



Client: Robert Lancaster

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Team Members:

Nahum Zewdie

nzewdie@uccs.edu

Alex Sharpe

asharpe2@uccs.edu

Taryn Benevidez

tbenavi3@uccs.edu

Kristina Aguilar

kaguila3@uccs.edu

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Executive Summary

Adaptive Systems LLC is a research and development company co-founded by Robert Lancaster. Mr. Lancaster worked with a student innovation team from the University of Colorado, Colorado Springs (UCCS), and the team members are Bachelor of Innovation (BI) students that are chosen by the team leader. The BI program helps clients enhance their businesses. The purpose of the team is to work through an entire semester to provide valuable deliverables to the client. Through Adaptive Systems LLC, Mr. Lancaster has made GADispatch, a mobile application made by pilots for pilots to give graphical visualizations of whether conditions and weather forecasts for pilots to prepare for upcoming flights.

While meeting with the team, Mr. Lancaster informed them that he needed assistance with trademarking his application's name and logo. With that in mind, the team compiled a Trademark Document Package (TDP) that listed all concerns and steps necessary for the trademark process. This package included information such as the types of trademarks, how long trademarks lasted, and how to support these trademarks to keep them from expiring through the declarations of Use in Sections 8 and 9, found in the TDP. The Trademark Document Package also included the necessary requirements to be filled out to obtain a trademark, which was then discussed with Mr. Lancaster.

Another goal of the project was to create a separate deliverable, which was a document that contained all of the information that the team could feasibly fill out. One of the main topics that the team addressed in the document was the classification of goods and services that Mr. Lancaster's trademark would likely fall under. In addition, the second document contained potential ideas for a new logo and app icon that Mr. Lancaster could use to make the Trademark unique from its competitors. The last goal Mr. Lancaster had was to have himself and the team complete the United States Patent and Trademark Office (USPTO) Trademark Application

online and once finished, have the BI team review it with Dr. Rory Lewis (a UCCS Instructor of the BI Program who specializes in Business and Law). Finally, the trademark application would be sent to the USPTO through Mr. Lancaster.

The team faced one main challenge during the project, which was the identity verification portion of the Trademark Electronic Application System (TEAS). Although the team obtained a blank example set of the necessary documents, they could not continue with the application process until Mr. Lancaster supplied his identification to the IRS and gave those documents to the team. Because of Mr. Lancaster busy schedule, he couldn't be able to provide his ID verification in the days that the team had hoped he could. While he eventually did find the time to provide the appropriate information, this bottleneck affected the project meetings, planning, and time management for the team for two weeks.

The team's main recommendation for Mr. Lancaster was to change the features of GADispatch, so that his application stood out from his competitors. The team also recommended Mr. Lancaster to use the TDP to maintain his trademark and make sure that it's still in use. The team also recommends that he uses the USPTO website to check the status of the trademark after the online application has been filled out.

Statement of Accomplishments

The team conducted research which included the starting steps of applying for a trademark and put said research into a document. The document is titled Trademark Document Package (TDP). The TDP examines the various aspects of the application, such as the fees for the application, how to access other files, the steps to confirm one's identity and other information.

There are two different trademarks which a person can apply for. There is the Common Law and the Federally Registered Trademark. The Common Law Trademark is protected under state law, which entitles the trademark to only be protected within the state. This trademark provides limited protection due to the geography of the state. The Federally Registered Trademark protects the trademark throughout the nation and its territories, and is also publicly uploaded, further protecting it from simultaneous usage. The registered trademark also has a geographical limitation, however, its protection throughout the United States of America and its territories. Each of these trademarks provides rights to the creator, such as protecting from someone claiming it as theirs. Symbols, words, phrases and designs can only be legally used by whomever has an active trademark on them. Common Law only protects those who are claiming the same trademark within the same state, this can be difficult to decide who is stealing.

The USPTO requires at least four bases for a trademark to be valid. The applicant is required to fill out one of the four bases when applying for the Federally Registered Trademark. There is an option to apply to multiple basis at once, since each has their own requirements. For the purposes of this trademark, the commerce and intent-to-use bases are the most important. The commerce basis states the mark is currently in use in business with the goods and/ services it provides. The intent-to-use basis implies there is a genuine intention of use of the mark with the goods and/or services in the near future.

The cost of the trademark is calculated as part of the application. The cost of the application fee rises if the goods/services fall under multiple classes. There are two separate electronic fees. There is a standard option and a plus option, and they charge by the class. The TEAS plus charges \$250 per class of goods and/ or services while TEAS standards charge \$350 per class of goods and/or services. There will be a variety of factors that will take in additional fees when attempting new application forms. The number of marks and classes will affect the fees to the application. For GADispatch, the team advised Mr. Lancaster to use the TEAS standard application, which costs a base amount of \$350.

