

### **Trademark Cost Estimates (Searching, Registration, Policing)**

The total cost associated with preparing and filing a trademark application, as well as maintaining a registration, combines third-party (e.g., the U.S. Trademark Office) fees and fees for my legal services. I charge on an hourly-rate basis, but for some services also offer a flat-fee option. The following provides information about third-party fees, current as of January 1, 2016, and estimates of how much of my time will be required. Please [contact me](#) to discuss my rates.

#### **Availability Searching**

“Availability” or “clearance” searches help to determine whether any trademarks currently in use are likely to conflict with your proposed mark (although they cannot guarantee availability) and range in degree of thoroughness and cost.

At the low end, **for word marks only**, we can conduct “knock-out” searches in-house, billed on a time-spent basis (usually 1 to 3 hours). These are somewhat rudimentary and include searching for identical marks and limited searching for some variations of the mark on publicly available databases, including the U.S. Patent & Trademark Office registry.

Complete availability searches (and all searches for design marks/logos) are outsourced to search firms that can conduct much more thorough searching than we can do ourselves, because they are able to do more sophisticated searching of the same sources we can access (e.g., the Trademark Office database) as well as search a multitude of proprietary databases we cannot access directly. These firms provide only a report of results, not analysis. The fees are as follows (as of January 1, 2016):

#### Word Marks:

- U.S. Screening Search (identical matches only) = \$490
- U.S. Full Search (including full variations) = \$720

#### Design Marks (logos) -- searches of U.S. PTO databases only:

- 1 Class (see below for explanation of “class”) = \$615
- 2 Classes = \$885
- 3 Classes = \$1135
- 4-9 Classes = \$1325

#### Design Marks -- search of common law online databases:

- Web Design Search = \$450

I highly recommend the Full Search for word marks; for some marks, actually, the Screening Search isn't even be worthwhile.

My time to review and analyze search reports can vary significantly, depending on the results. In most cases, I estimate 2-4 hours to review and provide a brief (email) written report.

## **Federal Trademark Registration**

### **Preparing and Filing Applications**

In an application for trademark registration, the registrant must describe the goods and/or services on which the mark will be used. Those descriptions are grouped by "[International Class](#)" (category); the filing fee is \$275 per class.

Intent-to-use applications require additional fees. When an application is approved, the applicant is given a 6-month deadline to submit a Statement of Use. This deadline can be extended for an additional 6 months up to four times. The fee to request an extension of the deadline is \$150 per class. When a Statement of Use is ultimately filed, an additional fee of \$100 per class is due.

I offer billing for my services on either a time-spent basis or flat rate. More time is involved in intent-to-use applications, because more follow-through is required.

For preparing (including correspondence with the client, collecting necessary information/documents, and refining goods & services descriptions), filing, and seeing through to registration one **use-based application**, assuming no Office Actions ("OA") (rejections from the PTO) or other issues/problems, I estimate 2 to 4 hours of time. For **intent-to-use applications**, I estimate 3 to 5 hours, depending on how many (if any) extensions are required.

### **Responding to Office Actions**

It is impossible to provide a generic estimate for responding to Office Actions, as the time required to do so varies tremendously, depending on the nature of the OA. When an OA is received, I will consult with you regarding likelihood of succeeding in overcoming the PTO's objection, strategy, and time required, so that you can make an informed decision about how to proceed.

### **Maintaining Registrations**

Maintenance involves submitting documentation to the Trademark Office during the sixth and tenth years of registration and then every 10 years after that. The current PTO renewal fee is \$300/class.

Unless anything has changed in the way the mark is being used, maintenance of a registration requires no more than 1-2 hours of time (usually no more than one).

### **Policing**

Policing to identify potentially infringing marks is done using an outside company to conduct ongoing "watches." Results are made available online for analysis (these companies provide only the searching, not legal analysis of the results). I typically monitor searches and contact the client if something pops up that concerns me. However, some clients choose, for cost-saving purposes, to reverse the process and monitor the searches themselves, then contact me if they see something that concerns them.

A range of options are available; for most clients, I suggest one of the following options. Fees are as follows:

- U.S. Federal Watch (monitors only applications filed and published with the U.S. Trademark Office): \$490 per mark per year
- Comprehensive U.S. Watch (in addition to Trademark Office records, monitors state trademarks, top level domain names, and common law resources): \$1430 per mark per year

For my time to review and analyze, I estimate for the Federal Watch, from 1 to 2 hours per month of my time, and for the Comprehensive Watch, anywhere from 2 to 5 hours per month, depending on how much turns up on the reports.