



Make.Your.Mark

2023 INTENT TO USE TRADEMARK PACKAGE

INTENT TO USE APPLICATION

If you are not using your trademark (brand/product name, slogan/tagline, or logo) in commerce yet, you cannot get a trademark. To get a trademark, you must show proof that you are using that trademark in association with your product or services.

So what can you do?

If you have a good faith intent to use that trademark in the future, then you can file an “Intent to Use” Application - putting others on notice of your intent to obtain a federal trademark.

Benefits:

There are several benefits of an Intent to Use trademark.

Here are just a few:

- Getting an earlier filing date and perhaps a jump on competitors.
- Potential avoidance of trademark infringement claims since actual use has not begun.
- Discover if a trademark is considered generic or descriptive prior to use.
- Puts public on notice of your intent to use a specific trademark in commerce.

Please note that filing an Intent to Use trademark application will not result in registration on its own. Instead, it will get the process started so you can go through an examining attorney. You’ll still need to prove actual use prior to receiving full federal protection.

Timeline:

- **Day 1:** You file your Intent of Use trademark.
- **3 Months after filing:** Your application is assigned to a USPTO examining attorney.
- **1 Month after assignment:** Your application is approved and your trademark is published for opposition or an office action issues.
- **3 Months after publishing:** If no opposition is received, a Notice of Allowance issues.

- **6 Month deadline:** Within 6 months of filing, you'll need to file a Statement of Use (SOU) or request for extension must be submitted.
- **1 Month after filing SOU:** The USPTO reviews your submitted evidence.
- **3 Months later:** Application registers.

If you start using the trademark before your Intent to Use application is approved, you can file a different application called the Amendment to Allege Use to start the federal trademark protection process.

Number of Classes	Attorney Fee	Govt. Application Fee *	Total **
One Class	\$1,800	\$350	\$2,150
Two Classes	\$2,050	\$700	\$2,750

The Intent to Use Package includes:

- **U.S. trademark search for one trademark** (plus a complimentary 2nd search if the initial trademark is unavailable)
- **Preparation and filing of one U.S. Intent to Use application for one class** (additional classes cost extra as noted above)
- **Trademark application monitoring** and updates
- **Preparation and filing of one U.S. Statement of Use or Amendment to Allege Use per one class** (additional classes cost extra as noted above)
- **Unlimited support via email** regarding your trademark
- **Responses to all Office Actions** from the U.S. Patent and Trademark Office (aka "USPTO") – *this includes non-substantive responses only and any additional govt fees to file the response(s) are also not included and will be charged separately*
- **20-minute phone call** regarding any office actions
- **A trademark registration certificate** from the USPTO
- **Trademark Maintenance Guide**

* This includes the Notice of Intent fee (\$250) and the Statement of Use (\$100) or Amendment to Allege Use fee- per class (\$100). Please note, Sometimes we are unable to file for \$250 and will need to charge you \$350 for the government filing fee. We will inform you *before* proceeding with your application for additional payment.

**Additional Government Fees to be aware of: If you do not start using your trademark (and we are unable to file the Statement of Use) within 6 months of filing the application, then a request



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for extension must be filed, which costs \$125. In some circumstances, the USPTO will required you to pay additional fees to respond to an office action - the above prices do not include these additional fees.

- **WHAT IS A TRADEMARK CLASSIFICATION?** Classes are categories that your application is required to be filed in based on your products or services. It is similar to the departments in a store. Stores categorize merchandise into departments to help you find the products that you are looking for, like household appliances, women's clothing, or bed linen. Each additional class requires an additional fee for the attorney's fees and government application fees. If you do not know how many classes you need you may purchase the package for one class and add any additional classes *before* we file your application. The attorney will let you know how many classes you need after conducting the trademark search. *If* your goods and/or services are in the Trademark ID Manual, we can reduce your filing fee from \$350 to \$250.

