

**A GUIDE TO
STARTING OR ENHANCING YOUR OWN BUSINESS**



The Meek Shall Inherit The Earth

**Provided For NEW Entrepreneurs As Well As Those
With Preexisting Businesses**

by

Jonathan Bey

Lawful Commerce Is The Life Blood of A Nation

Moors are and have always been creative by nature. In that we are not like others merely emulators, duplicators, replicators nor perpetrators; we Moors are in fact the original creators of all Arts, Sciences, Social, Political, Mathematical, Numerological, Chemical, Agricultural, Grammatical, Philosophical, Astrological and Spiritual matter. It's simply a natural aspect of our Genome to create and prosper by way of the manifestations of our creative intellect. It is UNNATURAL for us not to be anything but self-sufficient! And now that we are reestablishing ourselves and the Renaissance of our New Era of ReEnlightenment, resources such as the MoorishDirectory.com are being competently established to facilitate your needs and requirements to again compete, succeed and prosper in all endeavors; which of course includes economically. The Moorish Directory is a solid resource to help ensure that you no longer merely survive, but instead thrive and again grow economically prosperous and flourish as our God Allah has always intended and is now manifesting through you as prophesied. This Guide has been designed, constructed and provided to facilitate a means to aid and serve you in your efforts towards creating your own profitable business opportunities.

Legal Disclaimer

Although the well researched valid information and compiled strategic tips presented here will aid in ones appreciation of certain legal facts which if taken into consideration would undoubtedly prove most beneficial to anyone thinking about starting their own business, no statement(s) expressed within the course of this presentment should in any manner be misconstrued as "Legal Advice".

WHEN STARTING YOUR OWN ENTERPRISE

**FIRST AND FOREMOST PROCLAIM YOUR
NATIONALITY**

CALLING ALL ENTREPRENEURS

A quick plug before we begin: This e-book chocked to the brim with helpful information that has been consolidated in a manner to get you laterally up and running in no time flat. As a do it your self oriented sort of individual or group you will find contained within these pages a precise and detailed roadmap to success. For those who may need a little more assistance we're taking this opportunity to remind our readers that when it comes to your marketing or the actual production of your National Quality multimedia production needs, the MoorishDirectory.com has a number of well vetted highly competent qualified **Moorish** Professional Resources ready at your disposal. With the understanding that keeping ones economic resources recycling within their given community for as long as possible is a proven key to the overall economic health of their community, we like to stress the importance of this fact as being one of the first consideration any new entrepreneur should understand and adhere to when ever possible.

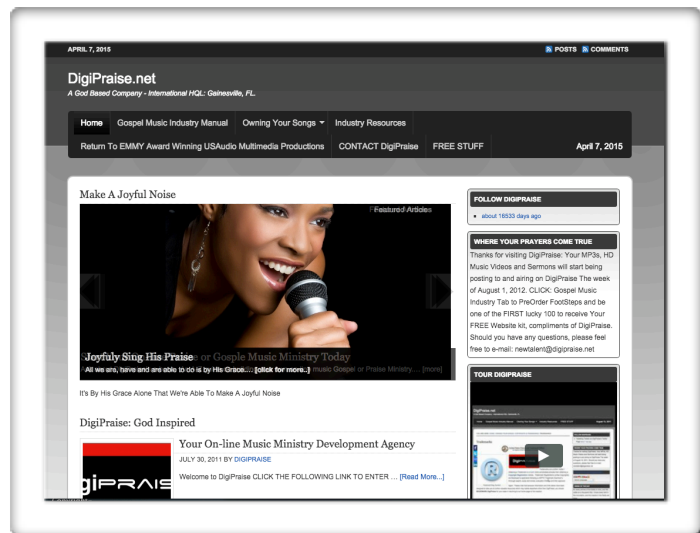
So, in the sprit of the above, before jumping right in to our first subject **“PROTECTING YOUR IDEAS, THE VALUE OF UNDERSTAND YOUR INTELLECTUAL PROPERTY RIGHTS”** we would like to give this quick reminder that in addition to a variety of advertising spaces (print, graphical and multimedia/video slots which are expected to be made available very soon, the presenters of this material have teamed up with EMMY Award Winning professionals at MOOR Media to be their for you if needed, to assist in ensuring that your Market Placement, High End Graphic, National Quality Film, Original Music and Multimedia needs are handled from start to finish in the most professional manner at a price more reasonable price than you're likely to find from any comparable Industry professionals.

So, after you've had an opportunity to study up on all of the valuable information contained in this guide, we'd love for you to keep in mind the readily available professional resources in your own community. And yes, MoorMedia also offers Original Website Design and full implementation.

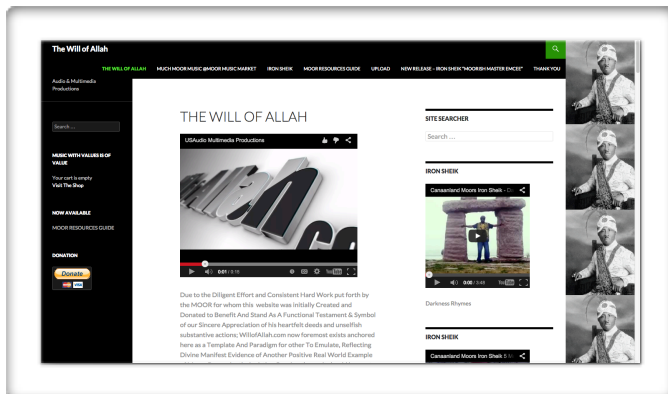
For more information or to talk with one of our knowledgeable producers, simply give us a call (352) 2813196



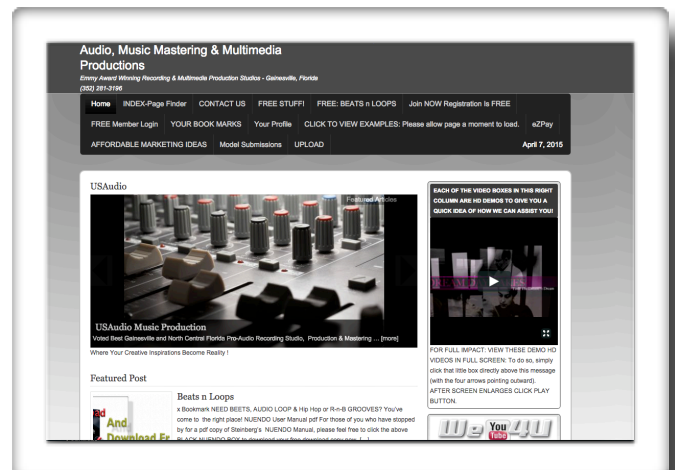
WE'RE STANDING BY TO GET YOU STARTED TODAY!



Let us know how we can assistance in getting your business started today!



Don't simply continue dreaming. Start your tomorrow TODAY!



WARNING!

Be “VERY” Careful! Before giving your hard earned financial resources to any company simply to assist you in the process of getting your New Idea or Novel Invention Patented or marketed to producers or the general public at large, never just go with a familiar face. **Do your diligent research on how it really works!**



INVENTHELP
CELEBRATING OUR 30TH ANNIVERSARY



What's your idea for a new invention?

We will submit your idea to companies!



Our promise to you:

PROTECTING YOUR INTELLECTUAL PROPERTY - HOW IT REALLY WORKS!

READ ON

UNDERSTANDING INTELLECTUAL PROPERTY

GOD BLESS THE CHILD THAT HAS ITS OWN

Following this brief introductory regarding **PATENT'S, TRADEMARKS & COPYRIGHTS** is a One Stop List of Links that have been compiled to provide you direct access to official brochures covering all of the major Intellectual Property categories.

Reminder: No information contained on this site should be construed as Legal Advice. **This e-book DOES NOT provide Legal Advice! It provides factual information for your common sense usage.**

All of the information and links provided herein are for educational resources only. Although most of the following information are actual quotes from official resources, accuracy of the information should be checked and verified against the most current information provided by said resources to insure that you acquiring the most valid and recently updated information in that all of the information provided via official sources are always subject to modification. For most timely, accurate and up-to-date information, researchers should always refer to the officially published source material to insure their receipt of the most accurate and current information available. Also, Moors reading this information should understand that the use of certain terms herein such as "United States" are use in their most commonly used manner.

PRACTICAL BASIC DEFINITIONS

INTELLECTUAL PROPERTY

- noun Law |,ɪn(t)ə'leɪk(t)ʃ(əw)əl 'prɒpərti|

A work or invention that is the result of creativity, such as a manuscript or a design, to which one has rights and for which one may apply for a patent, copyright, trademark, etc. and do so in your OWN, Bey, EI, etc. . . .

PATENT

- noun |'patnt|

A government authority to an individual or organization conferring a right or title, esp. the sole right to make, use, or sell some invention: he took out a patent for an improved steam hammer.

TRADEMARK

- noun |'trād,märk|

A symbol, word, or words legally registered or established by use as representing a company or product.

COPYRIGHT

- noun |'kăpē,rīt|

The exclusive legal right, given to an originator or an assignee to print, publish, perform, film, or record literary, artistic, or musical material, and to authorize others to do the same: he issued a writ for breach of copyright | works whose copyrights had lapsed.

A particular literary, artistic, or musical work that is covered by copyright.
adjective

protected by copyright: permission to reproduce photographs and other copyright material.

verb [with obj.]

secure copyright for (material).

We'll provide our more comprehensive explanation of the above terms in reverse order for reasons that may become more clear as we go forward.



“COPYRIGHTS” unlike Patents are **not granted nor bestowed** by the Government.