Trademarks have a limited time frame before they expire. A federally registered trademark lasts from 5 to six years after the application was first filed. After this period, a renewal form needs to be completed and submitted to the USPTO. Once the first resubmission is filed, the trademark lasts 10 years for every subsequent re-filing. Unregistered trademarks are given to those who use them. This doesn't allow the owner to have the trademark symbol, and anyone who federally registers a trademark using the same name/symbol/etc. will have priority. For Mr. Lancaster, it was important for him to know how to maintain his trademark after his first filing. If he didn't, he might lose his usage of the trademark across state lines, or worse, been required to stop using it entirely.

The team has done additional research into similar classes of Mr. Lancaster GADispatch app. The research was compiled into a document that the team titled "Feasibilities". In order to identify similar classes to the applicant's trademark, one will need to name the class, have a description of the trademark, and the status. The is compiled into an antigram, AMX, seen in Appendix D). 'A' means the class is added to the official ID Manual of goods and services, 'M' means the class has been modified since it's addition, and 'X' means the class was acceptable, but has more detailed information than it actually should. The status refers to the modification of

the goods and service which is provided by the trademark. The similar classes of Mr. Lancaster's app are weather reporting, weather forecasting, providing weather information and weather information services. The team provided a small list of similar trade makers and products, each item had a description and link to the USPTO.

Within the feasibility document, the team provided a couple of recommendations for Mr. Lancaster's app thumbnail and logo designs (Seen in Appendix D). The app thumbnail depicts an airplane flying through a set of clouds, one had a calm relaxing aspect while the other has a dramatic aspect. The logo has a simple design of a globe in front of GADispatch. The team had two color font options for the GADispatch, the two-color fonts are blue and orange. The first design features "GAD" in a blue font and the "ispatch" is in an orange font. The second design features "GA" in the blue font and the "Dispatch" in the orange font.

When it was time to fill out the trademark application, the team originally helped Mr. Lancaster with the Trademark application. However, due to the USPTO's lack of a save feature and other features beyond the team's control, Mr. Lancaster had his lawyer help him apply for the application. Despite this, Mr. Lancaster's lawyer would still use the TDP and the feasibility document as a reference and both deliverables have been beneficial to him.

Recommendations and Innovation Discussion

With some research, the team provided several recommendations to Mr. Lancaster on how to keep his trademark alive, should the USPTO accept his application. The team explained how proof of continued use would have to be given between the fifth and sixth years after registering, the ninth and tenth years, and then every ten years thereafter. Renewal of a trademark on these dates requires a Declaration of Use under Section 8 for the first time, and then a Declaration of Use under sections 8 and 9 every renewal afterwards, as seen in the Trademark Document Package in Appendix C. Mr. Lancaster was given information on what these sections require, as well as how much it would cost to fill them out.

The team additionally recommended Mr. Lancaster to use the Trademark Status & Retrieval (TSDR). Created by the USPTO, the TSDR page helps track the status and progress of the trademark after its application has been submitted. When using this page, Mr. Lancaster can also download all the documents and information into his file. Mr. Lancaster should check the status of his trademark every three to four months, as it lets him know of all the extra requirements, he may need to get his trademark filed. Mr. Lancaster should also make sure his email is up to date so that the USPTO can communicate with him. If any emails from the USPTO are treated as spam, get a late, or no response from Mr. Lancaster, his application may not get approved with no refund. Lastly, the team recommended Mr. Lancaster hire an attorney who specializes in trademarks if he would like to file for another trademark.

Conclusion and Discussion

Throughout the project, the BI team assisted Mr. Lancaster by providing him with the correct and accurate information of what a trademark is and how he can apply for it. The team also suggested the best courses of action on their part to help Mr. Lancaster apply for his

trademark via a document of feasibilities and best recommendations. The team also helped Mr. Lancaster with the actual application process through online communication. While the team could not be able to submit the application in the semester, Mr. Lancaster is still working on it with his lawyer. The team would like to thank Mr. Lancaster for the opportunity to work on this project with him and wish him success in the future.

Supporting Materials

Appendix A: Project Charter:

Name of the Project: Adaptive Systems, LLC

Name of the Sponsor: Rob Lancaster

Purpose of the Project:

Adaptive Systems, LLC is an aerospace-based company co-founded by Rob Lancaster that focuses on research development and aircraft technology. The purpose of this project is to apply the appropriate information on how to apply for a trademark and provide information on how to apply for a trademark as well as give Mr. Lancaster assistance in trademarking the name of his company-owned application: GADispatch.

High-level Project Description and Boundaries:

The application of GADispatch is made by Adaptive Systems, LLC, applying for a trademark for the application's name, providing pilots with important weather forecasts as they fly their aircraft. The purpose of this project is to provide documentation of all the requirements needed to apply for a trademark for Mr. Lancaster's application: GADispatch. This is within the intent of protecting Mr. Lancaster's intellectual property for the application.

