



Company / Product / Brand Name Selection

MG Lomb has assisted our clients with a variety of naming projects, from local business names to international corporations and their products. On the local side (which involves only county registration) we've helped to select the business name. We've also participated in the naming of product lines for use internationally, in numerous print advertisements and websites. The complications differ significantly from local to international, so we've included a basic worksheet here, to provide a rough outline of the steps required, and their potential cost.

1) Initial Name Search

After MG Lomb has completed the "creative" part of the naming process, and we've narrowed it down to five-to-ten potential names, it's time to perform the initial legal search. Bear in mind that the initial search will only reveal names that are currently (legally) "on file." Additionally, conflicts can surface at filing (2); rejection may occur, and repeat filing (same name or another name selection) may be necessary.

- 1a) Knockout Search (top five-to-ten names)
- 1b) Full Search (finalist name(s))
- 1c) International Searches (can be very expensive – see below)

2) Filing U.S. Application

Actual process of filing with U.S. Trademark Office.

- 2a) International filings should occur within a short time of U.S. filings (6 months or sooner)

3) U.S. Trademark Office Response to Application

- 3a) Approval (go to 4)
- 3b) TM Office action denying approval & applicant's response to TM Office action
- 3c) Repeat prior step until approval or final rejection (limits apply)
- 3d) If final rejection, then applicant has opportunity to appeal (litigation)

4) U.S. Trademark Office Approval

5) Opposition Period (anyone can object to registration, 30 days)

- 5a) If opposition filed, litigation is an option
- 5b) If applicant wins opposition, or opposition isn't filed timely, go to 6

6) Registration

Move forward with use.

U.S. COST: In U.S. filings, best case scenario, plan for an expense of at least \$2,500.00 in legal fees.

INTERNATIONAL COST: This can become costly. For filing(s), plan for an expense of "at least" \$2,500.00 in legal fees "per country". In most industrialized countries respect to a precedent of 6 months is given for the originating country. In other words; if you filed in the U.S. on August 1st 2010 and then file in India on December 12th 2010, India will recognize the August 1st filing as date of filing in India.

End.