Your Original Idea's Are Your Valuable “INTELLECTUAL” Property.

That's the legal name for Patent, Trademarks and Copyrights.

And, although copyrights may not be thought of the most powerful of the the tree Intellectual Property category, it may in practicality very well be. Some what of an amusing way to think of and aid in remembering and appreciate how and why Copyrights hold the enormous power they do can be explained with this short illustration: If an artist paints a picture upon the side of the cow, the artist has at that point in time establish his or her copyrights. What! You might ask. You see the reason why this short illustrative mental visualization works so well is because it sustainably places the basic facts regarding Copyrights in your mind one you understand that **“AFFIXING AN IDEA TO A MEDIUM ESTABLISHES COPYRIGHT”**.

Everything Which Comes Into Being Begins As An Idea (ALL IS MIND)

Your thoughts are your own. Appreciating that the term “An Original Idea” means that *The Idea Came Forth Into Being From Specified Origin*; “the

mind” of an individual or collective which Originated the idea. “AFFIXING” the idea to a medium simply means that the idea was placed upon or “AFFIXED TO” another item (which is called a medium) which serves as proof of its actual existence as (after being “AFFIXED) now more than simply an idea, concept or thought. So, . . . **back to the COW!** The cow in



the photo is “THE MEDIUM” or the thing or item upon which the artist’s rendering of the land masses of the world have been rendered or “AFFIXED”.

Immediately upon the moment when the thought (in the mind of the artist) is made

manifest or “AFFIXED” into the realm of this physical reality as in the manner in which **the medium provides proof** of that event (the thought becoming reality) having occurred, copyright and ownership are established.

Going forward . . . The artist could have very well just as easily painted the words to a short story, screen play, a poem or number one rap song destined to go platinum, or blueprint for the next big idea to make a GAZILLION BUCKS and change the face of the world as we know it. Whatever the original though may have been. Once a facsimile of that particular idea has been transferred from the mind of its creator into the (so called) "real" world,

Intellectual Property Rights have been established. And now, as "property", belongs to its originator. The idea now has an actual computable monetary value separate and distinct from the medium upon which it has been "AFFIXED" to. Did I mention government anywhere? Nope! So now you can see, understand and appreciate why establishing copyrights has nothing to do with the government. So what is the function of the Copyright Office you might ask. The Library of Congress' Copyright Office is simply a depository; a Recordation Resource Facility, facilitating a resource in which to house for safe keeping governmentally verified record of your "CLAIM" to the rights you have establish through the action of having brought whatever concept it may have been into actual fruition. The copyright Application is not a request to receive copyrights, it is a request to have your proof of copyrights registered. The "application" is for all intent and purpose a Writ of Particulars in which you are requesting be certified and held should you in the future ever have a need to verify the or show proof of the DATE of your creations manifestation. The FILING DATE of your claim is certified as part of the application recordation process. This establishes what may be used as commonly accepted means of proof that you are the properties true creator, property owner. Filing a copy of the original along with your statement of claim (*application*) establishes a government secured record denoting proof of origin. So Rapper, you may want to consider being careful free-styling in public without ensuring that you are in some manner recording your performances. The lyrical expressions that you are creating

anything until such time that the performance is recorded in some manner to a medium. Be it a video, audio recording or written on the side of a cow, the ideas you express are not considered established as being tangible (*real to the touch*) until such time that they have been "AFFIXED" to a medium. With that said: In addition to the Copyright Office's electronic filing systems, copyright applications can also still be filed by mail. When filing electronically one of the most important things to remember is to make sure you use the proper filing formats as indicated below.

Copyright Office Forms

Primary Registration Method

Registration with Electronic Copyright Office (eCO)

To file a claim to copyright in your work, it is recommend you use the Copyright Office online system.

Before using the service, we recommend you first read [eCO Acceptable File Types](#), [eCO Tips](#), [eCO FAQs](#), or [eCO Tutorial \(PowerPoint\)](#) [eCO Tutorial \(PDF\)](#).

Advantages include:

- Lower filing fee of \$35 for a basic claim (for online filings only)
- Fastest processing time
- Online status tracking

- Secure payment by credit or debit card, electronic check, or Copyright Office deposit account
- The ability to upload certain categories of deposits directly into eCO as electronic files

Processing Time: The time the Copyright Office requires to process an application varies, depending on the number of applications the Office is receiving and clearing at the time of submission and the extent of questions associated with the application. Visit The [LOC](#) For Current Processing Times.

Alternate Registration Methods

1) Registration with Paper Forms

The fees for a basic registration using one of these forms is \$65 payable by check or money order. Form CON (continuation sheet for applications) is also still available in paper. Paper forms are also available by postal mail upon request mail.