In-scope items include documented information about how to create a legal and federally registered trademark, links to additional websites related to the step-by-step process, and information on how long it takes to register. Another In-scope item is helping Mr. Lancaster get started on the actual application process. Out-of-scope items include providing finances and funding for trademark registration, hiring an attorney to support Mr. Lancaster's trademark, and maintaining the client's registration.

Objectives and Success Criteria: *The main objective of this project is to provide Mr. Lancaster with the knowledge necessary applying for a federally registered trademark.*

- **Objective 1: Giving Mr. Lancaster a word document on the list of requirements on how to apply for a federally registered trademark.**
 - **Success criteria:**
 - Mr. Lancaster is provided with a document that explains what a federally registered trademark is, its required filing basis, how much it costs, how long the trademark lasts, and how it can be maintained.
- **Objective 2: Provide all the information the team can feasibly fill out for the actual application.**
 - **Success criteria:**
 - Mr. Lancaster would be provided with a completed document of the necessary information, such as any trademarks that are confusingly similar to his own and the goods and services his trademark provides.
- **Objective 3: Validate that all of the work is completed.**
 - **Success Criteria:**
 - Mr. Lancaster will have the application filled out (minus the financial costs) to where he can take what we have filled out, print it, provide his own materials, and submit the filled-out application to the USPTO online.
- **High-level requirements:**
 - The team will give Mr. Lancaster an update on each members' our progress on the TDP, every two weeks.
 - The team will provide the client options and recommendations on what type of trademark he needs during the two days between objectives 1-2.

- Each team member will edit their part of the TDP and application at least once a day in the range of your assigned tasks in the project schedule.
- **Assumptions:**
 - The project team has access to the documents provided by the US Patent and Trademark Office.
 - The client will provide necessary information regarding the technology he wishes to trademark.
 - The project team has access to any programs necessary to produce government-level documents, and either the skillsets to use them or the ability to learn them in a short amount of time.
 - The client will need to fill out any of his personal information related to him and his knowledge of the application.
- **Constraints:**
 - Personal Information from Mr. Lancaster will be out of the team's control. This includes identity verification.
 - Actual Costs for applying for the trademark and maintaining the trademark are also out of the team's control.
 - The goods and services in the trademark cannot be altered as the trademark is specific once it is fully registered.
- **High-level Risks:**
 - Risk 1 Originality
 - Current team members do not have knowledge of whether something like the current project has already been trademarked before. If team members

are unable to obtain this knowledge, then the provided documentation will be incomplete.

- Probability: Medium
- Impact: High
- Planned mitigation actions: One team member will be assigned to research related trademarks to see how distinct they are from the current project.

- **Summary Milestone Schedule:**

- **Milestone 1: Trademark Document Package (TDP)**

- The team has given the client a completed document revolving around the process of filling out the application.
 - March 2, 2023

- **Milestone 2: Assimilation**

- The team has filled out the necessary requirements in the application
 - March 23, 2023

- **Milestone 3 Revision and Submission**

- The team has fully reviewed everything the team has filled in the TDP with the client and has sent the required draft to the USPTO through the client.
 - April 6, 2023

Stakeholder List:

- Rob Lancaster
 - Rob Lancaster is our client for this project and will be approving our submissions for the application.
- BI Program

- The Bachelor of Innovation program is a part of the school and is connected to the INOV program. They assist students and teams and help them network as needed.
- Adaptive Systems LLC, INOV Team:
 - The INOV team is responsible for providing the necessary deliverables for the project.

Approvals: By signature below, the project team and the client agree to this project charter:



2/17/23

Client

Date



2/12/2023

Team member

Date



2/12/2023

Team member

Date

A handwritten signature in black ink that reads "Alex Lopez". The signature is fluid and cursive, with the first name "Alex" and the last name "Lopez" clearly distinguishable.

2/12/2023

Team member

Date

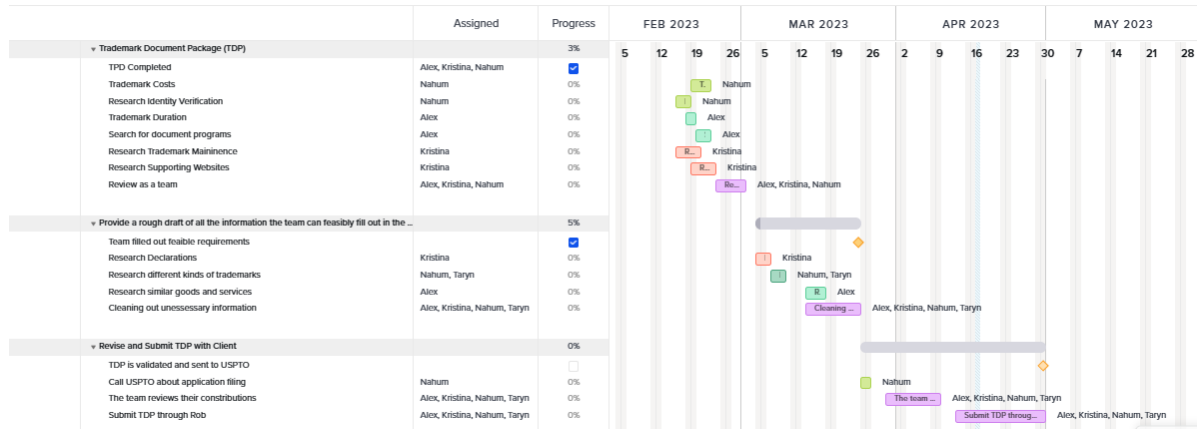
A handwritten signature in black ink that reads "Tanya Benavides". The signature is cursive, with "Tanya" on the first line and "Benavides" on the second line.

