

Best Practices to Care for your Trademark and Protect your Rights

Congratulations on becoming an owner of a United States registered trademark! Below you will find “Best Practices” to care for and protect your trademark.

Best Practice	How:
Use your Mark	Actually use your mark! It is important that you use your mark continuously in order to maintain your mark and prevent it from being considered “abandoned.”
Use your Mark Properly	<p>Use your mark properly! If your mark is used incorrectly it runs the risk of becoming weak and “generic,” thus unprotected.</p> <p>Never use your mark as a verb or noun, or it risks “genericide”, which means your mark loses its ability to identify a particular brand (i.e. “escalator”: an “escalator” is now a general term to describe the product, which is a moving stairway. Such mark has become unprotected due to improper use.). Always capitalize your mark, and be sure to educate your employees and the public of the proper use of your mark. Use the ® symbol after your mark whenever possible, but especially the first time the mark is used in a document.</p>
Monitor and Police your Mark	<p>Throughout the life of your trademark, you must monitor and police your mark to ensure it is being used correctly and not without your permission.</p> <p>Policing and monitoring the use of you mark by others can be done by doing simple online searches, through trademark watch services, or by conducting research of your own through various types of surveys. Contact Innovation Partnership Services (IPS) for strategy for monitoring the use of your mark.</p>
Prevent Others from Using your Mark	In the event you find a misuse of your mark, you then must enforce your mark and take steps to prevent such misuse . You must actively pursue those who infringe on your mark through various legal means, such as sending notices through “cease and desist” letters, or filing lawsuits where necessary or you may need to grant infringers permission to use the mark. In the event you find a misuse of your mark, please contact IPS and we will discuss strategies for dealing with any infringers.
Maintain your Mark through Renewals	<p>Your federally registered trademark lasts for 10 years, and as a trademark owner, you must take steps to continuously maintain and preserve your mark.</p> <p>For a trademark registration to remain valid, certain maintenance documents must be filed between the 5th and 6th year following registration, and within the year before the end of every 10-year period after the date of registration.</p> <p>The USPTO does not send out reminder notices for when the maintenance documents are due. However, outside counsel and IPS will mark important dates so that we can file appropriate maintenance documents and we recommend that you also note the dates for your records.</p>
Incontestable Status	If, after 5 years , your mark has been in continuous use, you have the option to file for the status of “incontestability” which gives your mark heightened protection by making it very difficult for others to challenge the validity of your mark.