

Trademark Registration

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Applicant's Name (Corporate name if applicable): _____

Type of entity (individual, corporation, LLC, etc.): _____

Citizenship (of individual) or State of Incorporation (of legal entity): _____

Name/Title of Officer signing for corporation: _____

Contact Person: _____ **Phone(s):** _____

Address: _____ **Fax:** _____

City: _____ **State:** _____ **Zip:** _____

MARK: _____

Description of Your Product or Service: _____

(Please Be SPECIFIC (e.g., computer software for accounting, laser printers, etc.))

Date of First Use in Commerce (or write INTENT if not yet being used): _____

OFFICE USE ONLY:

Classification #: _____ Attorney's Docket #: _____

Individual / Corporate In Use / Intent Trademark / Service Mark

Fees Paid /

Agreement for Trademark Search and Registration

The above-identified applicant hereby appoints Eric Karich, Esq., CA Reg. 186,325, as his/her legal representative for preparing and prosecuting the trademark application identified above. Applicant agrees to pay a fee of **\$600** for a federal trademark search and preparation of a trademark application. Applicant understands that an additional government filing-fee of **\$275** (per class) must be paid to the Commissioner for Trademarks.

Applicant's Signature: _____ Date: _____

Deposit Amount: _____ Check/Cash Visa Master Card American Express

Credit Card Number: _____ Exp. Date: _____ Sec. Code: _____

Name on Card: _____ Cardholder Signature: _____

Directions for Trademark Registration

- A: **DELIVER** the following: an **exemplar of use** (see below); a 3"x3" **drawing** of mark (see below) if you are registering a logo that includes a graphic (not required if only registering a work or phrase); **\$875** (check made payable to Eric Karich) and a check or credit card payment of \$875.
- B: We **PREPARE** the application and other necessary documents, usually in about 4-5 days.
- C: **REVIEW** the application. If all information is correct, the applicant then signs the application. Applicant can review and sign a faxed copy of the application if necessary.
- D: We **FILE** the application electronically. This is considered the applicant's filing date. It then takes the Trademark Office about 6 months to respond with either an allowance or an Office Action. Further details of this process are provided in our brochure.

An "**exemplar of use**" for GOODS consists of an actual label or portion of the product packaging that shows the trademark. It is critical that we receive the real labels and not just reproductions or artists' renditions thereof. If the mark is engraved or imprinted directly on the product, an actual photograph of the product is acceptable. Be sure the mark is clearly shown. An "exemplar of use" for SERVICES consists of an advertisement that includes a description of the services offered and clearly shows the mark. Ordinary letterhead is generally NOT acceptable. A physical sample or a .jpg digital format image are accepted.

The **drawing** should be approximately 3" x 3" and must not exceed 4" by 4". The drawing must be of acceptable quality and entirely in black and white. If color is an important aspect of the trademark, be sure to inform our office so we can take steps to include color in the application. The drawing should be centered on the page and printed within the bottom third of the page

POST FILING CONSIDERATIONS

Foreign Filing -- An applicant for U.S. trademark registration has **6 months** to file foreign trademark applications if he/she wishes to claim the U.S. priority date.

Statement of Use -- If your application is filed as "intent to use," you must file a "Statement of Use" showing that you are actually using the mark in commerce.

Prosecution -- Approximately 6 months after filing an application to register your trademark, the Trademark Office will make an initial determination as to whether your mark may be registered. The Trademark Office may deny your application or request that an amendment be made. If required and requested, we charge \$200/hr to respond to these Office Actions.

Affidavit of Use § 8 and Making the Mark "Incontestable" § 15 (5 YEAR RULE) -- Between the 5th and 6th years after the registration date of your trademark, a trademark owner **MUST** file a § 8 affidavit showing that the mark is still in commercial use. The trademark registrant **SHOULD** make a § 15 filing to have the mark made "incontestable."

Renewal (10 YEAR RULE) -- A Federal Trademark registration must be renewed every ten (10) years. The renewal **MUST** be filed within the 6 months prior to the expiration of the 10 year term.

Direct questions to: **Eric Karich, Esq.**
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