3/1/2023

Team member

Date

Appendix B: Project Schedule:



Appendix C: Trademark Document Package TDP):

Trademark Types

Common Law

- Rights created through use;
- Created under state law; and,
- Limited Geographic protection.

Federally Registered Trademark

- Rights created through registration with the USPTOs;
- Created under federal law; and,
- Nationwide protection:
 - The exclusive right to use the trademark throughout the USA and its territories;
 - Puts the public on notice of the exclusive right to use trademark;
 - The Basis for filing an infringement lawsuit in federal court;
 - The Basis for filing a registration in a foreign country; and,
 - Stop counterfeit and infringing goods from entering the U.S.

Filing Basis

A filing basis is the basis in the Trademark Act upon which you have filed your trademark or service mark application with the United States Patent and Trademark Office (USPTO). You must include one or more filing bases in an application. Each “filing basis” has different requirements that must be met before a trademark or service mark may proceed toward registration.

- In your application, you may select from four possible bases:

- **Use in commerce basis** (under Trademark Act Section 1(a)) – you are currently using your mark in commerce with your goods and/or services.
- **Intent-to-use basis** (under Section 1(b)) - you have a bona fide intention to use your mark in commerce with your goods and/or services in the near future.
- **Foreign registration basis** (under Section 44(e)) - you own a foreign registration of the same mark for the same goods and/or services from your country of origin.
- **Foreign application basis** (under Section 44(d)) - you own an earlier-filed foreign application that was filed within six months of your U.S. application for the same mark and the same goods and/or services. This basis is also called a “**foreign priority basis**” because you are requesting a “priority” filing date for your U.S. application that is the same date as that of the foreign application filing date.

Trademark Costs

Almost all trademark fees for any part of the application process are calculated on a per-class for all listed goods and/or services, which will make overall fees higher if goods and services fall in more than one class. The initial application fee for electronic filing has two options:

1. TEAS Plus: Costs \$250 per class of goods/services.
2. TEAS Standard: Costs \$350 per class of goods/services.

The cost of attaining a trademark varies depending upon the filing basis selected and which initial application form is used. The customer should be aware of the following factors to calculate the filing fee for an initial application, before accessing the new application forms:

1. Number of marks: Only one mark may be filed per application.

2. Number of classes: You must pay for each class of goods and/or services in the application. The more classes the customer has for their trademark, the higher the cost.
 - a. For example, if the application is for one mark and that mark is used on goods in two different classes, such as computer software in Class 9 and t-shirts in Class 25, then a filing fee for two classes is required before the application could be approved.
3. Application filing options: [TEAS Plus](#) and [TEAS Standard](#)
 - As of 5/3/23, here is the Trademark fee schedule: [USPTO fee schedule | USPTO](#)

Application options

- a. TEAS Plus:
 - i. Provide all required information when you submit the application:
 1. Applicant's Name and Domicile Address;
 2. Attorney to be appointed for applicants with foreign domicile;
 3. Applicant's legal entity and citizenship;
 4. Filing Basis;
 5. Definite Identification and classification of Goods and Services;
 - a. This is taken directly from the USPTO ID Manual, which is available through the TEAS Plus application form;
 6. Filing Fee per class of all classes listed in the application;
 7. Signed verification by a properly authorized person;
 8. A clear drawing of the mark comprising either:
 - a. A claim of standard characters and the mark, typed in the appropriate field in the TEAS Plus application form.

- b. A digitized image of a mark in special form. If the mark includes color, the digitized image must show the mark in color.

9. Color Claim and description;

- a. If the mark includes color, a claim that the color(s) is a feature of the mark; and a statement in the "Description of the Mark" field naming the color(s) and describing where the color(s) appears on the mark;

10. Description of Mark;

11. Prior Registrations for Same Mark;

- a. If the applicant owns one or more registrations for the same mark, and the last listed owner(s) of the prior registration(s) differs from the owner of the application, a claim of ownership of the registration(s), identified by the U.S. registration number(s);

12. English Translation;

13. Transliteration of Non-Latin Characters;

14. Consent to Registration of Name or Portrait: If the mark includes an individual's name or portrait, either:

- a. A statement that identifies the living individual whose name or likeness the mark comprises, and written consent of the individual; or
- b. A statement that the name or portrait does not identify a living individual;

