i.e.*, services which undertake to put any object into good condition after wear, damage, deterioration or partial destruction (restoration of an existing building or another object that has become imperfect and is to be restored to its original condition);
- various repair services such as those in the fields of electricity, furniture, instruments, tools, etc.;
- services of maintenance for preserving an object in its original condition without changing any of its properties (for the difference between this Class and Class 40 see the Explanatory Note of Class 40).

This Class does not include, in particular:

- services consisting of storage of goods such as clothes or vehicles (Cl. 39);
- services connected with dyeing of cloth or clothes (Cl. 40).

CLASS 38

(Telecommunications)

Telecommunications.

Explanatory Note

Class 38 includes mainly services allowing at least one person to communicate with another by a sensory means. Such services include those which:

- (1) allow one person to talk to another,
- (2) transmit messages from one person to another, and
- (3) place a person in oral or visual communication with another (radio and television).

This Class includes, in particular:

- services which consist essentially of the diffusion of radio or television programmes.

This Class does not include, in particular:

- radio advertising services (Cl. 35).

CLASS 39

(Transportation and storage)

Transport; packaging and storage of goods; travel arrangement.

Explanatory Note

Class 39 includes mainly services rendered in transporting people or goods from one place to another (by rail, road, water, air or pipeline) and services necessarily connected with such transport, as well as services relating to the storing of goods in a warehouse or other building for their preservation or guarding.

This Class includes, in particular:

- services rendered by companies exploiting stations, bridges, rail-road ferries, etc., used by the transporter;
- services connected with the hiring of transport vehicles;
- services connected with maritime tugs, unloading, the functioning of ports and docks and the salvaging of wrecked ships and their cargoes;
- services connected with the functioning of airports;
- services connected with the packaging and parcelling of goods before dispatch;
- services consisting of information about journeys or the transport of goods by brokers and tourist agencies, information relating to tariffs, timetables and methods of transport;
- services relating to the inspection of vehicles or goods before transport.

This Class does not include, in particular:

- services relating to advertising transport undertakings such as the distribution of prospectuses or advertising on the radio (Cl. 35);
- services relating to the issuing of travellers' cheques or letters of credit by brokers or travel agents (Cl. 36);
- services relating to insurances (commercial, fire or life) during the transport of persons or goods (Cl. 36);
- services rendered by the maintenance and repair of vehicles, nor the maintenance or repair of objects connected with the transport of persons or goods (Cl. 37);
- services relating to reservation of rooms in a hotel by travel agents or brokers (Cl. 43).

CLASS 40

(Treatment of materials)

Explanatory Note

Class 40 includes mainly services not included in other classes, rendered by the mechanical or chemical processing or transformation of objects or inorganic or organic substances.

For the purposes of classification, the mark is considered a service mark only in cases where processing or transformation is effected for the account of another person. A mark is considered a trade mark in all cases where the substance or object is marketed by the person who processed or transformed it.

This Class includes, in particular:

- services relating to transformation of an object or substance and any process involving a change in its essential properties (for example, dyeing a garment); consequently, a maintenance service, although usually in Class 37, is included in Class 40 if it entails such a change (for example, the chroming of motor vehicle bumpers);
- services of material treatment which may be present during the production of any substance or object other than a building; for example, services which involve cutting, shaping, polishing by abrasion or metal coating.

This Class does not include, in particular:

- repair services (Cl. 37).

CLASS 41

(Education and entertainment)

Education; providing of training; entertainment; sporting and cultural activities.

Explanatory Note

Class 41 covers mainly services rendered by persons or institutions in the development of the mental faculties of persons or animals, as well as services intended to entertain or to engage the attention.

This Class includes, in particular:

- services consisting of all forms of education of persons or training of animals;
- services having the basic aim of the entertainment, amusement or recreation of people;
- presentation of works of visual art or literature to the public for cultural or educational purposes.

CLASS 42

(Computer and scientific)

Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.

Explanatory Note

Class 42 includes mainly services provided by persons, individually or collectively,

in relation to the theoretical and practical aspects of complex fields of activities; such services are provided by members of professions such as chemists, physicists, engineers, computer programmers, etc.

This Class includes, in particular:

- the services of engineers who undertake evaluations, estimates, research and reports in the scientific and technological fields;
- scientific research services for medical purposes.

This Class does not include, in particular:

- business research and evaluations (Cl. 35);
- word processing and computer file management services (Cl. 35);
- financial and fiscal evaluations (Cl. 36);
- mining and oil extraction (Cl. 37);
- computer (hardware) installation and repair services (Cl. 37);
- services provided by the members of professions such as medical doctors, veterinary surgeons, psychoanalysts (Cl. 44);
- medical treatment services (Cl. 44);
- garden design (Cl. 44);
- legal services (Cl. 45).

CLASS 43

(Hotels and restaurants)

Services for providing food and drink; temporary accommodation.

