

Once again, congratulations on obtaining a federal trademark registration. While the California Western Trademark Clinic's limited legal representation must end upon registration of your mark, the work necessary to maintain your registration does not. Below are some general tips for preserving the long-term validity of your trademark registration – this is not a comprehensive list, nor is it legal advice specific to your registration or situation. For specific advice or ongoing counsel, you should consult an attorney experienced in trademark law.

1. **Communication from the USPTO:** It is vital that your contact information with the USPTO is current so that you may receive communications from them. The USPTO does not communicate through mail at this time; only email and telephone. To update your contact information with the USPTO:
  - a. Search “change of correspondence address” in the search box on the USPTO website: <https://www.uspto.gov> to find the correct form and instructions.
  - b. You will need your serial or registration number to complete the form and you may need to create a My USPTO account to access and file the form.
2. **Use:** Since use in interstate commerce (generally, commerce between states or between a state another country) is the basis for federal trademark rights, continual and consistent use in interstate commerce is necessary to maintain rights.
3. **Maintenance Filings:** Maintenance filings are due between the 5<sup>th</sup> and 6<sup>th</sup> year after registration, before the 10<sup>th</sup> anniversary of registration, and every 10 years thereafter for as long as you are using the mark in interstate commerce and wish to keep the registration valid. At this time, the general requirements for renewal are 1) a declaration that the mark is currently in use for the goods or services listed in the registration; 2) one or more specimens showing how the mark is used on the goods or in relation to the services; and 3) payment of the required fee. If you do not complete the required filings by the deadlines, the registration will be cancelled in due course by the USPTO.
4. **Misleading Solicitations:** There has been an increase in misleading solicitations designed to look like official communications in the form of a warning or reminder about required maintenance of your trademark registration. These are most frequently sent by mail in advance of trademark milestones such as registration or approaching maintenance deadlines. The USPTO has a list of known offenders on their website which you may wish to reference if you receive paperwork regarding your registration:
  - a. By searching “misleading notices” in the search box on the USPTO website: <https://www.uspto.gov> ; or
  - b. Here: <https://www.uspto.gov/trademarks-getting-started/caution-misleading-notices>
5. **Ownership:** If the ownership information listed on your trademark should change (i.e. your entity goes through a name change, you registered the mark as an individual, but now have an entity and would like ownership to change, you sell the business related

to the mark, etc.) the registration will need to be assigned with the USPTO to reflect current ownership. You may wish to seek out legal counsel to obtain advice or assistance on this matter.

6. **Other's use of your mark (Potential Infringement):** If you notice another party using your mark or something confusingly similar to your mark on goods or services identical or related to your goods or services, this may be trademark infringement. The use should be documented, and you should seek legal counsel to obtain advice or assistance on this matter.
7. **Non-use:** If you no longer wish to use your trademark, in most instances no action is required – you may simply stop using your mark and the registration will be cancelled by the USPTO in due course.

**These general tips may become dated and do not cover all possible situations that may impact the validity of your trademark registration. The USPTO does issue new rules and implement new procedures from time to time.**

For the most current information about trademark matters, please visit the USPTO website <https://www.uspto.gov> or consult an attorney experienced in trademark law.