15. Concurrent Use:

- If the application is a concurrent use application, the application must meet the requirements of [37 C.F.R. §2.42](#);
 - a. Prior to seeking concurrent use, an application for registration on the Principal Register under the Act must assert use in commerce and include all the application elements required by the preceding sections, in addition to § 2.44 or § 2.45, if applicable.
 - b. The applicant must also include a verified statement that indicates the following, to the extent of the applicant's knowledge:
 - i. For a trademark or service mark, the geographic area in which the applicant is using the mark in commerce; for a collective mark or certification mark, the geographic area in which the applicant's members or authorized users are using the mark in commerce;
 - ii. For a trademark or service mark, the applicant's goods or services; for a collective trademark, collective service mark, or certification mark, the applicant's members' or authorized users' goods or services; for a collective membership mark, the nature of the applicant's collective membership organization;

- iii. The mode of use for which the applicant seeks registration;
- iv. The concurrent users' names and addresses;
- v. The registrations issued to, or applications filed by such concurrent users, if any;
- vi. For a trademark or service mark, the geographic areas in which the concurrent user is using the mark in commerce; for a collective mark or certification mark, the geographic areas in which the concurrent user's members or authorized users are using the mark in commerce;
- vii. For a trademark or service mark, the concurrent user's goods or services; for a collective trademark, collective service mark, or certification mark, the concurrent user's members' or authorized users' goods or services; for a collective membership mark, the nature of the concurrent user's collective membership organization;
- viii. The mode of use by the concurrent users or the concurrent users' members or authorized users; and,
- ix. The time periods of such use by the concurrent users or the concurrent users' members or authorized users.

- c. For the requirements to amend an application to concurrent use, see § 2.73: [TFSR \(uspto.gov\)](#)
- d. For the requirements of a concurrent use proceeding, see § 2.99: [TFSR \(uspto.gov\)](#)

16. Multiple-Class Applications:

- a. If the application contains goods/services in more than one class, the application must meet the requirements of [37 C.F.R. §2.86](#)

17. Section 44 (Foreign Application):

- a. In a §44 application, the scope of the goods/services covered by the §44 basis may not exceed the scope of the goods/services in the foreign application or registration.

b. TEAS Standard filing option

i. Use the TEAS Standard if:

1. You don't want to only use the entries of the goods/services from the Trademark manual; or,
2. You don't have the information needed to complete all the required fields in the TEAS Plus Option (mentioned above).

Identity Verification

Identity verification helps deter frauds who make false trademark filings to scam customers of the USPTO. Starting from 2019-present, anyone accessing the Trademark Electronic Application System (TEAS) and Trademark Electronic Application System International (TEASi) must input their identity. Customers must verify their identity if they are either:

1. A trademark owner/corporate officer not represented by an attorney;
2. A US-licensed attorney; or
3. A Canadian attorney or agent.

Applicants must also be sponsored by a verified attorney if they are a paralegal or other support staff working from an attorney.

In general, if a customer wants to file a TEAS or TEASi, they must be logged in to an ID-verified USPTO.gov account. However, some exceptions don't need one. If the USPTO has previously verified anyone's identity through a patent application process, they don't need to verify their identity again, but they may need to select a trademark user role if the USPTO cannot automatically determine the trademark they're filing for. The other exceptions are trademark owners who are represented by an attorney. However, once the attorney's representation ends, the customer must verify their identity once the attorney's representation ends.

As a part of the process, the customer will choose a user role associated with their USPTO account, which tells the USPTO how they're using the filing system and what kind of verification options they need. Trademark owners can file anything they need on their own applications and registrations if they are unrepresented, or they can appoint an attorney to handle these matters.

After the customer fills out their user roles, they can fill out a paper or an online verification form. A paper verification form must be notarized before mailing it to the USPTO. To fill out the **paper verification form**, the customer will need to:

1. Create a USPTO account;
2. Download and complete the paper ID verification form;
3. Present two forms of government identification to a notary public; and,

4. Mail the original, notarized form to the commissioner of trademarks:

Mail Stop EBC

Commissioner for Trademarks

P.O Box 1451

Alexandria, VA 22313-1451.

Expect two to three weeks of processing time. The name listed on your USPTO account must be identical to the one submitted on the paper ID verification form.

When getting started with the **online verification** process, the customer must:

1. Login to their USPTO account;
2. Go to the Trademark account ID verification page by selecting any TEAS link;
3. Choose a user role; and,
4. Select “Verify with ID.me” and follow the prompts on ID.me and either choose the self-service option or Video Chat agent option.

After the customer finishes the online verification form, they should:

1. Turn off pop-up blockers on USPTO.gov;
2. Log out of your USPTO.gov account and clear your browser cache and cookies
3. Close and restart your browser. Log back into USPTO.gov.