Literary

- [Form TX](#)

Visual Arts

- [Form VA](#)

Performing Arts

- [Form PA](#)

Sound Recordings

- [Form SR](#)

Single Serials

- [Form SE](#)

2) Registration with Fill-In Form CO

Form CO, which replaces Forms TX, VA, PA, SE, and SR. Simply complete Form CO on your personal computer, print it out, and mail it along with a check or money order and a copy(ies) of your work. The fee for a basic registration on Form CO is \$50.

Note: Form CO cannot be used for group registrations. Visit the LOC for more info regarding group registration forms.

Copyright Office application forms are available in PDF format and must be viewed with **version 8** or higher of the free [Adobe Acrobat Reader](#) program.

[Form CO](#)

[Form CO Instructions](#)

[Form CO FAQ](#)

Important Note: Please inspect your printed form to confirm that 2-D barcodes like the one below appear on each page. The barcodes must appear clearly and be free of any distortions, smudges, or fading. If such problems appear and cannot be corrected after checking your printer, do not submit the form.



ApplicationForCopyrightRegistration

For more information visit [The Library of Congress](#) on the web.

The following pertains to Trademarks

Also, these two links will provide you access to much more consolidated information on: [COPYRIGHTS](#) and [TRADEMARKS](#)

Circulars

The following circulars were obtained from the Library of Congress' Copyright Office, and at the date of this guide's construction were the most updated informative literature available on each of the eighty two subjects covered. Now of course information on certain subjects such as current FEES are as you might expect subject to change and for this reason it is always a good idea to check with the copyright office to ascertain to proper current filing fee before filing. If your filing online apposed to hard copy mailing, the current fees will be readily available.

Also, because we are not taking for granted that everyone in possession of this e-book will have internet access, because it may have been obtained by its user by way of sharing from someone who does have an Internet connection, I have decided to place a copy of each of the

1

[PDF](#)

Copyright Basics

1

[PDF](#)

Fundamentos de los Derecho Auto

1a

[Text](#)

United States Copyright Office A Brief History Introduction

1b

[PDF](#)

Limitations on the Information Furnished by the Copyright Office

1c

[PDF](#)

Make Sure Your Application Will Be Acceptable

2

[PDF](#)

Publications on Copyright

3

[PDF](#)

Copyright Notice

4

[PDF](#)

Copyright Office Fees

5

[PDF](#)

How to Open and Maintain a Copyright Office Deposit Account

6

[PDF](#)

Obtaining Access to and Copies of Copyright Records and Deposits

7b

[PDF](#)

“Best Edition” of Published Copyrighted Works for the Collections of the Library of
Congress

7c

[PDF](#)

The Effects of Not Sending a Timely Reply to Copyright Office Correspondence

7d

[PDF](#)

Mandatory Deposit of Copies or Phonorecords for the Library of Congress

8

[PDF](#)

Supplementary Copyright Registration

9

[PDF](#)

Work Made For Hire Under the 1976 Copyright Act

10

[PDF](#)

Special Handling

12

[PDF](#)

Recordations of Transfers and Other Documents

14

[PDF](#)

Copyright Registration for Derivative Works

15

[PDF](#)

Renewal of Copyright

15a

[PDF](#)

Duration of Copyright

15t

[PDF](#)

Extension of Copyright Terms

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[PDF](#)

Reproduction of Copyrighted Works by Educators and Librarians

22

[PDF](#)

How to Investigate the Copyright Status of a Work

23

[PDF](#)

The Copyright Card Catalog and the Online Files of the Copyright Office

31

[PDF](#)

Ideas, Methods, or Systems

32

[PDF](#)

Blanks Forms and Other Works Not Protected by Copyright

33

[PDF](#)

Computing and Measuring Devices

34

[PDF](#)

Copyright Protection Not Available for Names, Titles, or Short Phrases

38a

[PDF](#)

International Copyright Relations of the United States

38b

[PDF](#)

Highlights of Copyright Amendments Contained in the URAA

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[PDF](#)

Copyright Registration for Works of the Visual Arts

40a

[PDF](#)

Deposit Requirements for Registration of Claims to Copyright in Visual Arts Material

41

[PDF](#)

Copyright Claims in Architectural Works


44

[PDF](#)

Cartoons and Comic Strips

MOOR Media (352) 281-3196
Jonathan Bey 100% Moorish American Owned



Jonathan Bey 100% Moorish American Owned
There's no need to Look, Sound or Remain local any more! 

