



Intellectual Property Law Update

A Publication of the Intellectual Property Group of Holme Roberts & Owen LLP

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MORE EFFICIENT TRADEMARK SEARCHES

Before you expend significant resources developing goodwill in a new name for a product or service, it is advisable to determine if there are any trademarks in use by others that may be confusingly similar to your new name. Performing a trademark search before you begin use of, or file a trademark application for, your new name can help you to identify other trademarks that may be confusingly similar to your proposed new name.

HRO recently hosted a roundtable discussion sponsored by the **International Trademark Association (INTA)** on trademark search strategies for companies. One search strategy discussed at the roundtable is for a company to perform an initial trademark search on its own before contacting legal counsel. An initial search performed by a company can help to eliminate from consideration trademarks that are already in use by others. In doing so, an initial search can often help to reduce legal fees by increasing the effectiveness of follow-on searches performed by legal counsel.

There are many tools available on-line to aid companies in performing initial searches. Several of these search tools are listed below:

Uses of the Selected Mark in Commerce:

- www.google.com—search engine and directory
- www.altavista.com—searches images, video, audio and news
- www.dogpile.com—searches metadata in multiple search engines
- www.hoovers.com—provides business and financial information

Online Trademark Search Services:

- www.lexis.com—fee-based database and search engine
- www.nameprotect.com—free database for registered U.S., Canadian and European trademarks and domain names
- www.uspto.gov—free database for registered U.S. trademarks
- www.thomson-thomson.com—fee-based search service

An initial search can be helpful in limiting your pool of potential new trademarks. The law suggests, however, that following the initial search with a comprehensive trademark search that is reviewed by legal counsel, can help avoid a claim of willful infringement if a trademark is later found to infringe the rights of another party. A comprehensive search examines both state and federal trademark applications and registrations, while also handling the more difficult task of examining trademarks that are in use but are not yet registered.

HRO attorneys regularly assist clients in performing both initial and comprehensive trademark searches. Please contact one of the HRO attorneys listed on this HRO Client Update for more information on this topic, or for information on performing a trademark search.

This Update is a publication of Holme Roberts & Owen LLP and should not be construed as legal advice or a legal opinion on any specific facts or circumstances. Nor is it intended to address specific issues that may arise in particular circumstances or all of the provisions relating to the subject matter addressed. This Update is published for general information purposes only, and you are urged to consult legal counsel concerning your own situation and any specific legal questions you may have.

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