

# 2009 Schedule of Fees - U.S. Trademarks



## FEDERAL REGISTRATION

- The fixed-fee cost of an *Actual Use* or *foreign* registration is \$1,000 total fees per class - consisting of both filing costs of \$325 per filing and legal fees of \$675. A negative response from the trademark office might result in additional fees.
- An *Intent to Use* filing requires additional filing costs of \$100 and added legal fees of \$360 to later prove use.
- We are happy to work on either an hourly or fixed-fee basis. Most clients tender to us the fixed fees or estimated fees as a advance fee deposit.

### Hourly Billing Rates:

|                 |                    |
|-----------------|--------------------|
| Senior Attorney | \$360 per hour     |
| Associate       | \$220-350 per hour |
| Paralegal       | \$110-170 per hour |

## STATE REGISTRATION

State registrations are a much simpler process, taking 2-4 weeks, and are less costly. The items needed for application are the same, except there is no need for interstate use.

Filing costs are \$15 to \$125 per state with legal fees of \$360 for the first mark in a state and \$300 thereafter. Multiple filings in various states can reduce legal fees even more.

## FEDERAL REGISTRATION APPLICATIONS

A federal trademark or service mark application may be made on either an "Intent to Use" or "Actual Use" basis. If one has not yet used the mark in commerce, filing on an "Intent to Use" basis can be advantageous since one can file immediately but not be required to prove use until later (but prior to completing the registration).

Applications for registration are filed in different classifications according to how the mark is used. For expansive coverage, separate applications may need to be filed in several different classes. Each class is a separate application with separate filing costs and fees.

### The following is needed for an *Intent to Use* filing:

- The mark;
- A description of the products or services;
- A drawing of the mark if it is stylized or a logo, and the colors if such are included;
- Copies of any previously related filing, whether in a state, the U.S. or a foreign country; and
- The filing fee (currently \$325 for each classification if filed electronically, otherwise \$375).

NOTE: if a foreign registration has been obtained previously, we will need a certified copy of the registration together with an English translation and a signed declaration of a bona fide intent to use the mark in U.S. commerce. There is no need to prove actual use for a foreign registration.

### If the filing is for an *Actual Use* filing, the following additional information is required:

- Date of first use anywhere;
- Date of first use in interstate commerce; and
- Two copies of an example of use (can be two copies of same or different samples).

### The process is lengthy:

- The trademark application is filed electronically or by Express Mail (confirmed by postcard).
- Several months later, the trademark office sends a formal filing receipt acknowledging receipt of the application only.
- About 6 months after filing, the application is assigned to a Trademark Examiner for review and response. Several months later, usually the Examiner issues an Office Action to seek clarifications or declare that registration is refused. We then respond.
- If approved, the mark will be Published for Opposition in the *Trademark Gazette* several months later. Anyone may object within 30 days of publication.
- If there are no objections, then a Notice of Allowance/Certificate of Registration is issued several months later.

**Registration is now averaging about 16 months, so starting the process as early as possible is advised.**

## TRADEMARK AVAILABILITY SEARCHES

The first step is to determine whether a mark is available for registration. A search can save 9 months of waiting for an application only to learn that there is a problem with a prior-filed mark. A search can also serve as an insurance policy to show good faith if later a third party feels you are infringing their mark.

## SEARCH FEES

- Basic Search (includes federal and all states records and our report).....\$360
- Comprehensive Search (includes federal, all states, common law and Internet databases and our report).....\$1,100
- Design Searches (all classes and our report).....\$1,900

Our firm can also conduct domain name, trade name and investigative searches.