45

[PDF](#)

Copyright Registration for Motion Pictures Including Video Recordings

50

[PDF](#)

Copyright Registration for Musical Compositions

55

[PDF](#)

Copyright Registration for Multimedia Works

56

[PDF](#)

Copyright Registration for Sound Recordings

56a

[PDF](#)

Copyright Registration of Musical Compositions and Sound Recordings

61

[PDF](#)

Copyright Registration for Computer Programs

62

[PDF](#)

Copyright Registration for Single Serial Issues

62a

[PDF](#)

Group Registration of Newspapers and Newsletters on Form G/DN

62b

[PDF](#)

Copyright Registration for Group of Serial Issues

64

[PDF](#)

Copyright Registration for Secure Tests

65

[PDF](#)

Copyright Registration for Automated Databases

66

[PDF](#)

Copyright Registration for Online Works

73

[PDF](#)

Compulsory License for Making and Distributing Phonorecords

74a

[PDF](#)

How to Make Statutory License Royalty EFT Payments via Wire

74b

[PDF](#)

How to Make Statutory License Royalty EFT Payments via ACH Credit

74c

[PDF, Flash](#)

How to Make Statutory License Royalty EFT Payments Using *Pay.gov*

75

[PDF](#)

The Licensing Division of the Copyright Office

92

(Please see [Copyright Law](#) page.)

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(Please see [Copyright Regulations](#) page.)

100

[PDF](#)

Federal Statutory Protection for Mask Works

No.

Format

Factsheet Title

SL 4

[PDF](#)

Copyright Office Fees

SL 4a

[PDF](#)

Reconsideration of a Refusal to Register a Copyright, Mask Work, or Vessel Hull Claim

SL 4d

[PDF](#)

Calculating Fees for Recording Documents in the Copyright Office

SL 4L

[PDF](#)

Copyright Office Licensing Division Service Fees

SL 6a

[PDF](#)

Placing an Order with the Records Research and Certification Section

SL 9

[PDF](#)

Have a Question About Copyright Registration?

SL 9a

[PDF](#)

Call the Copyright Office Toll Free 1-877-476-0778

SL 10

[PDF](#)

Get It Quick over the Net

SL 10a

[PDF](#), [Text](#)

Subscribe to *NewsNet*

SL 30a

[PDF](#)

Changing Your Address with the Copyright Office

SL 35

[PDF](#)

Registering a Copyright with the U.S. Copyright Office

SL 37

[PDF](#)

Privacy: Copyright Public Records

SL 39

[PDF](#)

Electronic Registration of Groups of Published Photographs

FL 100

[Text](#)

International Copyright

FL 100

[Text](#)

Proteccion Internacional del Derecho De Autor

FL 101

[Text](#)

Pseudonyms

FL 102

[Text](#)

Fair Use

FL 103

[Text](#)

Useful Articles

FL 104

[Text](#)

Contribution to Collective Work

FL 105

[Text](#)

Copyright Registration of Music

FL 106

[Text](#)

Copyright Registration of Poetry

FL 107

[Text](#)

Copyright Registration of Photographs

FL 108

[Text](#)

Copyright Registration of Games

FL 109

[Text](#)

Books, Manuscripts, and Speeches

FL 110

[Text](#)

Group Registration for Automated Databases

FL 119

[Text](#)

Dramatic Works: Scripts, Pantomimes, and Choreography

FL 122

[Text](#)

Recipes

FL 124

[Text](#)

Group Registration of Published Photographs

In addition to the Copyright Office's electronic filing systems, copyright applications can also still be filed by mail. When filing electronically one of the most important things to remember is to make sure you use the proper filing formats as indicated below.

Because some of the following links have been designed and structured to take you to further resources which may be away from DigiPraise, be sure to **BOOK MARK DigiPraise.net** to avoid difficulty in finding your way back to DigiPraise.net

U.S. Copyright Office Forms

Primary Registration Method

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[Form CO](#)

[Form CO Instructions](#)

[Form CO FAQ](#)

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TRADEMARKS

Obtaining a Trademark is a much more complicated process than obtaining a [Copyright Registration](#) notices. Trademark Registrations (unlike Copyrights) are Bestowed to applicants following a USPTO Trademark Examiner's thorough search, study and review, evaluation findings and then approval.

Again: Please note that because information and links below have been designed to take you to further valuable resources which may reside elsewhere other than DigiPraise, you should **BOOKMARK DigiPraise** for your ease in returning to our home page or this location.

Info to know

BEFORE FILING A TM APPLICATION

What is a trademark?

A trademark is a word, phrase, symbol or design, or a combination thereof, that identifies and distinguishes the source of the goods of one party from those of others.

What is a service mark?

A service mark is a word, phrase, symbol or design, or a combination thereof, that identifies and distinguishes the source of a service rather than goods. The term “trademark” is often used to refer to both trademarks and service marks.

What is a patent?

A patent is a limited duration property right relating to an invention, granted by the United States Patent and Trademark Office in exchange for public disclosure of the invention. For more information, [click here](#).

What is a copyright?

A copyright protects works of authorship, such as writings, music, and works of art that have been tangibly expressed. For more information, contact the [U.S. Copyright Office](#) (a division of the Library of Congress).

What is a certification mark?

A certification mark is any word, phrase, symbol or design, or a combination thereof owned by one party who certifies the goods and services of others when they meet certain standards. The owner of the mark exercises control over the use of the mark; however, because the sole purpose of a certification mark is to indicate that certain standards have been met, use of the mark is by others.

