

IP BASICS: TRADEMARKS

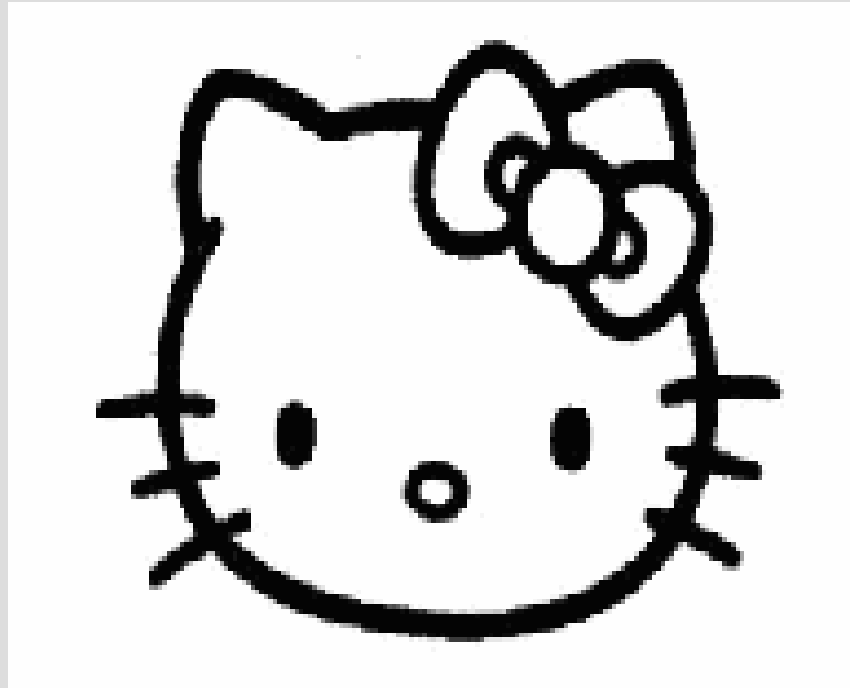
3 COMMON KINDS OF INTELLECTUAL PROPERTY

- **Patents**
- **Trademarks**
- **Copyrights**

TRADEMARKS

San Miguel

WORD MARK



DEVICEMARK



COMBINATION OF BOTH



**Cesar C. Cruz and Partners
Law Offices**

TRADEMARK

- **Visible sign**
- **Distinguishes goods or services**
- **Marked or stamped container**



STAMPED CONTAINERS



Cesar C. Cruz and Partners
Law Offices

REQUIREMENTS FOR FILING A TRADEMARK APPLICATION

- **Name of Applicant**
- **Address**
- **Citizenship or state of incorporation**
- **Name of representative or agent**
- **Goods or services on which the mark is to be used**
- **Claim of color, if color is a distinct element of the mark**
- **Claim of priority, if any**
- **Specific description of the mark**
- **Specimen of the mark**

NOT REGISTRABLE AS A TRADEMARK

- **Immoral, deceptive or scandalous**
- **Flag, coat of arms or insignia**
- **Mark that is confusingly similar to a mark of another proprietor in respect of:**
 - * **the same goods or services**
 - * **closely related goods or services**
 - * **if it nearly resembles a mark as to be likely to deceive or cause confusion**

- **Identical or confusingly similar to an internationally well-known mark**
- **Is likely to mislead the public, particularly as to the nature, quality, characteristics or geographical origin of the goods or services**
- **Generic Terms**
- **Descriptive marks**
- **Shapes**
- **Color alone**
- **Contrary to public order or morality**

TERM OF REGISTRATION

**10 years
from the date of registration**

OWNERSHIP OF TRADEMARK

- **Registration**
- **Use**

DECLARATION OF ACTUAL USE & EVIDENCE OF USE

1st DAU:

3 years from the application date

2nd DAU:

Within 1 year from the 5th anniversary of registration

Application Date:

July 1, 2010

1st DAU Due:

July 1, 2013

Registration Date:

February 5, 2011

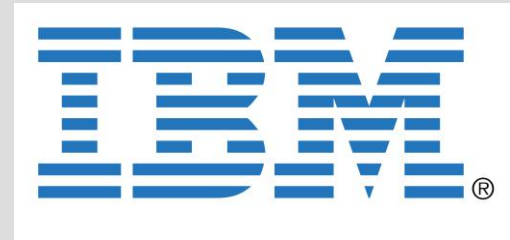
2nd DAU:

Between February 5, 2016 and February 5, 2017

Renewal of Registration:

February 5, 2021





CHOOSING A MARK

- **Be creative**
- **Refer to the criteria in determining what cannot be registered**
- **Conduct a Trademark Search**
- **Hire a lawyer!**

Thank you!

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