

Trademark Cost Estimates (Searching, Registration, Policing)

The total cost associated with preparing and filing a trademark application, as well as maintaining a registration, includes both third-party fees and fees for legal services.

I charge hourly rates for myself and my trademark paralegal (whom I use whenever possible to save expense for my clients). This document provides cost information for third-party fees and estimates of the time specific tasks will take me to perform. I also offer the option of flat fee rates for certain types of trademark work. Contact me for details about current rates.

The following information about third-party fees is current as of January 1, 2017.

Availability Searching

“Availability” or “clearance” searches help to determine whether your proposed mark is likely to conflict with the rights of any trademarks currently in use (although they cannot guarantee availability) and range in degree of thoroughness and cost.

At the low end, **for word marks only**, we can conduct “knock-out” searches in-house, billed on a time-spent basis (usually 1 to 3 hours). These are somewhat rudimentary and include searching for identical marks and limited searching for some variations of the mark on publicly available databases, including the U.S. Patent & Trademark Office (“PTO”) registry.

Complete availability searches (and all searches for design marks, *i.e.*, “logos”) are outsourced to search firms that can conduct much more thorough searching than we can do in-house; they are able to do more sophisticated searching of the same sources we can access (*e.g.*, the PTO database) as well as search a multitude of proprietary databases to which we do not have access. These firms provide only a report of results, not an analysis. The fees are as follows (as of January 1, 2017):

Word Marks:

- U.S. Comprehensive Search = \$915

Design Marks (logos) -- searches of U.S. PTO databases only:

- 1 Class (see below for explanation of “class”) = \$792
- 2 Classes = \$1097
- 3 Classes = \$1358
- 4-15 Classes = \$1590
- All Classes = \$2409

My time to review and analyze search reports can vary significantly, depending on the results. In most cases, I estimate 2-3 hours to review and provide a brief (email) written report; some situations (including with marks that tend to describe some aspect of the goods/services with which they are used), however, can take longer.

As an alternative to the hourly fee basis, I offer a flat rate to review a search report and provide a brief (email) written report.

Federal Trademark Registration

Preparing and Filing Applications

Applications must be based on either current use of the mark in interstate commerce or applicant's bona fide intent to use the mark in interstate commerce. An application for trademark registration must describe the goods and/or services on which the mark is being or will be used. Those descriptions are grouped by "[International Class](#)" (category). The PTO filing fee is \$275 per class.

Intent-to-use ("ITU") applications require additional fees for additional steps in the application process. When an ITU application is approved, the applicant is given a 6-month deadline to submit a Statement of Use. A fee of \$100 per class is due upon filing of the Statement of Use. The deadline can be extended for an additional 6 months up to four times. The fee to request an extension of the deadline is \$150 per class.

For preparing (including correspondence with the client, collecting necessary information/documents, and refining goods & services descriptions), filing, and seeing through to registration one **use-based application**, assuming no Office Actions ("OA") (rejections from the PTO, explained below) or other issues/problems, I estimate 2 to 4 hours of time. For **intent-to-use applications**, I estimate 3 to 5 hours, depending on how many (if any) extensions are required.

As an alternative to the hourly fee basis, I offer a flat rate to prepare and file trademark applications and see through them through to registration, assuming no OAs or other issues/problems. **Responding to OAs is always charged on an hourly basis.**

Note that in either case, PTO fees are in addition to fees for my services.

Responding to Office Actions

It is impossible to provide a generic estimate for responding to Office Actions, as the time required to do so varies tremendously, depending on the nature of the OA. When an OA is received, I will consult with you regarding likelihood of succeeding in overcoming the PTO's objection, strategy, and time required, so that you can make an informed decision about how to proceed.

Maintaining Registrations

Maintenance involves submitting documentation to the Trademark Office during the sixth and tenth years of registration and then every 10 years after that. The current PTO renewal fee is \$300/class.

Unless anything has changed in the way the mark is being used, maintenance of a registration usually requires no more than 1-2 hours of time for each instance.

Policing

Policing to identify potentially infringing marks is done using an outside company to conduct ongoing "watches." Results are made available online for analysis (these companies provide only the searching, not legal analysis of the results). I typically

monitor searches and contact the client if something pops up that concerns me. However, some clients choose, for cost-saving purposes, to reverse the process and monitor the searches themselves, then contact me if they see something that concerns them.

A range of options are available; for most clients, I suggest one of the following options. Fees are as follows:

- U.S. Federal Watch (monitors only applications filed and published with the U.S. Trademark Office)
 - Word Mark: \$520 per mark per year
 - Design Mark: \$626 per mark per year
- Comprehensive U.S. Watch (in addition to Trademark Office records, monitors state trademarks, top level domain names, and common law resources): \$1517 per mark per year

For my time to review and analyze, I estimate for the Federal Watch, from 1 to 2 hours per month of my time, and for the Comprehensive Watch, anywhere from 2 to 5 hours per month, depending on how much turns up on the reports.

Please contact me to discuss which of the above will best meet your needs:

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