



GROW SOUTH CAROLINA

A Step-by-Step Guide to Registering a Federal Trademark

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Protecting Your Brand: What You Need to Know

A federal trademark protects your business name, logo, slogan, or other brand identifier in U.S. commerce. Registering with the **United States Patent and Trademark Office (USPTO)** gives you nationwide legal rights and better tools to enforce them.

STEP 1: Identify What You Will Protect

Decide whether you want to protect:

- A business or product name
- A logo or design
- A slogan
- A combination of the above

Marks must *distinctively* identify your goods/services to be registered.

Learn basic trademark concepts:

👉 **USPTO Trademark Basics** — <https://www.uspto.gov/trademarks/basics/what-trademark-is> (link via USPTO)

STEP 2: Search for Conflicts

Before filing, search the USPTO database to check if anyone else has a similar trademark.

Use the official federal search tool:

👉 **USPTO Trademark Search** — <https://tmsearch.uspto.gov/search/search-information>

Tips:

- Search for exact wording and variations
- Search by goods/services class
- Look for similar logo designs as well

Important: state trademark registration (e.g., via SC Secretary of State) does *not* replace federal search/registration.

STEP 3: Describe Your Goods or Services

Your application must *accurately* describe what you sell.

Use the USPTO's pre-approved descriptions to avoid refusal:

👉 **USPTO ID Manual** (Acceptable goods/services wording) — <https://www.uspto.gov/trademarks/search/id-manual> (via Trademark search & tools)

Each description maps to an “international class.” Fees apply per class.

STEP 4: Choose Your Filing Basis

You must tell the USPTO whether your mark is:

A. Already used in commerce

Provide:

- First use date
- Specimen showing real use (label, website selling products, etc.)

B. Intent to use

If you *plan* to use the mark but haven't yet, file on intent-to-use basis and later submit a Statement of Use.

Official filing form site:

👉 **USPTO Trademark Center** — <https://trademarkcenter.uspto.gov/>

STEP 5: Prepare Your Application

You need:

- Owner name and type (individual or business entity)
- Clear image of the mark (for logos)
- Descriptions of goods/services
- Filing basis (use vs. intent-to-use)
- A specimen (if filing based on use)

Keep all files ready in standard formats before filing.

STEP 6: File Through the USPTO

File your application online via the USPTO Trademark Center:

👉 <https://trademarkcenter.uspto.gov/>

After filing you'll receive:

- A **Serial Number** — save this!
- A confirmation receipt

Fees are charged per class and are not refundable if the application fails.

STEP 7: Monitor Your Application

Monitor status and documents using:

👉 **Trademark Status & Document Retrieval (TSDR)** — <https://tsdr.uspto.gov/>

Check regularly to:

- See pending Office Actions
- Track publication
- View status updates

If the USPTO issues an Office Action, you have deadlines to respond — **do not ignore them.**

STEP 8: Publication & Opposition

If the examining attorney approves your mark, it is published in the **Official Gazette** (USPTO's weekly publication).

During this stage, third parties have 30 days to oppose your mark.

STEP 9: Registration (or Notice of Allowance)

- If you filed based on use: you will receive a **Registration Certificate**.
- If you filed based on intent to use: you will receive a **Notice of Allowance**, and must later file a Statement of Use.

STEP 10: Maintain Your Trademark

After registration, you must file maintenance documents on time:

- **Between years 5–6:** Section 8 Declaration
- **Year 10 and every 10 years after:** Combined Section 8 & 9 renewal

Missing these filings cancels your federal trademark rights.

Check SPF status and upcoming deadlines using TSDR.

Helpful USPTO Resources

- **Trademark Center (file & manage)** — <https://trademarkcenter.uspto.gov/>
- **Trademark Search** — <https://tmsearch.uspto.gov/search/search-information>
- **TSDR (status & documents)** — <https://tsdr.uspto.gov/>
- **Trademark Assistance Center (customer support)** — <https://www.uspto.gov/learning-and-resources/support-centers/trademark-assistance-center>
- **USPTO Trademark Resources & Tools** — <https://www.uspto.gov/trademarks/basics/online-tools>

About GROW South Carolina Services

GROW SC provides free legal information and limited assistance to South Carolina entrepreneurs — including guidance on trademarks — through USC Law students and volunteer attorneys.

Learn more & apply for help:

👉 **GROW South Carolina Program** —

https://sc.edu/study/colleges_schools/law/academics/experiential_learning/pro_bono_program/grow-south-carolina/index.php

Important Notice

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