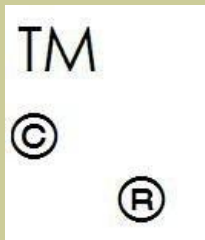


## Law Offices of Anthony Verna

# The Four Items Most People Get Wrong in a Trademark Application

*Protect your intangibles.*



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Many business owners believe they can save money by doing a Federal trademark application. But what they do not know are the pitfalls in filing the application themselves.

- 1. Incorrect Trademark.** Yes, this might seem very basic – but many times, business owners register what they **think** their mark is instead of registering the mark that the business is using.
- 2. Incorrect Owner.** People and corporations are different legal entities. Very often, a small business owner puts himself or herself as the owner of the trademark when it is the corporation who owns and uses the trademark.
- 3. Incorrect Date of First Use.** What is the date of first use? It is the date that the trademark was used on any material related to the goods or services your company sells.
- 4. Incorrect Description of the Goods and Services.** As a part of filing for a Federal trademark, the application must list the goods and services that a mark represents. This list must be **complete**. If the mark is not used in conjunction with **any** of the goods or services listed, then the registration is open to attack.

If any of these items in a trademark application is incorrect, then the trademark application or registration is subject to cancellation.

Fraud Upon the United States Patent and Trademark Office can be triggered by even an innocent mistake. If a trademark application is fraudulent, the trademark application or registration can be **cancelled**.

See an attorney to discuss all aspects of a trademark application – from what the mark really is, to who the owner is, to the first date of use, to the goods and services it represents.

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