What is a collective membership mark?

A collective membership mark is any word, phrase, symbol or design, or a combination thereof which indicates that the user of the mark is a member of a particular organization. The owner of the mark exercises control over the use of the mark; however, because the sole purpose of a membership mark is to indicate membership, use of the mark is by members.

What is a collective mark?

A collective mark is any word, phrase, symbol or design, or a combination thereof owned by a cooperative, an association, or other collective group or organization and used by its members to indicate the source of the goods or services.

Where can I get basic trademark information?

For information about applying for a trademark, click [Basic Facts About Trademarks](#), and view the [trademark videos](#) that cover important topics and critical application filing tips. To understand what to expect in the overall process, view the [timelines](#) for trademark processing. If you still have questions, contact the Trademark Assistance Center at 1-800-786-9199.

Must I register my trademark?

No. You can establish rights in a mark based on use of the mark in commerce, without a registration. However, owning a federal trademark registration on the Principal Register provides several important benefits.

What are the benefits of federal trademark registration?

Owning a federal trademark registration on the Principal Register provides several advantages, including:

- Public notice of your claim of ownership of the mark;
- A legal presumption of your ownership of the mark and your exclusive right to use the mark nationwide on or in connection with the goods/services listed in the registration;
- The ability to bring an action concerning the mark in federal court;
- The use of the U.S. registration as a basis to obtain registration in foreign countries;
- The ability to record the U.S. registration with the U.S. Customs and Border Protection (CBP) Service to prevent importation of infringing foreign goods;
- The right to use the federal registration symbol ® and
- Listing in the United States Patent and Trademark Office's online databases.

Do federal regulations govern the use of the designations “TM” or “SM” or the ® symbol?

If you claim rights to use a mark, you may use the “TM” (trademark) or “SM” (service mark) designation to alert the public to your claim of ownership of the mark, regardless of whether you have filed an application with the United States Patent and Trademark Office (USPTO). However, you may only use the federal registration symbol “®” after the USPTO actually *registers a mark*, and not while an application is pending.

Should I have an attorney?

You are not required to hire an attorney, but if you decide to prepare and submit your own application, you must comply with all requirements of the trademark statutes and rules and may be required to respond to legal issues raised by the USPTO. Because the application process can be complex, many applicants choose to appoint an attorney to represent them. If you choose to appoint an attorney, the PTO will only communicate with your attorney. The USPTO cannot help you select an attorney. I recommend that

Nationalized Moors study what it is you need to know about your rights and affairs in this area of endeavor and try to do as much as you can COMPETENTLY on your own.

Is registration guaranteed and can I get a refund of fee paid?

Registration is **NOT** guaranteed and only money paid when not required may be refunded. For information on why registration may be refused, see [Basic Facts About Trademarks](#).

SEARCHING FOR SIMILAR TRADEMARKS

Should I conduct a search for similar trademarks before filing an application?

It is advisable to conduct a search before filing your application. See [TESS TIPS](#) for further information.

Where can I conduct a trademark search for trademarks in pending applications and federal registrations?

You may search the [USPTO's Trademark Electronic Search System \(TESS\)](#) database free of charge before filing or you may wish to hire an attorney to perform the search and assess the results for you. Alternatively, you can search the database at a Patent and Trademark Depository Library (PTDL). Information about PTDL locations can be found [here](#).

Will the PTO conduct a search for me?

The USPTO cannot search your mark for you prior to filing. After filing, the USPTO will conduct a search and will refuse to register your mark if there is another registered or pending mark similar to yours.

FILING THE APPLICATION AND OTHER DOCUMENTS

Where can I find trademark forms?

You can find USPTO forms through the [Trademark Electronic Application System \(TEAS\)](#). Two forms are available for the initial application: regular TEAS and TEAS Plus. Both forms allow you to pay by credit card, electronic funds transfer, or through an existing United States Patent and Trademark Office (USPTO) deposit account.

If you do not have Internet access, you can access TEAS at any Patent and Trademark Depository Library (PTDL) throughout the United States. Many public libraries also provide Internet access.

We recommend using TEAS, but you may file a paper application. To obtain a printed form you can simply call the Trademark Assistance Center at 1-800-786-9199. They're actually pretty helpful.

What is the Trademark Electronic Application System (TEAS)?

The [Trademark Electronic Application System](#) allows you to fill out and file an application form online, paying by credit card, electronic funds transfer, or through an existing USPTO deposit account. TEAS can also be used to file other documents including a response to an examining attorney's Office action, a change of address, an allegation of use, and post registration maintenance documents.

Where do I send mail or make deliveries?

Although we recommend that you file documents online using TEAS, paper mail may be sent to the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

Submissions sent using other delivery services such as Federal Express, United Parcel Service, and DHL is not encouraged, but if used, must be delivered to: Trademark Assistance Center, Madison East, Concourse Level Room C 55, 600 Dulany Street Alexandria, VA 22314.

