

Search before filing your trademark application

Why search

Registration is not guaranteed.

When you apply to register your trademark, we will carefully examine your application to see if your mark meets the requirements for federal registration. In addition to many other actions and considerations, we must conduct a search of our database of registered and applied-for marks. The results of the search may bar your registration.

For example, we might determine that your trademark is confusingly similar to a trademark that's already registered or in a pending application for related goods or services. If so, we cannot grant your registration or refund your filing fee.

How to try to avoid a refusal

Conduct a clearance search.

Searching for confusingly similar marks before applying is called a "clearance search." Typically, this involves searching our database, along with state trademark databases and the internet. You may discover there are trademarks that are not in our database that have rights over yours.

What to search

Search the USPTO's database.

The USPTO's database contains a record of all federally registered and applied-for trademarks. If you're considering applying to register a mark, make sure you search the database first. It will help you make an informed decision about your application.

What to search for

Search for marks that are likely to cause confusion.

Similar trademarks used with related goods or services may cause a "likelihood of confusion." This means that a consumer is likely to be confused about whether the goods or services of two different companies come from, or are associated with, the same company.

See the reverse side for information about searching and likelihood of confusion.

Likelihood of confusion

Compare your trademark with your competitors' trademarks.

For example, if your mark is  and your goods are **t-shirts**:

- **T.MARKEY** looks similar.
 - **TEE MARQUEE** sounds similar.
 -  creates a similar commercial impression.
- AND**
- **Hats** are related goods.
 - **Handbags** are related goods.
 - **Online retail store services featuring clothing** are related services.

If the trademarks are similar and the goods and services are related, a likelihood of confusion exists.

Before you search

Know details about your mark.

- **Standard character or special form:** It is your choice whether to register your mark as just wording alone (standard character) or with a design or stylization (special form). See www.uspto.gov/trademarks/trademark-examples for more information.
- **Design search codes:** If you plan to include a design, image, or stylized wording in your trademark, using design search codes will help you find trademarks with similar elements. See www.uspto.gov/DesignSearchCodes for more information.
- **Goods and services:** Trademarks indicate the source of goods and services. So, before you conduct a clearance search, make a list of the goods and services you use with your mark. That will help you determine potential likelihood of confusion with other marks and prepare you to file your application. See www.uspto.gov/trademarks/basics/goods-and-services for more information.

Additional resources

Visit our website to learn more.

- Read more about searching: www.uspto.gov/SearchTrademarks
- Ask general questions about searching: www.uspto.gov/TrademarkAssistance

Consider hiring an attorney.

Although you can do a basic search on your own, interpreting your results can be complicated. There are many factors to consider in determining likelihood of confusion. We can't advise you on how to do a clearance search for your mark, do one for you, or interpret your search results. An experienced U.S.-licensed trademark attorney, however, can perform a comprehensive clearance search and advise you throughout the application process. See www.uspto.gov/trademarks/basics/why-hire-private-trademark-attorney for more information.