Trademarks

Trenam's Intellectual Property team supports brand owners across the trademark lifecycle, including clearance, prosecution, TTAB matters, and enforcement aligned with business objectives.

Practice Areas Include

- Filing, prosecuting, and maintaining trademarks at the USPTO and TTAB
- Trademark clearance searches and counseling on use and protection strategy
- Opposition and cancellation proceedings and trademark disputes in state and federal venues
- Portfolio management, watching, and policing programs
- Domain name and internet related disputes including cybersquatting matters

Trenam also expanded its patent and trademark bench with the addition of the Smith and Hopen team, enabling more integrated support across prosecution, transactions, and disputes.

Our Approach to Trademark Registration

A well planned trademark filing is more than completing a form. Common steps include:

1. **Clearance and risk assessment.** We review the proposed mark and compare it against potentially conflicting marks to identify risk early.
2. **Filing strategy.** We confirm the owner, goods and services descriptions, filing basis, and specimen strategy where applicable.
3. **Application preparation and filing.** We prepare and file the application with the USPTO and track progress through examination.
4. **Office action response and prosecution.** If the USPTO raises issues, we respond with evidence, legal argument, amendments, or strategic alternatives.
5. **Registration, maintenance, and brand protection.** We help keep registrations alive and align the trademark portfolio with business realities as products, services, and branding evolve.

Trademark Registration Advantages

Your brand is often one of your most valuable business assets. Federal trademark registration does more than add the registered symbol. It can strengthen priority, improve enforcement leverage, and support brand protection across platforms and channels as you grow.

If you are investing in marketing, packaging, product development, or expansion into new markets, registration is often the step that turns a brand name into a protectable business asset.

Seven practical benefits of federal registration and what can go wrong if you wait.

1) National priority rights. Federal registration can provide nationwide priority based on your filing date (when the application matures into registration), reducing the risk that later adopters gain leverage simply by operating in a different state.

2) Incontestability potential. In many cases, after five years of continuous use following registration and with the right filings, a registration on the Principal Register can become “incontestable,” which narrows certain challenges and defenses that might otherwise be raised against the mark.

3) Enhanced remedies and practical leverage. Registration can improve your practical enforcement posture, including helping resolve disputes faster and supporting stronger outcomes in appropriate cases. It also tends to carry weight with platforms, payment providers, and other intermediaries evaluating brand complaints.

4) Presumption of validity and ownership. A federal registration provides legal presumptions that can streamline enforcement by treating the registration as evidence of ownership and validity, shifting the dispute to the other side to challenge.

5) Constructive notice to others. Registration on the Principal Register acts as constructive notice of your ownership claim, which can limit “we did not know” arguments and helps deter adoption of confusingly similar marks.

6) Federal court access. Federal registration supports the ability to bring certain trademark claims in federal court and can simplify proof points that otherwise require extensive evidence.

7) Import and border protection tools. For goods, federal registration can support recordation with U.S. Customs and Border Protection, which can help stop counterfeit or infringing imports at the border. In certain circumstances involving imported products, brand owners may also consider remedies through the U.S. International Trade Commission, where

exclusion orders can direct Customs to stop infringing imports.

Ready to protect a brand name you are building? Tell us what you are using, what you plan to launch next, and where you expect growth. We can help you evaluate clearance risk, filing strategy, and the most efficient route to registration.

You Cannot Afford to Stay Unregistered

Common consequences of non-action

When a mark is not federally registered, rights are often narrower, more expensive to prove, and easier for others to challenge. Common pain points include:

- Limited geographic reach and uncertainty when expanding into new territories
- Greater enforcement cost because you may need to prove validity, ownership, and scope from scratch
- Increased risk that a third party files first, creating obstacles to growth, investment, or an acquisition
- Brand confusion that becomes harder to unwind as competitors build momentum

A race to the USPTO

Trademark priority can turn on timing. Filing earlier can reduce risk, especially when multiple businesses are gravitating toward similar names or branding.

If someone else filed first, all hope may not be lost

A prior filing is not always the end of the analysis. Depending on the facts, options may include evaluating whether the other mark is truly in use, whether it is vulnerable on technical grounds, whether coexistence is feasible, or whether a rebrand is the smarter business decision. The right path depends on your goals, budget, and risk tolerance.

FAQ section

What is the difference between TM and the registered symbol? TM is commonly used to indicate you claim trademark rights. The registered symbol is reserved for marks that have achieved federal registration.

How long does a federal trademark registration last? With ongoing use and timely maintenance filings, a registration can be renewed and maintained for long periods.

Do I need to register if I am only operating locally? Even local businesses often run into online use, geographic expansion, or name conflicts. Registration is often evaluated based on growth plans and enforcement needs.

Can I file before I launch? In some cases, yes. Filing strategy depends on use timing and business objectives.

What is a specimen, and why does it matter? The USPTO reviews how a mark is used in commerce for the listed goods or services. A weak specimen can delay or block registration, especially for apparel branding.

Can you help with enforcement after registration? Yes. Enforcement options range from demand letters to platform actions to TTAB proceedings and litigation, depending on the facts.

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