Who may file an application?

Only the owner of the trademark may file an application for registration. The owner controls the use of the mark, and controls the nature and quality of the goods to which it is affixed, or the services for which it is used. The owner may be an individual, corporation, partnership, LLC, or other type of legal entity.

May a minor file a trademark application?

The question of whether an application may be filed in the name of a minor depends on your state's law. If the minor may validly enter into binding legal obligations, and may sue or be sued, in the state in which he or she is domiciled, the application may be filed in the name of the minor. Otherwise, the application must be filed in the name of a parent or legal guardian, clearly setting forth his or her status as a parent or legal guardian. An example of the manner in which the applicant should be identified in such cases is: "John Smith, United States citizen, (parent/legal guardian) of Mary Smith."

Must I be a U.S. citizen to obtain a federal registration?

No. However, your citizenship must be provided in the application. If you have dual citizenship, then you must indicate which citizenship will be printed on the certificate of registration.

What is the difference between “use in commerce” and “intent to use” in commerce?

The basic difference between these two filing bases is whether you have used the mark on all the goods/services. If you have already used your mark in commerce, you may file under the “use in commerce” basis. If you have not yet used your mark in commerce, but intend to use it in the future, you must file under the “intent to use” basis. An “intent to use” basis will require filing an additional form and fee that are unnecessary if you file under “use in commerce.”

What is a specimen?

A specimen is a sample of how you actually use the mark in commerce on your goods or with your services. A specimen shows the mark as your purchasers encounter it in the marketplace (e.g., on your labels or on your website).

What is a drawing?

The “drawing” is a clear image of the mark applicant seeks to register. The USPTO uses the drawing to upload the mark into the USPTO search database and to print the mark

in the Official Gazette and on the registration certificate. There are two types of drawings: “standard character” and “special form.” For more information on the different types of drawings see [Basic Facts About Trademarks](#).

WHATS IN A NAME?

Can you register the name of a musical group or band?

A band name may function as a service mark for “entertainment services in the nature of performances by a musical group” if it is used to identify live performances.

What can I do to help the application proceed as smoothly as possible?

1. File the application and all other documents electronically through the [Trademark Electronic Application System \(TEAS\)](#).
2. Carefully review all documents before filing to make sure all issues have been addressed and all the necessary elements are included.
3. Authorize email correspondence and promptly inform the USPTO of any change in correspondence address, including your email address. This can be done through TEAS, [available here](#).
4. Check the status of your application every 3-4 months using the [Trademark Applications and Registrations Retrieval \(TARR\)](#) database. If the USPTO has taken any action, you may need to respond promptly. All USPTO actions are available for viewing using the [Trademark Document Retrieval \(TDR\)](#) database.

AFTER FILING YOUR APPLICATION

Is registration of my mark guaranteed?

NO. The examining attorney will review the application and may issue refusals based on the Trademark Act of 1946, 15 U.S.C. §1051 *et seq.*, or the *Trademark Rules of Practice*, 37 C.F.R. Part 2.

The most common reasons for refusing registration are because the mark is:

- Likely to cause confusion with a mark in a registration or prior application;
- Descriptive for the goods/services;
- A geographic term;
- A surname;
- Ornamental as applied to the goods.

For a discussion of these and other possible refusals, see [Chapter 1200](#) of the *Trademark Manual of Examining Procedure (TMEP)*.

The examining attorney may also issue requirements concerning, for example:

- The goods and services listed in the application;
- The description of the mark;
- The quality of the drawing;
- The specimens.

How can I check the status of my application?

Once you receive a serial number for your application, you can check the status of your application through the [Trademark Applications and Registrations Retrieval \(TARR\) database](#). If you do not have access to the Internet, you can call the Trademark Assistance Center at 1-800-786-9199 to request a status check. You should check on the status of your pending application every 3-4 months. If the USPTO has taken any action, you may need to respond promptly. All USPTO actions are available for viewing using the [Trademark Document Retrieval \(TDR\) database](#).

How long will it take for my mark to register?

The total time for an application to be processed may be anywhere from almost a year to several years, depending on the basis for filing and the legal issues that may arise in the examination of the application. You may view the application processing timelines [here](#).

How do I file a Statement of Use or Extension Request after the Notice of Allowance is issued?

The Applicant has six (6) months from the mailing date of the notice of allowance to file either a [Statement of Use](#) or an [Extension Request](#).

If the applicant is using the mark in commerce on all of the goods/services listed in the notice of allowance, the applicant must submit a statement of use form, specimen and the required fee(s) within 6 months from the issue date the notice of allowance to avoid abandonment. Applicant cannot withdraw the statement of use; however, the applicant may file one extension request with the statement of use to provide more time to overcome deficiencies in the statement of use. No further extension requests may be filed.