Self-service (requires biometric data in the form of a selfie) or through a video chat agent (which doesn't require a selfie). To complete the online process, in addition to a USPTO account, the customer will need:

1. A camera-equipped smartphone, tablet, or computer with an internet connection;
2. A government ID with a name identical to the name on your USPTO account; and

3. Their social security number and permission to access your credit profile header information.

The self-service option takes less than 15 minutes. To complete it, the customer will need to:

1. Take a selfie with your smartphone or computer;
2. Take a photo or upload images of your government-issue-based photo ID; and;
3. Provide your social security number and permit ID.me access to your credit profile header information to confirm you are who you say you are.

If you select the self-service option, the customer will provide biometric data as a selfie. ID.me matches the selfie to the customer's government-issued photo ID using facial recognition (1:1 matching).

The Video Chat Agent option doesn't require biometric data. Instead, the customer will verify their identity in a live video chat with an ID.me representative. The time to complete depends on the volume of customers and estimated wait times displayed.

To complete this process, the customer will:

1. Upload one primary and two secondary ID documents;
2. Provide your Social Security number and permit access to your credit profile to confirm who you say you are;
3. Once the customer's documents have been reviewed, you will receive an email from ID.me inviting you to join a video call with an ID.me Video Chat Agent;
4. The Video Chat Agent will ask the customer a few questions and have them hold up their IDs to the camera so that their identity can be verified. These recordings will be deleted within 30 days (about 4 and a half weeks), and,

5. After verification, you'll receive an email with instructions on how to share your information with the USPTO. Follow those instructions to complete the process.

It's worth noting that ID.me is only used to verify your identity. The USPTO doesn't receive any personally identifiable information from ID.me other than the customer's name.

Classification of Goods and Services

Classes are a way for the USPTO to organize the goods and services used in applications, assess fees, and aid in searching their database of registered and pending trademarks. Although the TEAS plus application form requires the customer to pay all their filing fees upfront, the form automatically selects the correct classification of their identified goods or services. The application filing fee is based on the customer's total number of international classes in your application. Use the ID manual to search for classes already established by the USPTO. If the customer can't find an ID manual entry appropriate for your goods and services, use the TEAS standard form instead of TEAS plus.

For example, you might have a clothing line of golf shirts, dress shirts, and t-shirts. These shirts all fall under the same international class, so a customer's TEAS plus filing fee would be \$250 for the one class. However, if the customer also provides custom t-shirt printing services, they will need goods and services in two different international classes (which would double the fee, making it now \$500).

Likelihood of Confusion Refusal

Any applied trademark can get refused if they have similar names or logos as a previously registered trademark. Additionally, a trademark could also get rejected if it sounds similar to a previously registered trademark. Lastly, A trademark can also be rejected from a likelihood of confusion if two trademarks look like they come from the same commercial source.

If the USPTO concludes that a conflict exists between the applicant's mark and a registered mark, registration of the applicant's mark will be refused on the ground of likelihood of confusion. If a conflict exists between the applicant's mark and a mark in an earlier-filed pending application, the USPTO will notify the applicant of the potential conflict and suspend action on the application pending final resolution of the earlier-filed application. The applicant's mark will be refused on the ground of likelihood of confusion if the earlier-filed application becomes registered.

The USPTO cannot perform pre-application searches or provide advisory opinions about whether a possible conflicting application uncovered in a search will be a bar to registration.

No USPTO employee can provide you with advice as to a preferred course of action. Since procedural, tactical, and financial considerations are involved in the trademark process, you may wish to consult a private trademark attorney for a legal opinion. The USPTO cannot aid in the selection of an attorney.

Things to know when overcoming Likelihood of Confusion

- When the applicant submits our goods and services it would be up to the examining attorney's decision on what gets accepted and/or rejected.
 1. Submit arguments in an office action response to the examiner
 - a. Use arguments to differentiate the meanings of the marks (wordings, weaker elements, etc.)
 - b. Use arguments to determine the goods and services of the applicant compared to the registrant (how related or unrelated they are)
 2. Consent from the registrant
 - a. Customers don't choose this option often

- i. Used when the feats are in the applicant's court.
 - ii. The applicant should only request consent from the registrant if the have priority.
 - iii. Examiner may find a likelihood of confusion since he's bound to what's in the records.
3. Cancel the cited registration
 - a. Depends on if the competing trademark is renewed or not.
 - b. Things to note:
 - i. Check when the registration is up for renewal.
 - ii. Check if there's a way to wait for the opposing registration to get cancelled.
 - c. There is an opportunity to petition for cancellation.

Trademark Duration

A federally trademark lasts 5-6 years after first filed and requires continued use in commerce to stay active. The client must submit a form to renew it 5-6 years after first filing, then once every 10 years after. An unregistered trademark is automatically given to whomever uses it in trade. It requires no filings or forms and is completely free. However, it is limited to your state, and does not allow you to have the trademark symbol (®). Instead, you will only be allowed to use the TM or SM symbols.

