

2012 Schedule of Fees - U.S. Trademarks

Federal Registration Applications

A federal trademark application may be made on either an “*Intent to Use*,” “*Actual Use*,” or prior-filed foreign application/registration basis. If one has used a mark in commerce, one can file based on that use. 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 Classes, i.e., Class 1 - Chemicals, Class 2 - Paint, Class 3 - Soap, and so on (there are 45 Classes). Each class is a separate application with separate filing costs and fees.

Federal Registration

- We are happy to work on either an “hourly” or “fixed-fee” basis. Sometimes billing hourly is less and sometimes it is more expensive. Some prefer “fixed fees” for budget reasons. Note: a significant negative response from the trademark office might result in additional fees beyond the “fixed fee.”
- The “fixed-fee” cost for an *Actual Use* or *foreign* registration is \$1,095 total fees per class - consisting of both filing costs of \$325 per filing and legal fees of \$770.
- The “fixed-fee” cost for an *Intent to Use* registration is \$1,595, consisting of the *Actual Use* fees above plus additional filing costs of \$100 and added legal fees of \$400 to later prove use.

Hourly Billing Rates:

Senior Attorney	\$400 per hour
Associate	\$225-360 per hour
Paralegal	\$110-180 per hour

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 included (prefer in digital format); and
- The filing fee is currently \$325 for each classification.

NOTE: if a foreign registration has been obtained, 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.

The following additional information is required for an *Actual Use* filing:

- Date of first use anywhere;
- Date of first use in interstate commerce; and
- An original example of use (can be digital).

The process is lengthy:

- The trademark application is filed electronically.
- The trademark office sends confirmation receipt.
- About 3-6 months after filing, the application is assigned to a Trademark Examiner for review and response. 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*. Anyone may object to the registration within 30 days of publication.
- If there are no objections, a Notice of Allowance is issued for *Intent to Use* application (so you can then prove use). For an *Actual Use* application, for an *Intent to Use* application where one has proven use, or for a foreign-based registration where the copy of the foreign registration has been filed, the Certificate of Registration is issued.

Registration is now averaging about 15 months, so starting the process as early as possible is advised.

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. Most states do not permit *Intent to Use* filings.

Filing costs are \$55 to \$125 per state with legal fees of about \$400.

Foreign Filings

Our firm has registered trademarks throughout the world. The fees vary from country to country.

Trademark Availability Searches

A search is the first step to determine whether a mark is available for registration. A search can save months of waiting for a trademark office response only to learn that there is a prior-filed mark. A search can also serve as insurance to show good faith if a third party feels you are infringing their mark.

Search Fees

- Basic Search (includes federal and all states records and our report).....\$400
- Comprehensive Search (includes federal, all states, common law and Internet databases and our report)..... \$1,200
- Design Searches (all classes and our report).....\$2,100

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

Note: For an article on [Answers to Your Questions About U.S. Trademark Law](#), see www.ryanswansonlaw.com. If you have questions, please call Kevin J. Collette at 206-654-2252.