

INTELLECTUAL PROPERTY

Q When can a business use the ® symbol with its trademark or service mark?

A Only after the mark is federally registered with the U.S. Patent and Trademark Office (PTO). Until then, a business might use the ™ symbol next to its mark, but should not use the ® symbol. To obtain a registration, an application must be filed with the PTO. The PTO will examine the application to determine if the mark is descriptive or generic as to the recited goods/services, is not misleading or deceptive, does not conflict with prior pending and registered marks, and otherwise satisfies the requirements of registration. A registration often can be obtained within twelve to eighteen months after filing. Contact an experienced trademark attorney to discuss your options.

Ramon Klitzke
Klarquist Sparkman LLP
ray.klitzke@klarquist.com
503.595.5300 | klarquist.com

**KLARQUIST
SPARKMAN** 
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