Document Programs

Since a drawing of the trademark is required for the application, we will most likely need adobe illustrator, as that is the program that the USPTO prefers for legal documents. All other

forms appear to be available for filing directly through the USPTO website with no other required outside tools.

Trademark Maintenance

You will have to regularly submit proof to the USPTO that the trademark is in use. These specimens will have to be delivered between the fifth and sixth years as well as the ninth and tenth years after the registration date, then every ten years afterwards. These specimens must show clear use in commerce of your trademark, or else you risk the filing being denied and your registration canceled. To renew a trademark, you will have to file a Declaration of Use under section 8, adding on another Declaration of Use under section 9 after the first renewal, and pay the necessary fee.

The Section 8 declaration must include the following:

1. the registration number of your trademark,
2. the name and address of the current owner,
3. a filing fee,
4. if the trademark is still in use, a statement of such, a list with the goods and services connected to the trademark, and an example of how the trademark is being used, such as a tag or label.

If the trademark is not in use, you must include a list of:

1. the goods and services not connected to the trademark,
2. the date that the trademark was last in use,
3. a date for when use in commerce is expected to continue,
4. the reason for disuse,
5. and the specific steps taken to resume using the trademark.

In both cases, a signed and dated statement regarding the provided information's accuracy must also be provided. The fee for this declaration is \$225 per class.

Once the Section 9 declaration is added, the only new addition is that the signed and dated statement becomes a written request to renew the registration, while still being signed and dated to confirm that the information provided is accurate. The fee for this declaration is \$425.

If the maintenance filing is due on a weekend or federal holiday, it will still be considered timely if delivered to the USPTO the next business day. There is also a six-month grace period in which the registration can be renewed with an additional fee, which is \$100 for Section 8 declarations and \$200 for Section 8 and 9 declarations – but the owner fails to file it in this period, the registration will be cancelled.

The USPTO will send email reminders for each deadline, but even when they do not, it is necessary to send in the paperwork, so it would be best to set up a personal reminder system to prevent losing your trademark.

Trademark Status and Document Retrieval (TSDR)

The Trademark Status and Document Retrieval or TSDR is an online application that gains access to the U.S Trademark's various applications; the Trademark application, Extensions of Protection application, petitions, and proceedings. You may get a copy of the trademark by using the Status page or the API. If you are using the Status page, you need to:

- Selecting the number of actions once you move the cursor on the image and right-clicking.
- The actions are copying the image, saving it as, or emailing the image.

If you are using the API, you need to:

- Copy and paste the URL, <https://tsdrapi.uspto.gov/ts/cd/rawImage/78787878/download.zip> into the address bar of your browser and typing in the serial number for the wanted trademark.
- Zip files are a better option for gaining access to multiple files at one time.

The Staus can also be accessed by as HTML and as XML:

- HTML URL is <https://tsdrapi.uspto.gov/ts/cd/casestatus/sn78787878/content>
- XML URL is <https://tsdrapi.uspto.gov/ts/cd/casestatus/sn78787878/info.xml>

The Registration Certificate has been moved recently and it's in the multi-search tab on the right hand of the search bar. It'll be under a check box titled "*Registration certificates*".

The user will also need an API key to access the links above through this site:

API Key URL: <https://account.uspto.gov/api-manager/>

If you have any questions about a file, you may contact the Trademark Association at request using the number 1-800-786-9199 or by e-mail at TSDR@USPTO.GOV. If you need to contact the association regarding a specific case. You may e-mail TICRS_Indexing@uspto.gov, a description of the reason with the USPTO reference number or the serial number.

Tips for When You Apply

- When you file for a trademark almost all of the customer's information that is put in there will be public.
- The owner of the mark is NOT the same as the person filling out the form.
- A drawing of a mark is NOT the same as a specimen
 - Drawing: A depiction of the mark by itself with nothing else surrounding it.
 - Specimen: Describes how the mark is used.

- EX: If your trademark is a service, show evidence of it being used in advertising or marketing materials.
- Put down the goods and services you identify as what you're going to actually use for the trademark.
 - Theoretical usage doesn't count.

Appendix D: Team Feasibilities:

Potential Identifications of Goods and Services

- ID Manual (Used for searches): [TMNG | IDML \(uspto.gov\)](#)
 - NOTE: The important information is the following for the application:
 - Class
 - Description:
 - Indicates the identity of goods or services from the user's search.
 - Status
 - A: The good/service searched for was added to the ID Manual and hasn't been modified since.
 - M: The good/service searched for was modified since its addition to the ID Manual.
 - X: When the good/service searched for was an acceptable identification of goods and services but have more detail in their description than what's required for an acceptable identification.
- Weather Reporting

- <https://idm-tmng.uspto.gov/public-view-record.html?referrer=public&recordId=48166>
- Weather Forecasting
 - <https://idm-tmng.uspto.gov/public-view-record.html?referrer=public&recordId=45172>
- Providing Weather Information
 - <https://idm-tmng.uspto.gov/public-view-record.html?referrer=public&recordId=40482>
- Weather Information Services
 - <https://idm-tmng.uspto.gov/public-view-record.html?referrer=public&recordId=48176>

