



Trademark Specimen Guide



Specimens are how you USE your trademark
A Trademark will not register until you can show proof of USE.

Trademark- mark - name, logo, tagline/slogan, sound, scent

Specimen = Proof of Use; evidence of how you use your trademark in the marketplace with goods or services; what consumers see when they are considering whether to purchase your goods/services.

Use = In commerce + In connection with mark

In commerce = the exchange of or the buying or selling of something with economic value (i.e. goods, service, money)

Why does it matter? How you display your marks alongside your goods/services is how you establish your brand identity. It's how consumers know you are the source of the goods/services you offer. It's what sets your brand apart from others.

Acceptable Specimens for Goods

Label or tag attached to goods
Product container or packaging
Website displaying mark where goods can be purchased/ordered

Acceptable Specimens for Services

Advertisement, Brochure, Website Printout, Promotional Material which shows your mark and services
Business signs where services are rendered showing mark
Service vehicle showing mark
Acceptable Format of Specimen
Photograph
Scanned Copy
Screen Capture
Printout of Physical Specimen



Examples of Unacceptable Specimens

- Is not illegible or clear
- Does not show entire mark
- Does not show exact mark (i.e. - is a variation of the mark)
- Does not show the mark used with the goods/services applied for
- Does not show your own use of the mark
- Doesn't show actual use of the mark
- Printer's proof
- Digitally created or altered image or mock-up
- Material used only to conduct your daily business of selling goods (e.g. packing slips, business stationery, order forms, waybills, and bills of lading)
- Only a drawing or depiction of mark
- A webpage that doesn't include the URL
- Shows your goods have not yet been sold/transported (e.g. pre-sale orders for goods not yet available)

Tips

- Specimen must depict same mark as shown in your application
- Must be exact mark
- A specimen depicting a stylized mark where a standard mark is applied for is acceptable
- For screen capture of website, mark, goods and services, and point of sale (cart) must be in one/same shot
- When relying on a screenshot of a webpage, have your designer lock your logo/mark so it travels as you scroll the page. This will help you capture the mark with the goods/services.



Real Life Examples of Acceptable Specimens:

Label/Tag

- Photo showing mark on a label sewn on neckband of t-shirt
- Photo of goods with trademark on the label
- Label doesn't have to be attached if it clearly shows actual use in commerce (mark, informational matter such as net weight, volume, UPC bar codes, lists of contents or ingredients etc.)

Product Packaging

- Photo of product box/container with mark (e.g. - cookies, laundry detergent, shampoo bottle)

Sales Display (where goods are sold)

- Hats on display showing mark and price
- Jewelry on display showing mark and price
- Hair care products at salon showing mark and price

Webpage

- Necklace for sale with mark on or in close proximity to the necklace, price, and shopping cart-button

Software as goods

- Software launch screen with mark in an introductory message box
- Website with mark (in title bar) and enough information to download the software



Online advertising or Printed Matter

- Photo or screenshot of newspaper or online advertisement for financial services

Television and Radio commercials

- MP3 file of a TV commercial for goods or services (e.g. - massage therapy)

Marketing material

- Scanned copy of brochures and leaflets advertising or marketing dog grooming services

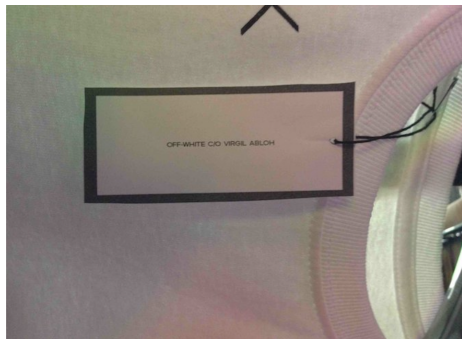
Signage where services are rendered

- Photo of van for mobile detailing services

Material used in providing/rendering services

- Photo or scanned copy of a menu for restaurant services
- Photo of band performing with brand's name displayed during performance
- Title and launch screens for television or web programs and video game entertainment services
- Invoice showing mark (name or logo) and goods/services (e.g. - legal or accounting services)

Label Tag



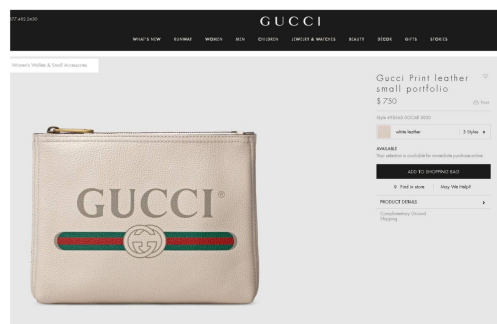
Product Packaging



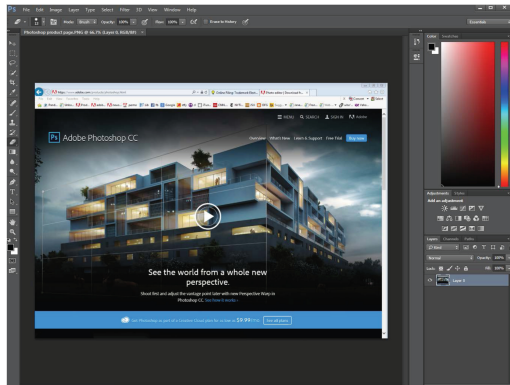
Sales Display



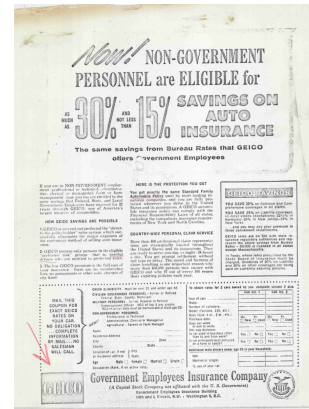
Webpage



Software as Goods



Printed Material



Marketing Material



Signage



Material used to Provide Service

