Eisenführ Speiser

Leaflet
Trademarks in the United States of America

Duration

The duration is 10 years from the date of issue, indefinitely renewable for periods of 10 years.

Compulsory use

A registered mark must be used. Non-use for more than 3 consecutive years, after the registration date, shall be a prima facie evidence of abandonment of the mark. Use must be a bona fide use of the mark in the course of trade, and not made merely to reserve a right in the mark, a token use not being sufficient.

The registration of the trademark shall be cancelled at the end of 6 years following its date of issue, unless within 1 year next preceding the end of this 6-year period the owner of the registration files an affidavit setting forth those goods or services recited in the registration on or in connection with which the mark is in use in commerce attaching to the affidavit a specimen (one for each class) showing current use of the mark, or showing that any non-use is due to special circumstances which excuse such non-use.

Use in commerce' means use in commerce with the US (from a foreign jurisdiction) or use in interstate commerce within the US (state to state), so that use exclusively outside the US is not sufficient to maintain a registration in force.

Marking

Products, labels, and advertising materials in the United States bearing the mark should include the registration symbol ® directly next to the mark. The ® symbol should only be used with the goods and services included in the registration (which are listed in the Certificate of Registration). In some cases if the symbol is not used, damages in the case of infringement by a third party may not be available.

Licenses

Trademarks may be licensed by the owner to third parties provided that the owner retains quality control of the use of the trademark to ensure that the use is consistent. Failure to properly oversee quality control of use of a trademark by a licensee can result in the abandonment of the trademark.