Similar Trademarks

- **Coloradoya:**
 - **Owner:** (APPLICANT) Entravision Communications Corporation
CORPORATION DELAWARE Suite 6000 West 2425 Olympic Boulevard Santa
Monica CALIFORNIA 90404
 - **Goods and Services:** Entertainment Services that provide weather information.
 - **Filing Date:** May 29, 2022
 - **Published for Opposition:** August 2, 2022
 - **Live/Dead:** Live
- **Nevadaya:**
 - **Owner:** (APPLICANT) Entravision Communications Corporation
CORPORATION DELAWARE Suite 6000 West 2425 Olympic Boulevard Santa
Monica CALIFORNIA 90404

- **Goods and Services:** Entertainment Services that provide weather information.
- **Filing Date:** May 29, 2022
- **Published for Opposition:** August 2, 2022
- **Live/Dead:** Live
- **Local Broadcast Network**
 - **Owner:** (APPLICANT) Local Broadcast Network CORPORATION OHIO 127
N Walnut St Dover OHIO 44622
 - **Goods and Services:** Weather and sports coverage for each region
 - **Filing Date:** June 2, 2022
 - **Live/Dead:** Live
- **America's Weather Center**
 - **Owner:** (Applicant) FOX MEDIA LLC LIMITED LIABILITY COMPANY
DELAWARE 10201 WEST PICO BOULEVARD LOS ANGELES
CALIFORNIA 90035
 - **Goods and Services:** Alerts users of weather and current event news.
 - **Filing Date:** December 20, 2023
 - **Live/Dead:** Live
- **BRUNSWICK**
 - **Owner:** Brunswick Corporation CORPORATION DELAWARE Suite 500 26125
N. Riverwoods Blvd. Mettawa ILLINOIS 60045
 - **Goods and Services:** Weather forecasts related to marine dealerships and point of
interest information.
 - **Filing Date:** March 16, 2023
 - **Live/Dead:** Live

- **STOKASTIC**
 - **Owner:** Awesemo.com LLC LIMITED LIABILITY COMPANY ILLINOIS 20
W. Kinzie, Ste. 17005 Chicago ILLINOIS 60654
 - **Goods and Services:** Weather alerts for sports events
 - **Filing Date:** March 16, 2023
 - **Published for Opposition:** March 21, 2023
 - **Live/Dead:** Live
- For more similar trademarks, please visit this website: [Trademark Electronic Search System \(TESS\) \(uspto.gov\)](#)
 - Click the blue button that says “TRADEMARK” in the top left corner.

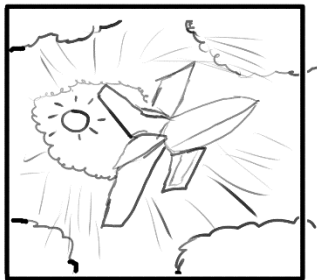
Similar Products:

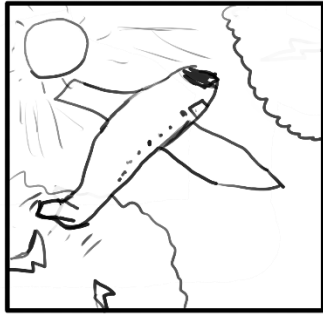
- TAFsMETARs- <https://appadvice.com/app/tafsmetars/1039705613>
- Locast- <https://appadvice.com/app/locast-metar-weather/1313730290>
- Aviation Weather(autopilot studios)- <https://appadvice.com/app/locast-metar-weather/1313730290>
- Aviation Weather(Herman Hoelter)- <https://appadvice.com/app/aviation-weather-metar- taf/1547117882>
- Aviation Weather(Lowe Rauf)- <https://appadvice.com/app/aviation-weather-metar- taf/1214195178>
- Aviator Weather- <https://appadvice.com/app/aviator-weather/1618537429>
- METAR Reader- <https://appadvice.com/app/metar-reader/465765574>
- WatchMETAR- <https://appadvice.com/app/watchmetar/1204622336>
- Takeoff- <https://appadvice.com/app/takeoff-aviation-weather/547046983>

- WindCheck- <https://appadvice.com/app/windcheck/892063425>
- ForeFlight- https://www.sportys.com/foreflight-app-basic-plus-subscription.html?utm_source=ipadblog&utm_medium=referral
- Logo Rough Drafts



- Application Thumbnail Rough Draft





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- “Application: TEAS Standard Filing Option.” *USPTO*, 3 Dec. 2022, www.uspto.gov/trademarks/apply/form-teas-rf-application-trademark-or-service-mark.
- *United States Patent and Trademark Office*. Tsd.uspto.gov/faqview.
- *TFSR*. tmep.uspto.gov/RDMS/TFSR/current#/current/ZZ9Zsb341231.html.
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