HOW TO GET STARTED:

⇒ **STEP ONE: PURCHASE A MAKE.YOUR.MARK PACKAGE**

If you're reading this, you want to own your brand - before you start using it! You have a brand or product name, slogan/tagline, or logo that you want to use, but you just are not quite there, but you don't want to wait and see - you are ready to start the process and call first dibs. The first step is to purchase one of the Intent to Use trademark packages – see the next page.

⇒ **STEP TWO: CHECK YOUR EMAIL**

We will send you a trademark questionnaire and contract to complete. This is the information that we will use to do our research and complete the application.

⇒ **STEP THREE: CONSULT**



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We will schedule a free consultation to discuss your trademark needs. Any additional classes will be invoiced separately if needed.

⇒ **STEP FOUR: LET’S DO THIS!**

Let us do the heavy lifting – we will conduct our research, finalize the class selection and application, and make sure that everything is complete. Basically, we will do a bunch of legal mumbo jumbo to get the application ready and get it back to you for final review and feedback. Then, we submit the application and...the waiting begins.

⇒ **STEP FIVE: THE WAITING GAME**

This is where you sit back and relax. We will monitor the application and respond to any non-substantive questions or Office Action letters from the USPTO – please note, this whole process can take up to a year (or more) but we will keep you updated the entire time.

⇒ **STEP SIX: READY TO USE**

Within 6 months of you filing your application, you’ll hopefully have started using your trademark in commerce so that we can file your Statement of Use or Amendment to Allege Use to get your official federal trademark process started. If not, we’ll need to file a request for extension.

⇒ **STEP SEVEN: CELEBRATION**

You will get an email from us when the registration is complete. We will send you an electronic certification and this will allow you to start using the coveted registration mark - ®. We will also mail your certified copy a few weeks later via U.S. mail. A big congrats – you are the new owner of a registered trademark. We will send you a guide on how to maintain your trademark.



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2023 TRADEMARK PACKAGE OPTIONS

NOTE: THIS IS ONLY IF YOU ARE NOT YET USING YOUR TRADEMARK IN COMMERCE. THIS OPTION GETS YOU FROM THE CALLING DIBS ON YOUR MARK (BEFORE YOU ARE IN THE MARKETPLACE) TO FULL REGISTRATION ONCE YOUR GOODS/SERVICES ARE IN COMMERCE.

One Intent to Use Trademark (One Class): [Buy Here](#)

One Intent to Use Trademark (Two Classes): [Buy Here](#)

Note: If you think you need more trademarks/classes, just reach out to us and we can send you a separate invoice to get started.

Check out our: [Frequently Asked Questions](#) (at the bottom of the Legal Services page)

Please review our [Terms & Conditions](#) and [Privacy Policy](#) before you purchase.



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WHAT ELSE SHOULD YOU KNOW?!

Claiming your mark is very exciting...it is like telling others- THIS IS MINE!!!!

You get to claim your unique brand identity and set yourself apart from the competition.

However, it's important to note that maintaining your trademark is crucial for keeping it valid and effective. **Before we file your trademark, I don't want you to feel blindsided by these other cost considerations.**

This involves renewing it regularly, vigilantly monitoring for infringement, and potentially hiring legal representation to defend it in case of any disputes.

- Renewal Costs: Between years 5 and 6, you must file more paperwork with the USPTO to claim that your trademark is still in use. You will fill out a Section 8 declaration and pay \$225 for each applicable class. Then, between years 9 and 10 (and every 10 years thereafter), you must submit a combined Section 8 declaration and Section 9 declaration for renewal, with a \$525 per class fee.
- Monitoring Costs: This can simply be you monitoring the USPTO website or online for infringers. Or, you can hire trademark monitoring services, which vary in cost but are typically around \$395 per year.
- Legal Representation: Oftentimes, you'll hire a lawyer (or DIY) to prepare a cease and desist/demand letter to send to trademark infringers. If they don't stop, you may need to pursue legal action.

These steps are essential for ensuring that your brand stays strong and protected, and the benefits of having a trademark far outweigh the costs.

So, have us file your trademark (while being well-informed) and bask in the glory of owning your very own business brand!



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