Explanatory Note

Class 43 includes mainly services provided by persons or establishments whose aim is to prepare food and drink for consumption and services provided to obtain bed and board in hotels, boarding houses or other establishments providing temporary accommodation.

This Class includes, in particular:

- reservation services for travellers' accommodation, particularly through travel agencies or brokers;
- boarding for animals.

This Class does not include, in particular:

- rental services for real estate such as houses, flats, etc., for permanent use (Cl. 36);
- arranging travel by tourist agencies (Cl. 39);
- preservation services for food and drink (Cl. 40);
- discotheque services (Cl. 41);
- boarding schools (Cl. 41);
- rest and convalescent homes (Cl. 44).

CLASS 44

(Medical, beauty & agricultural)

Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.

Explanatory Note

Class 44 includes mainly medical care, hygienic and beauty care given by persons or establishments to human beings and animals; it also includes services relating to the fields of agriculture, horticulture and forestry.

This Class includes, in particular:

- medical analysis services relating to the treatment of persons (such as x-ray examinations and taking of blood samples);
- artificial insemination services;
- pharmacy advice;
- animal breeding;
- services relating to the growing of plants such as gardening;
- services relating to floral art such as floral compositions as well as garden design.

This Class does not include, in particular:

- vermin exterminating (other than for agriculture, horticulture and forestry) (Cl. 37);
- installation and repair services for irrigation systems (Cl. 37);
- ambulance transport (Cl. 39);
- animal slaughtering services and taxidermy (Cl. 40);
- timber felling and processing (Cl. 40);
- animal training services (Cl. 41);
- health clubs for physical exercise (Cl. 41);
- scientific research services for medical purposes (Cl. 42);
- boarding for animals (Cl. 43);
- retirement homes (Cl. 43).

CLASS 45

(Personal)

Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.

Explanatory Note

This Class includes, in particular:

- services rendered by lawyers to individuals, groups of individuals, organizations and enterprises;
- investigation and surveillance services relating to the safety of persons and entities;
- services provided to individuals in relation with social events, such as social escort services, matrimonial agencies, funeral services.

This Class does not include, in particular:

- professional services giving direct aid in the operations or functions of a commercial undertaking (Cl. 35);
- services relating to financial or monetary affairs and services dealing with insurance (Cl. 36);
- escorting of travellers (Cl. 39);
- security transport (Cl. 39);
- services consisting of all forms of education of persons (Cl. 41);
- performances of singers and dancers (Cl. 41);
- computer services for the protection of software (Cl. 42);
- services provided by others to give medical, hygienic or beauty care for human beings or animals (Cl. 44);

- certain rental services (consult the Alphabetical List of Services and General Remark (b) relating to the classification of services).

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Other

What is the Trademark Electronic Application System (TEAS)?

The Trademark Electronic Application System, at <http://www.uspto.gov/teas/index.html>, allows you to fill out an application form online, check it for completeness, and file it over the Internet, paying by credit card or through an existing USPTO deposit account. TEAS can also be used to file a response to examining attorney's Office action, notice of change of address, amendment to allege use, statement of use, request for extension of time to file a statement of use, affidavit of continued use under 15 U.S.C. §1058, affidavit of incontestability under 15 U.S.C. §1065, combined affidavit under 15 U.S.C. §§1058 and 1065, or combined filing under 15 U.S.C. §§1058 and 1059.

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How do I contest someone else using a trademark similar to mine?

There are several ways to dispute use of your trademark by a third party. Depending on the factual situation, the Trademark Office may or may not be the proper forum. You should consider contacting an attorney, preferably one specializing in trademark law. Local bar associations and the yellow pages usually have attorney listings broken down by specialties. Time can be of the essence. For information about proceedings before the Trademark Trial and Appeal Board, click on [TBMP](#).

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What official publications and information are available concerning trademarks?

The following publications are available:

Basic Facts About Trademarks, can be accessed and downloaded free of charge from <http://www.uspto.gov/web/offices/tac/doc/basic/>.

Trademark Manual of Examining Procedure (TMEP), can be accessed and downloaded free of charge from <http://tess2.uspto.gov/tmdb/tmep/>, and is also available on a subscription basis from: Superintendent of Documents, U.S. Government Printing Office, Box 371954, Pittsburgh, PA 15250-7954 ((202) 512-2250), <http://bookstore.gpo.gov/>.

Trademark Trial and Appeal Board Manual of Procedure (TBMP) can be accessed and downloaded free of charge from <http://www.uspto.gov/web/offices/dcom/ttab/tbmp/>.

Official Gazette of the U.S. Patent and Trademark Office, can be accessed and downloaded free of charge from <http://www.uspto.gov/web/trademarks/tmog/>. It is also available on a subscription basis from Superintendent of Documents, U.S. Government Printing Office, Box 371954, Pittsburgh, PA 15250-7954 ((202) 512-2250), <http://bookstore.gpo.gov/>.

Trademark Acceptable Identification of Goods and Services Manual can be accessed and downloaded free of charge from <http://tess2.uspto.gov/netathtml/tidm.html>

Design Search Code Manual can be accessed and downloaded free of charge from <http://tess2.uspto.gov/tmdb/dscm/index.htm>.

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What is a PTDL (Patent and Trademark Depository Library)?

A Patent and Trademark Depository Library (PTDL) is a library which is designated by the U.S. Patent and Trademark Office (USPTO) to receive and house copies of US patents and patent and trademark materials, to make them available to the public, and to disseminate both patent and trademark information. To be designated, a library must meet specific requirements and promise to fulfill certain obligations.

Patents and trademarks (word marks only) may be searched at the PTDLs. Please note that the Patent and Trademark Depository Librarians cannot give any legal advice nor can they perform the searches for you. They will, however, provide you with the information you need to get started.

For more information about the Patent and Trademark Depository Library Program, click on [PTDL](#).

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How do I register to practice before the Patent and Trademark Office?

It is not necessary to register to practice before the Patent and Trademark Office (PTO) in trademark matters. Any attorney admitted in a U.S. state or territory can practice before the trademark side of the PTO. Non-lawyers can practice only in the limited circumstances set forth in [Rule 10.14\(b\)](#).

For information about registering to practice in patent cases before the PTO, click on [Patent Practice](#).

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Is the name of a band a trademark?

It depends on how it is used. A band name may function as a service mark for entertainment services in the nature of performances by a musical group if it is used to identify and distinguish the service of providing live performances (see TMEP §[1301.02\(b\)](#)), or as a trademark for a series of musical recordings (see TMEP §§[1202.09\(a\)](#) *et seq.*).

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Can a minor file a trademark application?

This depends upon state law. If the person can validly enter into binding legal obligations in the state, then that person may sign a trademark application. Otherwise, a parent or legal guardian must sign the application, clearly setting forth their status as a parent or legal guardian of the applicant.

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Can the ownership of a trademark be assigned or transferred from one person to another?

Yes. A registered mark, or a mark for which an application to register has been filed is assignable. Written assignments may be recorded in the U.S. Patent and Trademark Office for a fee. Specific inquiries should be referred to the Assignment Division (703-308-9723). [NOTE: Certain exceptions exist concerning the assignment of Intent-to-Use applications.] For the guidelines for filing an assignment and the assignment form itself, click on [Assignments](#).

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My spouse owned a trademark registration and has since died. Do I own it now?

Perhaps. Because this depends on state law, the U.S. Patent and Trademark Office cannot provide a

definite answer for all factual situations. You should consider contacting an attorney, preferably one specializing in trademark law. Local bar associations and the yellow pages usually have attorney listings broken down by specialties.

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What are some suggestions to facilitate filing a trademark application and/or contacting the Patent and Trademark Office (PTO)?

File electronically through the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>, whenever possible. TEAS can be used to file an application for registration of a mark, response to examining attorney's Office action, notice of change of address, amendment to allege use, statement of use, request for extension of time to file a statement of use, affidavit of continued use under 15 U.S.C. §1058, affidavit of incontestability under 15 U.S.C. §1065, combined affidavit under 15 U.S.C. §§1058 and 1065, or combined filing under 15 U.S.C. §§1058 and 1059. When a document is filed electronically, the USPTO receives it within seconds after filing, and immediately issues a confirmation of filing via e-mail that includes the date of receipt and a summary of the submission. This confirmation is evidence of filing should any question arise as to the filing date of the document. Also, documents filed electronically are processed faster than paper documents. The data provided by the applicant is entered directly into the Office's databases, so data entry errors are unlikely. When documents are filed electronically, it is very unlikely that they will be lost or misplaced within the Office.

Carefully review all documents before filing to make sure all issues have been addressed and all the necessary elements are included.

Do not file large or "bulky" specimens. Rather, submit a picture of the mark on the specimen. Bulky specimens are specimens that are larger than 8 1/2" by 11" and which do not lie flat. The USPTO encourages applicants to send photographs of the goods, as long as the mark is clear from the photograph. If filing electronically, the specimen should be submitted as a digitized image in .jpg format.

Place the serial number or registration number (once known) on each paper or exhibit filed, including any required checks. If, for some reason neither number is available, please put some other identifying information on the correspondence (e.g., mark, name of applicant, filing date).

Promptly inform the USPTO of any change in correspondence address. This can be done through TEAS at <http://www.uspto.gov/teas/index.html>.

Use the Trademark Applications and Registrations Retrieval (TARR) database at <http://tarr.uspto.gov> to check on the status of any application. You should check the status of your application every six months.

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KEY:  =online business system  =fees  =forms  =help  =laws/regulations  =definition (glossary)

Call the **Trademark Assistance Center** at **571.272.9250** for help on trademark matters. Send questions about USPTO programs and services to the **USPTO Contact Center (UCC)**. You can suggest USPTO webpages or material you would like featured on this section by E-mail to the webmaster@uspto.gov. While we cannot promise to accommodate all requests, your suggestions will be considered and may lead to other improvements on the website.

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