



TRADEMARK GUIDE & QUESTIONNAIRE

Thank you for contacting the Trademark Licensing Office about a new name or logo for your Program. This name or logo will function as a “trademark” or a “service-mark,” helping to identify and distinguish your Program (or your department) and the University as the source of the product or service that you are offering or are planning to offer. **This trademark or service-mark (“your proposed mark”) will be owned by the University.**

This *Trademark Guide & Questionnaire* is designed to help you understand the **trademark clearance and registration process**, and make a decision on **whether you should continue or begin using your proposed**

PART I.

PART II. YOUR PROGRAM AND USE OF YOUR PROPOSED MARK

1. What is the principal activity of the Program completing this *Questionnaire* ?

2.

5. If your proposed mark includes both a literal element (word(s), letter(s), number(s), punctuation mark(s), or other typed symbols) and a graphic element (logo(s), design(s), color(s)), please explain whether you anticipate using these elements together at all times, or if they are or may be used separately.

- § Please include examples of use or proposed use of all elements of the mark, as they are used or are proposed to be used together and separately.
- § If any part of the mark is in color, please explain whether the color(s) itself has any branding significance and is an element that you wish to protect.

6. If you are already using the mark, what is the date (day, month, year) on which the mark was used for the very first time, as you described in Section 3 and as shown on the examples of use that you submitted under Section 4, above? Please include all relevant dates. If you have not yet used your proposed mark, what is the date on which you expect to begin its use?

Please note that registration with the USPTO requires actual use of a mark “in commerce.” The most important element “use in commerce” is bona fide use in the ordinary course of offering a product or a service to the public. This use also may not be strictly for internal purposes, although some programs will qualify as “use in commerce” even if they are available only to Vanderbilt students or employees. If the mark is not in use but is expected to be used within the next approximately three to four years, an “intent-to-use” application may be filed, but additional USPTO fees and attorney fees will be incurred, as explained in Part IV, Paragraph 2, below.

7. If your Program is funded by a third party, are expenditures relating to trademark registration and protection consistent with the terms of your funding obligations?

8. Who is the Program's team member responsible for filing (s) (7) (b) (3) (s) (7) (nd) (8) () TJ ET Q q 0 0 612 792 re W n BT C

PART III. COSTS

Your Program will be responsible for all costs of trademark clearance, registration, and registration maintenance. Please read the entire Part III carefully, and please also note the conditions set out in Part IV. The cost to federally register a trademark will vary depending on the

- § The final decision on the format in which the mark should be registered will depend on the results of the trademark clearance review and will be made by the Office of the General Counsel, in consultation with the requesting Program, the Trademark Licensing Office and with the University's outside trademark counsel.
- § After an application is filed, it will undergo several stages of examination at the USPTO. As a result, the time to complete a registration, from the time of the application filing and through the receipt of the Certificate of Registration, varies. This time period may be as short as seven months in an application where no substantive issues are raised, to as long as 18 months longer, in an application where either the USPTO, or a third party raises objections to registration

4. Application Examination . Following the filing of the application, it will go through several stages of examination and other

5. **Publication** If the mark is approved for registration, it will be published in the **Official Gazette** 30 days, to allow any third parties who believe they may be damaged by this registration, to oppose it; attorney fees for reviewing and reporting a Notice of Publication
6. **Certificate of Registration** If opposition is filed during the publication period, the USPTO will issue a Certificate of Registration for the mark, within approximately six to ten weeks following the expiration of the publication period; attorney fees for reviewing, verifying and r

PART IV. GENERAL CONDITIONS

The following statements address the most common issues and questions related to trademark registration and enforcement. Other issues may be relevant to the clearance, registration and enforcement of the proposed mark and addressing such issues may result in additional expenses to the Program. Appropriate action will be determined in each instance by the Office of the General Counsel, in consultation with the Program and the Trademark Licensing Office.

1. An application may be filed even before use of a

8. In an event of misuse (infringement) of the mark by another party, legal action to enforce the University's mark may be necessary. Such action must be first approved by the Office of the General Counsel and may incur **additional expenses** to the Program.
9. Please note that you will need to comply with all instructions by the Trademark Licensing Office and the Office of the General Counsel on the proper format for your mark, including the applicable branding standards and trademark and registration symbols. In general, you may use the symbol TM with your mark if your mark identifies a product (including any merchandise), and the symbol SM if your mark identifies a service. These symbols may be used while your application with the USPTO is pending and even if an application has not (or has not yet) been filed. You may

PART V. ACKNOWLEDGMENT

The undersigned have reviewed the above responses, considered the estimated expenses, and communicate with the Trademark Licensing Office and a trademark attorney retained by the Office of General Counsel, in consultation with the Trademark Licensing Office, about the continued or proposed use of the clearance, and/or the registration with the U.S. Patent and Trademark Office of the trademark mark described in Part I, for _____