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TRADEMARK APPLICATION QUESTIONNAIRE

This form has been prepared in order to both expedite the trademark application registration process, and to make the process as economical as possible. The questions and information requested through this form contain the basic information that we will need in order to submit a trademark application to the United States Patent and Trademark Office (“USPTO”). Accordingly, please accurately complete all blanks set forth in this questionnaire, and provide each of the requested attachments.

Please specify whether you are applying for a **design mark** (a corporate logo, for example), a **plain word mark**, or a **trade dress** (for example, the look and feel of a company’s establishment or packaging). For a design mark, please provide a clean image file of the logo (JPG, PNG, GIF, or PDF). If you are not sure, we will discuss with you which application is appropriate.

A. Contact Information

Name of the contact person: _____
Address: _____
Telephone: _____
Fax: _____
E-Mail: _____

B. Owner of the trademark

Is the legal owner of the trademark an individual/sole proprietorship, partnership, corporation, or limited liability company?

Individual/Sole Proprietorship
Name: _____
Business Name: _____
Address: _____

Partnership (including limited partnerships and limited liability partnerships)

Partnership Name: _____

State Organized: _____

Address: _____

General Partner: _____

State Organized: _____

Name of Person authorized to file the Application: _____

Title: _____

Corporation

Limited Liability Company

Company Name: _____

State Organized: _____

Address: _____

Registered Agent: _____

Name of Person authorized to file the Application: _____

Title: _____

C. Trademark Information (if a mark is already in use)

Please describe the mark in which you seek registration:

For a logo/design, do you wish to include color as part of the mark? _____

The first date that the mark was used in commerce: _____

The first date that the mark was used anywhere: _____

Please mail or e-mail to us **at least one specimen** showing actual use of the mark. For **services**, a specimen may be a business card, label, advertisements, web page, video of the mark in use, brochures, etc. For **goods** (products), a specimen may be a product with a label affixed, product packaging, or brochures showing the same. For a **trade dress**, please send us pictures or videos.

D. Trademark Information (if the mark is not in use currently)

The estimated date that you plan to use the mark in commerce: _____

Note: A registration for a mark not in use will require amending the application when the mark is in use before the registration process is considered complete and will delay registration, but you will not incur additional labor costs for this service. There will be an additional \$100 filing fee for the Statement of Use application.

E. Prior Similar Applications or Registrations

Do you have any federal applications or registrations that you already own?

Please remember that Benenati Law Firm, P.C. cannot predict or guarantee the eventual outcome of the application. Our service covers filing of the application to registration, but does not include legal or administrative representation in the event your trademark application is challenged, refused, or opposed. If your application is challenged, refused, or opposed, additional legal fees may be incurred and a separate engagement letter will need to be executed.

The undersigned declares that he or she believes the applicant to be the owner of the trademark sought to be registered, and that to the best of his or her knowledge and belief, no other person, firm, corporation, or association has the right to use the mark in commerce either in the identical form thereof or in such near resemblance as to be likely, when used in or on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive, and that all of the statements made of his or her knowledge are true.

Print Name: _____

Signature: _____

Date: _____

The Basic Trademark Application Process

Obtaining a trademark is generally a 4-8 month-long process. We conduct research of the trademark database to make sure the mark is not in use. At times this may be done by a third-party research firm, which allows us to reduce the labor fees to you. If we believe that the trademark application is likely to be successful, we will prepare and file the application. Once submitted, we have to wait for the United States Patent and Trademark Office (“USPTO”) to assign us an examining attorney. The USPTO examining attorney reviews the file and conducts his or her own research on behalf of the United States.

If the application is approved by the examining attorney, it is “published for opposition.” This means that for 30 days, any person or entity can oppose the trademark registration if they believe that your mark sought for registration may infringe with their trademark. If no opposition is received after 30 days, it is given a certificate and is a federally registered trademark.

The fee for filing a trademark is \$1,500. This includes:

- Application filing fee per “class” for a TEAS PLUS application (which is a type of trademark application). A “class” is what field your mark is in. Only one class is required, but the more classes your mark fits, the more protection you receive. We can discuss broadening/strengthening your mark in other classes with you. These are non-refundable fees charged by the USPTO.
- Fees for our attorneys to research and analyze the searches, prepare and file the application, and communicate with the USPTO examining attorney through registration. This does not include any other fees if your mark is challenged or opposed, nor does it include the required maintenance for your mark (affidavits required after a certain number of years after registration), or renewals and the filing fees associated with renewing.

So, for example, if you wanted only a single class TEAS PLUS trademark filed, the total fee would be \$1,500 per trademark. If you wanted to broaden your protection and include multiple classes, the fee would increase by \$575 per class, which includes the filing fee per class as well as the additional labor required.

We are not a “mill”; we are a hands-on firm with always open doors. Everything is custom-done for our clients. A registered trademark “®” is a powerful business asset that we are proud to help you attain. We also provide the services to help you maintain, defend, and/or enforce your newly acquired intellectual property. Please feel free to call us anytime to discuss your options.

Sincerely,

Pete Benenati
Benenati Law Firm, P.C.