If the applicant is not using the mark in commerce on all of the goods/services listed in the notice of allowance, the applicant must file an extension request form and the required fee(s) to avoid abandonment. The applicant must continue to file extension requests every 6 months calculated from the issue date of the notice of allowance until the statement of use is filed. A total of 5 extension requests may be filed.

If I filed based on an “intent to use” the mark, when must I allege actual use of the mark in commerce?

You must file your Allegation of Use either prior to the date the application is approved for publication or within six months after the Notice of Allowance is issued, unless a request for an extension of time is granted.

May I assign or transfer the ownership of my trademark to someone else?

Yes. A registered mark may be assigned and a mark for which an application to register has been filed may be assignable. Certain exceptions exist concerning the assignment of Intent-to-Use applications. Assignments may be recorded in the USPTO for a fee. For the guidelines for filing an assignment and the assignment form itself, click on [Assignments](#) or contact the Assignment Division at 571-272-3350.

Remember, **after filing** there's more to know and understand:

AFTER THE TRADEMARK HAS REGISTERED

How long does a trademark registration last?

The registration is valid as long as you timely file all post registration maintenance documents. You must file a “Declaration of Use under Section 8” between the fifth and sixth year following registration. In addition, you must file a combined “Declaration of Use and Application for Renewal under Sections 8 and 9” between the ninth and tenth year after registration, and every 10 years thereafter. For more information see [Maintain/Renew a Registration](#).

Is a federal registration valid outside of the United States?

No. However, certain countries recognize a United States registration as a basis for filing an application to register a mark in those countries under international treaties. See [TMEP Chapter 1000](#) and [TMEP Chapter 1900](#) for further information.

What if someone else is using my registered mark on related goods and services?

You may challenge use of your trademark by someone else in several ways, depending on the factual situation. You should consider contacting an attorney specializing in trademark law. Local bar associations and phone directories usually have attorney listings broken down by specialties. Time can be of the essence. [Click here](#) for further information.

My spouse owned a trademark registration and has since died. Do I own it now?

Perhaps. Because this depends on state law, the USPTO cannot provide a definite answer for all factual situations. You may want to consider contacting someone knowledgeable in such legal matters or continue further research on your own using the government resources you've most likely already paid for.

OTHER TRADEMARK QUESTIONS

What are “common law” rights?

Federal registration is not required to establish rights in a trademark. Common law rights arise from actual use of a mark and may under certain conditions allow the common law user to successfully challenge a registration or application.

What is “interstate commerce”?

Keeping in mind that all of the information provided in this area is to be considered as GENERAL public information; for GOODS, “interstate commerce” generally involves sending the goods across state lines with the mark displayed on the goods or the packaging for the goods. With services, “interstate commerce” generally involves offering a service to customers in another state or rendering a service that affects interstate commerce (e.g., restaurants, gas stations, hotels).

Will my information be public?

All data you submit to the USPTO, including your phone number, e-mail address, and street address, but not your credit card and banking information, is public record and is viewable on the Internet. **NEVER submit personal identifying information that is NOT required for a filing.**

What are trademark monitoring and document filing services?

You may receive unsolicited communications from companies requesting fees for trademark-related services, such as monitoring and document filing. **Although solicitations from these companies frequently display customer-specific information, including USPTO serial number or registration number and owner name, companies that offer these services are not affiliated or associated with the USPTO or any other federal agency !**

A lot of the material you may receive from such predatory outfits will in fact look “VERY” official. **DON'T FALL FOR IT - Always verify!**

May a trademark filing company represent me before the USPTO?

Only **YOURSELF** or a licensed attorneys may represent you before the U.S. Patent and Trademark Office (USPTO). If you hire someone to represent you, he or she must be an attorney licensed to practice law in a U.S. state and be a member in good standing of the highest court of that state. Attorneys from other countries, except certain

Canadian attorneys and agents representing Canadian filers, may NOT practice before the USPTO.

How can I view my documents if I cannot use TDR?

You can access a copy of your documents by using the TDR Application Programming Interface (API), which relies on specific URLs rather than the TDR interface presented through the USPTO website. You should follow these examples:

1. To access all documents for Serial Number 72131351 as a PDF, enter the following in your search box: <http://tdrapi.uspto.gov/ts/cd/casedocs/bundle.pdf?sn=72131351>
2. To access all documents for Registration Number 3,500,030 as a PDF, enter the following in your search box: <http://tdrapi.uspto.gov/ts/cd/casedocs/bundle.pdf?rn=3500030>
3. To access all documents for Reference Number Z1231384 as a PDF, enter the following in your search box: <http://tdrapi.uspto.gov/ts/cd/casedocs/bundle.pdf?ref=Z1231384>

Part two or the continuance of this document will enter into the more complicated area of patents.

We appreciate your interest in the above and hope that it has been of value to your needs.

If you have questions you would like answered in our next installment, please do not hesitate to contact us at MoorishDirectory.com

PEACE