



Using a Trademark

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Q Must I use a trademark to register it with the United States Patent and Trademark Office?

A Yes—the federal registration system requires use. Trademark rights are obtained by using the mark in connection with the sale of goods/services and providing proof of use to the Trademark Office. Ideally, for goods, use should be directly on the goods or packaging. For services, using the mark in an advertisement or promotional material offering the services for sale is usually enough. Proof of use may be delayed by filing an “intent-to-use” application, provided the business has a *bona fide* intent to use the mark in interstate commerce. An experienced trademark attorney can help you protect your trademark and secure the additional benefits of a federal registration.