

To be filled out by the Student Practitioner for each Client

Then reviewed for accuracy and signed by the Client.

**CALIFORNIA WESTERN SCHOOL OF LAW
TRADEMARK LAW CLINIC
CLIENT INTAKE FORM
School USPTO #: TMCP-CWL**

Introduction (To be filled out by Student Practitioner)

My name is _____. I am returning your call/e-mail to the trademark clinic at California Western School of Law. Do you have time to complete a brief 30-40 min intake survey: Yes or No

Yes

Proceed to Client Data.

No

Obtain alternate date and time client can be reached:

Client Data (To be filled out by Client)

- Request/Intake date:
- Name:
- Mailing Address:
- Phone:
- E-mail address:
- Alternative forms of contact:
- Additional Parties names and contact info:
- How did you hear about the Clinic:
- Income verification: (*Qualifying persons need to have been in business for five years, or have a net gross revenue under \$250,000. The client must provide proof, such as a tax return or a form 1099. We have a privacy policy , which can be found at http://www.cwsl.edu/main/default.asp?nav=forms.asp&body=forms/privacy_policy.asp The clinic will maintain the confidentiality of material sent to us and will not disclose any financial information you provide.*)

To be filled out by the Student Practitioner for each Client

Then reviewed for accuracy and signed by the Client.

- Description of Legal Request:
- Time Sensitive: Yes No
- Explain:

Owner of the Mark (To be filled out by the Client)

- Juridical owner of the mark:

Potential Client

Partnership

- **Partnership**, name all the partners and indicate the managing partner for the purpose of trademark administration.

Corporation or LLC

- **Corporation** or **Limited Liability Company**, indicate under the laws of which state was it organized?

Mark Information (To be filled out by the Client)

- Description of the Mark:
- Logo or graphic included? If so, describe and attach.
- Is a specific font style always to be used and claimed? If so, describe and attach.
- Is a specific color arrangement of the mark always to be used and claimed? If so, describe and attach.
- What are goods or services on which the mark is used or intended to be used?

To be filled out by the Student Practitioner for each Client

Then reviewed for accuracy and signed by the Client.

Use of the Mark (To be filled out by Student Practitioner in consultation with Client)

In Use

- If used, the date first used anywhere?
- If used, the date first used in interstate commerce or foreign commerce?
- If used in interstate commerce or foreign commerce, describe the nature of first use?
- How is the mark used in association with the claimed goods, (e.g. hang tags, labels, printed on the goods, packaging for or a display for sale of the goods or the like) or in association with the rendition or delivery of claimed services?
- If used, attach an actual specimen of the use of the mark on the goods or in association with the rendition of services:

Not Yet In Use

- If **Not Used** how is the mark intended to be used in association with the claimed goods, (e.g. hang tags, labels, printed on the goods, packaging for or a display for sale of the goods or the like) or in association with the rendition or delivery of claimed services? You need to make sure that the mark will be used in the future in the manner to function as a trademark and to yield a usable specimen for the

To be filled out by the Student Practitioner for each Client

Then reviewed for accuracy and signed by the Client.

Statement of Use that will need to be filed to obtain registration. This must be made clear to the client in writing.

To be filled out by the Student Practitioner for each Client

Then reviewed for accuracy and signed by the Client.

General

- Is the client aware of any uses of a mark similar to their own? If so, describe.
- Is the client aware of any conflict or potential legal conflict of any kind that they have or might have with any other party on any ground? If so, who, what, why and where, describe.
- Self-checklist for unregistrability under section 2. If any of the following issues are present, advise client of risk of nonregistration and potential loss of investment, profits, expectations etc. Make a memo to file regarding facts and discussion re same with client. The decision to assume the risk or not is the client's, not yours. Put the entire warning and the allocation of the burden of the decision to assume risk in writing and send it to the client, saving the communication on SharePoint.

Check and determine if the mark as applied to the goods or services is or might be found:

- immoral, deceptive, or scandalous matter; or
- includes matter which may disparage someone or something or
- falsely suggests a connection with persons, living or dead, institutions, beliefs, or
- includes national symbols, or bring them into contempt, or disrepute; or

To be filled out by the Student Practitioner for each Client

Then reviewed for accuracy and signed by the Client.

- is a geographical indication which, when used on or in connection with wines or spirits, identifies a place other than the origin of the goods and is first used on or in connection with wines or spirits by the applicant
- consists of or comprises the flag or coat of arms or other insignia of the United States, or of any State or municipality, or of any foreign nation, or any simulation thereof.
- consists of or comprises a name, portrait, or signature identifying a particular living individual except by his written consent, or
- includes the name, signature, or portrait of a deceased President of the United States during the life of his widow, if any, except by the written consent of the widow.
- consists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office, or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive (you or the client has found the same or similar mark on the same or similar goods and services in your check of the USPTO database).
- consists of a mark which when used on or in connection with the goods of the applicant is merely descriptive
- is deceptively misdescriptive of them,

To be filled out by the Student Practitioner for each Client

Then reviewed for accuracy and signed by the Client.

- when used on or in connection with the goods of the applicant is primarily geographically descriptive of them, except as indications of regional origin may be registrable under section 1054 of this title,
- when used on or in connection with the goods of the applicant is primarily geographically deceptively misdescriptive of them,
- is primarily merely a surname, or
- comprises any matter that, as a whole, is functional.
- is a mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43c.

Attachments

-
- Supporting documentation:
 - Proof of income provided: Tax return 1099

Please send the completed form to Prof. Don Dawes, ddawes@dawespatents.com. Thank you.

FOR ADMINISTRATIVE USE ONLY

Student Assignment

Assigned to Student Practitioner: _____

Date: