

**Introduction to Trademark Searching
using DialogClassic Web™**



Information in this document is current through November 2009

Written by Mary Kay McDonald, Beverley Crane

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Table of contents

| | |
|--|----------|
| Table of contents | i |
| Preface | 1 |
| Introduction | 1 |
| Purpose | 1 |
| Audience | 1 |
| How to Use this Workbook | 1 |
| Available Help | 2 |
| Content Overview | 2 |
| Learning Objectives..... | 2 |
| Section 1: Introduction | 3 |
| What is a Trademark? | 3 |
| Benefits of Trademark Searching | 3 |
| The Trademark Process | 4 |
| Overview of Trademark Databases | 5 |
| TRADEMARKSCAN® - U.S. Federal (File 226)..... | 5 |
| TRADEMARKSCAN® - U.S. State (File 246) | 5 |
| TRADEMARKSCAN® - Canada (File 127) | 5 |
| TRADEMARKSCAN® - Mexico (File 668) | 6 |
| European Trademarks..... | 6 |
| Asia Trademarks | 6 |
| Section 2: Basic Trademark Searches | 9 |
| Application 1: Searching for a Known Trademark..... | 11 |
| Technique..... | 11 |
| Application 2: Performing a Preliminary Screening Search | 14 |
| Technique: The Rotated Index | 14 |
| Techniques for Finding Common Variations | 15 |
| Application 3: Determining Ownership of a Trademark | 19 |
| Technique..... | 19 |
| Online Practice Exercises | 25 |
| Summary | 25 |

| | |
|--|-----------|
| SECTION 3: MORE TRADEMARK SEARCHES | 27 |
| Application 4: Using International Class Codes and Goods/Services..... | 27 |
| Application 5: Searching the Asian Trademarks | 31 |
| Application 6: Setting up a Trademark Watch..... | 33 |
| Online Practice..... | 35 |
| Summary..... | 36 |
| | |
| Section 4: Wrap Up..... | 37 |
| | |
| Appendix A..... | 39 |
| Summary of Dialog Commands | 39 |
| The Five Basic Commands | 39 |
| Common Formats..... | 39 |
| Truncation | 39 |
| Display Sets | 39 |
| Proximity Connectors | 40 |
| Logical Operators | 40 |
| Saving Searches | 40 |
| OneSearch@..... | 40 |
| EXPAND Command | 40 |
| Appendix B: International Class Codes for Goods and Services..... | 42 |
| Goods..... | 42 |
| Services..... | 44 |
| Appendix C: Answers to Exercises | 45 |

Preface

Introduction

Dialog is the world's largest databank of information, providing access to more than 600 different information collections known as databases. Some databases include references and abstracts for published literature, business information and financial data; others contain complete text of articles and news stories; others contain statistical tables and directories. Dialog has a complete collection of trademark databases, both U.S. and international. On the Dialog search system, a single basic command language is used to locate and look at information from any of these databases.

This course offers the new Dialog trademark searcher the opportunity to become familiar with the Dialog search system and the trademark databases available to meet the searcher's information needs. For this course, users will use—DialogClassic Web™. By having the content for this course tailored to meet the specific needs of the trademark searcher, Dialog provides models which illustrate the kinds of searches users will conduct when they perform their own trademark searches online.

Purpose

In the course *Introduction to Trademark Searching Using DialogClassic Web*, you will learn the basics of searching for trademarks on Dialog. Each application covers an important aspect of searching, including searching for known and unknown trademarks, conducting U.S. and international trademark searches, and refining trademark searches online.

Audience

Introduction to Trademark Searching Using DialogClassic Web is designed for individuals new to trademark searching or to the Dialog system. Professionals working in law firms, intellectual property firms, and consumer product industries who need to know the fundamentals of trademark searching on Dialog will find this workbook useful. Previous online experience is not required. The workbook may also serve as a review for users who have been only occasional trademark searchers. This workbook presumes that you are familiar with Dialog Command Language. If you are not, you can sign up for web-based training at support.dialog.com/training.

How to Use this Workbook

This workbook supplements introductory courses on Trademarks. Use the workbook to review content covered in these training courses. It provides models for the most common searches you will be conducting as a trademark searcher.

Available Help

Dialog provides Knowledge Center phone support every business day at +1 800 334-2564 inside North America and 00 800 3342564 outside North America.

Content Overview

This workbook is divided into three sections:

1. Introduction
2. Basic Trademark Searches
3. More Trademark Searches

Learning Objectives

After completing the lessons and exercises in the *Introduction to Trademark Searching Using DialogClassic Web*, you should be able to:

- Identify the trademark databases on Dialog
- Use the Rotated Index to conduct a preliminary screening trademark searches
- Retrieve various types of trademark information using field prefixes
- Retrieve U.S. and international trademark records
- Create a trademark watch using the Dialog AlertSM service

Section 1: Introduction

In this section you will:

- Learn the definition of a trademark
- Review the benefits of trademark searching on Dialog
- Identify steps in the trademark process
- Differentiate among the trademark databases on Dialog

Any organization with a product or service in development or in the marketplace must conduct intellectual property research to survey technology, avoid R&D duplication, track the competition, and plan strategically. As world markets open and trade is expanded, protection of intellectual property is crucial. Protection of trademarks is one aspect of new trade agreements.

What is a Trademark?

A trademark is a word, slogan, design, picture, or other symbol used by a business to identify its products or services and distinguish them from those of other businesses. It also establishes goodwill between the owner and the consumer.

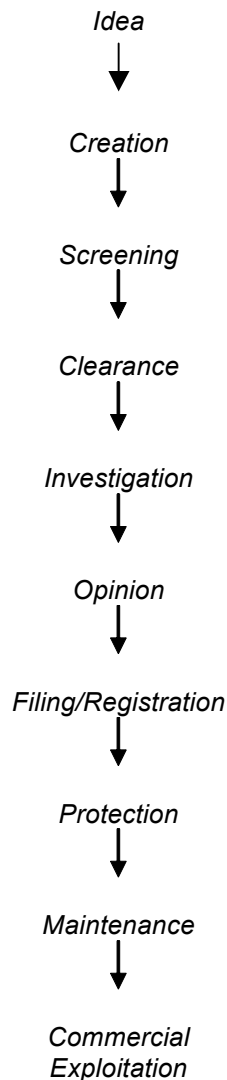
Benefits of Trademark Searching

There are many reasons to use Dialog for trademark searching. One of the primary reasons people search for trademark records is to find out whether a particular trademark has been registered or not. When a trademark is found to resemble another registered trademark in any way (sounds like, looks like, is identical to, etc.), a case of trademark infringement may be filed against it. In addition, trademarks foster competition and prevent consumer confusion.

The following is a list of some other reasons to search for trademark records:

- Protect personal or clients' trademarks from trademark infringement.
- Gather data to support litigation concerning a particular trademark or in support of trademark applications.
- Complement manual trademark administration programs.
- Conduct market research and competitive analysis before proposing new products/services.
- Manage global trademark portfolios using valuable registration and renewal date information.
- Locate needed technology.
- Maintain current awareness.
- Avoid duplication in research and development.
- Identify licensing opportunities.

The Trademark Process



Stage I. Creation. A company will try to create a mark which is as distinctive and descriptive as possible.

Stage II. Screening. Proposed marks are researched in trademark directories to ascertain whether the trademark is already in existence.

Stage III. Clearance. An exhaustive search is done of not only identical marks, but also marks which might resemble the proposed marks. In the clearance stage, researchers will look for trademarks that are similar in sound, appearance, or meaning.

Stage IV. Investigation. A search is done to determine the current status of the trademarks identified in the Clearance process.

Stage V. Opinion. Legal counsel renders an opinion about the availability of potential marks.

Stage VI. Filing/Registration. In the United States, a registrant will file applications for proposed trademarks with the U.S. Patent and Trademark Office (USPTO). The USPTO will conduct its own search to see if the trademark is confusingly similar to any existing marks. If the USPTO does not find that the proposed mark is a threat to an existing mark, it is published for opposition in *The Official Gazette*.

Stage VII. Protection. Ongoing watches are conducted for marks being applied for or used that may infringe on your mark. The Protection Stage also includes maintaining standards for proper use of the mark to preserve its uniqueness.

Stage VIII. Maintenance. Rights are contingent upon continued use of the trademark and the filing of Section 8 affidavits and renewals. This filing affirms that the trademark is still being used in commerce in connection with all or some of the goods and services specified in the original registration.

Stage IX: Commercial Exploitation. Once your trademark is well known, steps such as licensing can be taken to capitalize on its popularity. These programs involve using your trademark, trade name or logo on merchandise not related to your original product.

Overview of Trademark Databases

Dialog provides a collection of trademark databases that covers trademarks in the United States, Canada, Mexico, Europe, and Asia. The following provides important features of each key trademark database on Dialog.

TRADEMARKSCAN® - U.S. Federal (File 226)

- This file is a directory of all active registered trademarks, service marks and applications for registration filed at the U.S. Patent and Trademark Office.
- Each record contains:
 - Trademark
 - International class number
 - Owner's name
 - Description of the goods or services
- The database is a fast screening tool for checking the availability of a new product or service name.
- All active trademarks and registrations are included from 1884 forward.
- All inactive trademarks since 1984 are included.
- The file is updated weekly.
- Images are included.

TRADEMARKSCAN® - U.S. State (File 246)

- The file contains trademarks registered at the state level.
- All active marks from 1900 forward are listed; inactive marks from 1986 forward.
- Each record contains:
 - Trademark
 - International class number
 - Owner's name
 - Description of the goods and services
- Direct Record Access retrieves the State Update Table, which lists the most recent update for each state. Use Accession Number 9999999 and Format 23 to retrieve the Update Table (e.g., t 9999999/23). **Note:** This TYPE command works in all the trademark files to get information on the file's currency although the information retrieved varies by file.

TRADEMARKSCAN® - Canada (File 127)

- All active trademark registrations and applications filed at the CIPO (Canadian Intellectual Property Office) are included from 1865+; inactive marks from 1979; and abandoned marks from 1980.
- Each record contains:
 - Trademark
 - International product/services classification codes
 - Status
 - Description of goods or services
 - Application number
 - Owner name and address
 - Representative for service and/or agent
 - Pertinent date information
- Records may contain additional information and historical data.
- The file is updated weekly.
- Images are included.

TRADEMARKSCAN® - Mexico (File 668)

- All active trademark registrations and applications filed from 1976+ are included.
- The file is updated monthly.
- Images are included.
- Goods and services are described in the original language and also translated to English.

European Trademarks

- Trademark applications and registrations filed with the trademark registries of the individual countries, The World Intellectual Property Organization (WIPO) and the Office of Harmonization in the Internal Market are included.
- All European trademark files can be searched simultaneously with the OneSearch® category EUROTMS.
- Most of these databases feature full records that contain the trademark, serial number, international class(es), status, goods/services description, current owner, dates, images and other pertinent information.
- Records for European trademarks can appear in the national files, the Community Marks file, and the WIPO register.

| | |
|-------------------------------|----------|
| Austria | File 662 |
| Benelux | File 658 |
| Czech Republic | File 680 |
| Denmark | File 659 |
| Community Trademarks | File 227 |
| Finland | File 679 |
| France | File 657 |
| Germany | File 672 |
| Hungary | File 681 |
| International Register (WIPO) | File 671 |
| Ireland | File 683 |
| Spain | File 228 |
| Italy | File 673 |
| Latvia | File 697 |
| Liechtenstein | File 677 |
| Lithuania | File 685 |
| Monaco | File 663 |
| Norway | File 678 |
| Poland | File 682 |
| Portugal | File 688 |
| Slovak Republic | File 676 |
| Sweden | File 675 |
| Switzerland | File 661 |
| United Kingdom | File 126 |

Asia Trademarks

- Asia trademarks include Japan, South Korea, China and Australia.
- All European trademark files can be searched simultaneously with the OneSearch® category ASIATMS.
- These databases feature full records that contain the trademark, serial number, international class(es), status, goods/services description, current owner, dates, images and other pertinent information.

Australia
China
Japan
South Korea

File 656
File 651
File 669
File 655



Section 2: Basic Trademark Searches

In this section you will:

- Conduct a search for an exact trademark using DialogClassic Web
- Conduct a preliminary screening trademark search
- Display images
- Use the Rotated Index to screen trademarks
- Use the Basic Index to locate a trademark
- Identify owners of a trademark

In this section you will conduct several types of basic trademark searches. For example, sometimes you know the exact text of a trademark and need to find the mark. Application 1 will illustrate this technique. Other times you may want to find out whether a trademark that you want to use exists or not. Application 2 will demonstrate a preliminary screening search. Another common search is to find out who the owner of a trademark is and perhaps even who previous owners were. Application 3 will show you how to conduct an ownership search. All of these searches can be done easily on the Dialog search system using basic Dialog commands.

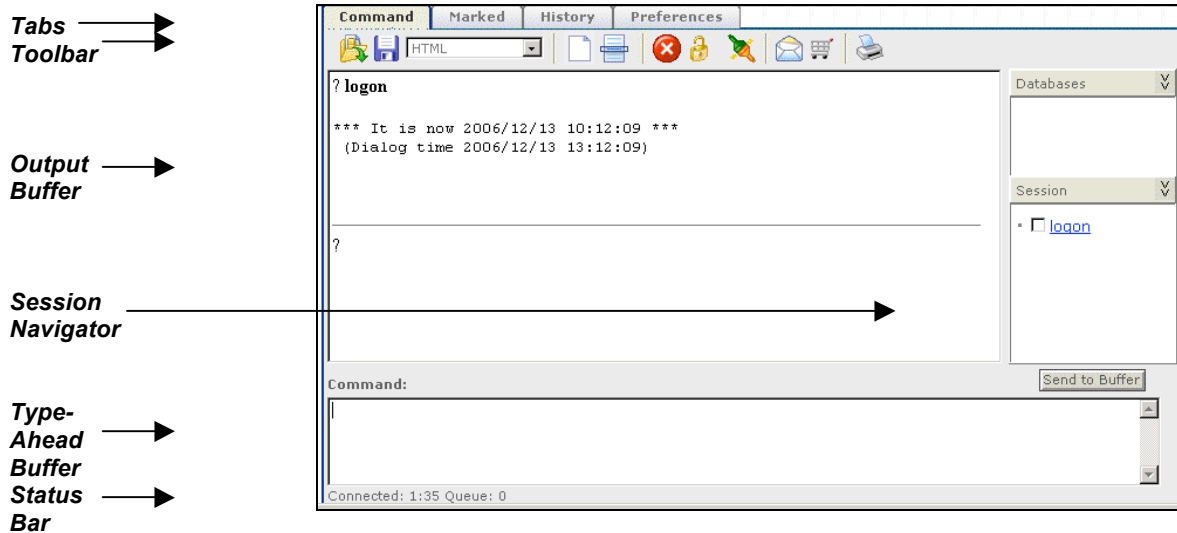
To get started on DialogClassic Web, go to <http://www.dialogclassic.com> and logon by entering your user ID and password and clicking the Log In button.

Enter the User ID and password.

Enter a subaccount to bill the search, if desired.

Click the log in button or Dialog secure server link.

The Home screen is divided into three panes: a Type-Ahead Buffer, an Output Buffer and a Session Navigator.



Tabs – Four tabs at the top of the screen let you move from your current search session to previous search sessions or to text that you have marked for later use.

Toolbar – The Toolbar includes buttons for standard Windows operations, as well as buttons for DialogClassic Web features.

Output Buffer – The Output buffer records and displays your online session. When you are connected to the Dialog service, DialogClassic Web sends your searches from the Type Ahead buffer to the service at the appropriate time. The commands and the system responses display in the Output buffer.

Type-Ahead Buffer – The Type-Ahead buffer lets you compose, edit and execute sophisticated queries.

Session Navigator – The Session Navigator contains two panes: Databases and Session.

- Databases pane – Provides a link to the Bluesheet for the database you are searching.
- Session pane – Contains all search statements from current searches. Check a box in the Session pane to re-execute the command.
- To move search statements from the list to the Type-Ahead buffer, check the statement(s) and click .

Status Bar – The Status bar shows you how long you have been connected to Dialog, what commands are in the queue, and how long the current command has taken to execute.

Application 1: Searching for a Known Trademark

When you want to locate a specific trademark, you can use an “exact” trademark search. Use this search when you don’t have a serial number or registration, but you know how the mark appears. When using the exact trademark index, remember that you must enter the name exactly as it appears in the index. Spacing and punctuation are important. The exact trademark index is not recommended for screening because it searches too literally.

► **Topic** ◀ Here is a request that I got regarding AgeLoc from Ray, the attorney who is representing one of our clients. This request is typical of one that you can do for yourself.

“Our client wants to see the trademark and the design, if available, used for a product called AgeLoc. He is pretty sure of the spelling, AgeLoc, for the mark. Once he sees this one, he will have more work for us. I’d like it ASAP. “

If Ray’s client is exact in the trademark name, then this should be an easy search and one that will review for you the basic commands that you will use in all of your other Dialog searches. When you know the exact text of the trademark you are looking for, use the Exact Trademark name to conduct the search. Note that this is the most restrictive trademark search you will perform.

For this search we will choose the database TRADEMARKSCAN® - U.S. Federal (File 226). File 226 provides information on all active registered trademarks, service marks, and applications for registration filed at the U.S. Patent and Trademark Office (USPTO). This database should contain the trademark for AgeLoc, if it is registered. The database also contains all inactive trademarks since 1984. Pending applications include both actual-use and intent-to-use applications. Each record provides: the trademark text, international classification numbers, the owner’s name(s), a description of the goods or services, and an image, if available. The file is updated weekly.

Technique

When you know the exact text of the trademark you are looking for, use the ET= (Exact Trademark) prefix with the BEST technique:

| | |
|---------------|--|
| BEGIN | Use BEGIN (B) with a file number to specify the database(s) to be searched. |
| EXPAND | Use EXPAND (E) to verify the spelling, punctuation, and other variations of the names or numbers in the field. |
| SELECT | Use SELECT (S) to create a set of records (e.g., s1) that contains the specified terms. |
| TYPE | Use the TYPE command: T s#/format/range of records to view records. |

1. Use the **BEST** technique. **BEGIN** in File 226, TRADEMARKSCAN - U.S. Federal, which contains all active marks in the U.S.

2. **EXPAND**, abbreviated E, using the prefix ET= for Exact Trademark and the trademark name. **EXPAND** displays the first 50 entries in the index.

Note: using upper or lower case provides the same results.

3. **SELECT** the E number for ageLoc (E3).

4. **TYPE** out records in Full format or Format 19 to see the complete record and image (e.g., t s1/FULL/1).

See Appendix A for more on the **TYPE** command and formats.

Note: You can also order the File History for the trademark by clicking the link at the beginning of the record.

```
?b 226
File 226:TRADEMARKSCAN(R)-US Fed OG 081028/AP 081024
(c) 2008 Thomson CompuMark

Set Items Description
--- ---- -
?e et=ageLoc

Ref File Items Total Index-term
E1 226 1 1 ET=AGELITY
E2 226 1 1 ET=AGELLIS
E3 226 1 1 *ET=AGELOC
E4 226 1 1 ET=AGELONG
E5 226 2 2 ET=AGELOSS
E6 226 2 2 ET=AGELOSS SKIN RENEWAL SYSTEM
E7 226 1 1 ET=AGEM
E8 226 2 2 ET=AGEMA
E9 226 1 1 ET=AGEMAR
E10 226 1 1 ET=AGEMARK
E11 226 1 1 ET=AGEMATCH.COM
E12 226 1 1 ET=AGEMEIJIN
E13 226 1 1 ET=AGEMO
E14 226 3 3 ET=AGEN
E15 226 5 5 ET=AGENA
E16 226 2 2 ET=AGENA BIOSCIENCES
. . . .

Enter P or PAGE for more
?s e3
S1 1 ET='AGELOC'

?t s1/19/1
Dialog eLink: Order File History
1/19/1
DIALOG(R)File 226: TRADEMARKSCAN(R)-US Fed
(c) 2008 Thomson CompuMark. All rights reserved.
07392296 * TRADEMARK IMAGE AVAILABLE *
AGELOC Block Letters
INTL CLASS: 3 (Cosmetics & Cleaning Preparations)
5 (Pharmaceuticals)
STATUS: Pending-Published for Opposition; Notice of
Allowance - Issued; Intent to Use - Application; Intent To Use
- Current USPTO STATUS: Notice of Allowance - Issued - August
26, 2008
GOODS/SERVICES: (INT. CL. 3) NON-MEDICATED SKIN CARE
PREPARATIONS, NAMELY, CREAMS, LOTIONS, GELS, TONERS, CLEANSERS,
SERUMS, FACIAL MASKS, ACNE TREATMENT, EXFOLIANTS FOR SKIN;
COSMETICS, NAMELY, EYE SHADOW, EYE PENCILS, FACE POWDER, BLUSH,
LIPSTICK, LIP LINER, LIQUID FOUNDATION, CONCEALER (INT. CL. 5)
DIETARY AND NUTRITIONAL SUPPLEMENTS AND MEAL REPLACEMENT SHAKES
SERIAL NO.: 77-392,296
FILED: February 8, 2008
PUBLISHED: June 3, 2008
ORIGINAL APPLICANT: NSE PRODUCTS, INC. (DELAWARE
Corporation), LEGAL DEPARTMENT, 75 WEST CENTER STREET, PROVO,
UT (Utah), 84601
OWNER AT PUBLICATION: NSE PRODUCTS, INC. (DELAWARE
Corporation), LEGAL DEPARTMENT, 75 WEST CENTER STREET, PROVO,
UT (Utah), 84601
FILING CORRESPONDENT: TYLER V. WHITEHEAD, LEGAL
DEPARTMENT, 75 WEST CENTER STREET, PROVO UT 84601
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| | |
|-----------|---|
| | HISTORY: August 26, 2008 NOTICE OF ALLOWANCE-MAILED |
| | June 3, 2008 PUBLISHED FOR OPPOSITION |
| | May 14, 2008 NOTICE OF PUBLICATION |
| | April 28, 2008 LAW OFFICE PUBLICATION REVIEW |
| COMPLETED | April 28, 2008 ASSIGNED TO LIE |
| | April 25, 2008 APPROVED FOR PUB - PRINCIPAL |
| REGISTER | April 21, 2008 ASSIGNED TO EXAMINER |
| | March 21, 2008 TEAS CHANGE OF CORRESPONDENCE |
| RECEIVED | February 13, 2008 NEW APPLICATION ENTERED IN TRAM |

AGELOC

TIP: Another way to search for a known trademark is to use a serial/application number (SN=) or a registration number (RN=). Search the number that is furnished by the source. Punctuation is optional in most cases and is best left out.

To retrieve

USPTO trademark application 77-392,296

USPTO trademark registration 658,010

Search

s sn=77392296

s rn=658010

Other countries may include a country designation (e.g., Germany application K61902) and would be searched **s sn=k61902** or **s sn=k 61902**. In this case, the application can be searched with or without spacing.

Note: Images can be displayed when searches are conducted on the Internet using DialogClassic. Use either FULL format or Format 19. Images can also be displayed using Dialog's DialogLink telecommunications software.

Application 2: Performing a Preliminary Screening Search

It is important before applying for a trademark to make sure that it is not the same as, or similar to, one that is already in use. It is also important to be as comprehensive as possible. A preliminary screening is conducted to make sure that the proposed trademark is not similar in look, sound, or that it does not convey the same overall commercial impression. It is also the broadest search you can do.

TRADEMARKSCAN—U.S. Federal (File 226) serves as a fast screening tool for checking the availability of new product or service names in the United States, and the European trademark files for specific countries in Europe. Thomson CompuMark, the database provider, has provided several enhancements to the database to make searching it easy.

Technique: The Rotated Index

A feature unique to trademark searching is the Rotated Index (TR=). Terms that appear in a trademark as a whole word, a prefix, a midword string (embedded in another word), or as a suffix are all retrieved when using the Rotated Index. Preliminary screening searches are best run within the Rotated Trademark and/or Basic Indexes because they provide the most comprehensive searches. The Rotated Index is also ideal for searching multi-term marks.

Example: **s tr=fluff?**

Retrieves:

Super **fluff** (whole word)

No-**Fluff**

Fluff-out (prefix)

Fluffy

Fluffywear

Foam**fluff** (suffix)

Bestomatic -**Fluff**separator (midword string)

Note: SELECTing search terms without using the prefix (TR=) only retrieves the terms as whole words or prefixes (e.g., s fluff?)

There are several considerations to keep in mind when searching the text of a trademark in the Rotated Index:

- A term used with the TR= prefix must be truncated with a “?” or zero results are generated (e.g., s tr=fluff?).
- Place parentheses around multiple terms and connect the terms with the logical operator AND (e.g., s tr=(soft? and fluff?)). You may also search each part of the mark using TR= (e.g., s tr=soft? and tr=fluff?).
- It is often helpful to use the SELECT STEPS (SS) command so that each search term is retrieved in a separate set (e.g., ss tr=(clock? and work?)); thus, combining sets is easier.

Techniques for Finding Common Variations

In broader trademark searches, you will be able to take advantage of cross-references that Thomson Compumark, the database provider, includes in most of its trademark databases. These cross-references will help in locating corrupted spelling or confusingly similar marks (e.g., light and lite).

- To retrieve terms appearing as suffixes or as whole words, use the following syntax: **S TR=<term>@?**
TR=<term>@?
Enter: s tr=fluff@?
Retrieve: **FYBERFLUFF**
POLY-FLUFF
- Multiple terms can be searched using the following syntax: **SS TR=<term1>? AND TR=<term2>?** or **SS TR=(<term1>? AND <term2>?)**
Enter: ss tr=(fluff? and soft?)
ss tr=fluff? and tr=soft?
Retrieve: **SOFT 'N FLUFFY FRUITIES**
FLUFF-SOFT
- Searching on the normal form of a word also retrieves variant spellings. Included with this are silent letters omitted from or added to a word. Both terms should be searched for comprehensive retrieval.
Enter: **s easy**
Retrieve: **easy, ez, eze cut**
- Whenever possible, the unusual spelling of homonyms, slang, and regionalisms are cross-referenced to the analogous word. Both terms should be searched for comprehensive retrieval.
Enter: s **so and what** Retrieve: **sew what**
s **don and quixote** **donkey hotey**
s **mosquito** **skeeter**
- Trademarks with repeating words or initials are searched using the (w) or near (n) proximity operators.
Enter: s **heart(1n)heart** Retrieve: **heart to heart**
- Punctuation is removed from a trademark and the remaining text is compressed.
Enter: s **microwave** Retrieve: **micro-wave**
s **boss** Retrieve: **B.O.S.S.**
- A word like E. S. P. retains its natural spaces and the text may not be compressed. Use proximity connectors between letters. Both terms should be searched for comprehensive retrieval.
Enter: s **E(w)S(w)P or ESP**
- Two or more words may or may not be run together. Always search as one word and also as two words.
Enter: **ss matchgame? or (match? and game?)**

► **Topic** ◀ See if trademarks for the product Nu Skin have been registered in Europe, for example, in the United Kingdom. *Hint:* Using the Rotated Index (TR=) will gather pertinent records regardless of the position of the term or the punctuation.

1. BEGIN in File 126, TRADEMARKSCAN - U.K., which contains all active marks in the U.K.

Note: Spellings are standard American English. OR words together that sound alike but have different meanings or have corrupted spelling.

2. Enter the command SELECT STEPS (SS), the prefix TR=, and key terms. Connect the terms with the AND connector, making sure to place parentheses around multiple terms, and add truncation (?) to each term in the search.

Note: Most "regular" plurals are singularized for easy retrieval of both singular and plural forms.

4. TYPE out records in Format 3 and the user-defined format OW to see all owners of the mark.

?b 126

File 126:TRADEMARKSCAN(R)-U.K. 2008/Oct W3
(c) 2008 Thomson CompuMark

| Set | Items | Description |
|-----|-------|-------------|
| --- | ----- | ----- |

?ss tr=(nu? and skin?)

| | | |
|----|------|--------------------|
| S1 | 5499 | TR=NU? |
| S2 | 858 | TR=SKIN? |
| S3 | 16 | TR=(NU? AND SKIN?) |

?t s3/3,ow/all

3/3,OW/1

DIALOG(R) File 126: TRADEMARKSCAN(R)-U.K.
(c) 2008 Thomson CompuMark. All rights reserved.

01324113

NURTURE SKIN NUTRITION

Register: UK

International Class: 3 (Cosmetics and cleaning preparations)
5 (Pharmaceuticals)

Status: REGISTRATION

Status According To National PTO: REGISTERED

Application Number: 2477135

Registration Number: 2477135

Last Full Publication: 07 March 2008 (March 7, 2008)

Last Reported Owner(s): Healthspan Limited, PO Box 425,
Healthspan House, The Grange, St Peter Port, Guernsey, GY1 3WU,
GB (UNITED KINGDOM)

(c)British Crown Copyright

. . . .

3/3,OW/12

DIALOG(R) File 126: TRADEMARKSCAN(R)-U.K.
(c) 2008 Thomson CompuMark. All rights reserved.

00716102

NU SKIN

Register: UK

International Class: 3 (Cosmetics and cleaning preparations)
Status: EXPIRED MARK

Status According To National PTO: ARCHIVED

Application Number: 1582685

Registration Number: 1582685

Last Full Publication: 01 October 1997 (October 1, 1997)

Last Reported Owner(s): Nu Skin International, Inc., One Nu
Skin Plaza, 75 West Center Street, Provo, Utah 84601, United
States of America, US (UNITED STATES OF AMERICA)

(c)British Crown Copyright

3/3,OW/16

DIALOG(R) File 126: TRADEMARKSCAN(R)-U.K.
(c) 2008 Thomson CompuMark. All rights reserved.

00064707

NU SKIN and design

4. TYPE a complete record using Format 19 to see the image too.

Tip: To print or save records from the search, click the standard Windows Print and Save icons on the toolbar.

Register: UK
International Class: 3 (Cosmetics and cleaning preparations)
Status: REGISTRATION
Status According To National PTO: REGISTERED
Application Number: B1292126
Registration Number: B1292126
Last Full Publication: 19 September 1990 (September 19, 1990)
Last Reported Owner(s): NSE Products, Inc., 75 West Center, Provo, Utah 84601, United States of America, US (UNITED STATES OF AMERICA)

(c) British Crown Copyright

?t s3/19/16

3/9/16

DIALOG(R) File 126: TRADEMARKSCAN(R)-U.K.

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00064707 * ~~TRADEMARK IMAGE AVAILABLE~~ *

NU SKIN and design

Register: UK
International Class: 3 (Cosmetics and cleaning preparations)
Status: REGISTRATION
Status According To National PTO: REGISTERED
Goods/Services: CLASS 03. SOAPS; PERFUMES; ESSENTIAL OILS; COSMETICS; PREPARATIONS FOR THE CARE OF THE SKIN AND OF THE HAIR; PREPARATIONS IN GEL FORM FOR CLEANSING THE BODY; CLEANSING LOTIONS; SHAVING PREPARATIONS; AFTER-SHAVE LOTIONS; SHAMPOOS; SUNTANNING PREPARATIONS FOR MITIGATING SUNBURN; FACIAL SCRUBS; HAND AND BODY LOTIONS, ALL FOR THE CARE OF THE BODY.

Last Reported Owner(s): NSE Products, Inc., 75 West Center, Provo, Utah 84601, United States of America, US (UNITED STATES OF AMERICA)

Correspondent: Ansons, 240-242 Upper Newtownards Road, Belfast, Northern Ireland, BT4 3EU, GB (UNITED KINGDOM)

Historical Information:

PUBLICATION OF APPLICATION:

TMJ Volume 5841 page 5503 dated 19 September 1990

NOTIFICATION OF REGISTRATION:

TMJ Volume 5863 page 1481 dated 6 March 1991

RENEWAL:

TMJ Volume 6005 page 8057 dated 15 December 1993



✓ Learning Check

Complete the following exercises:

1. Which of the following trademark(s) does not exemplify confusing similarity?

- | | |
|------------------|------------------|
| • Bugle boy | Bugler |
| • Plutus | Pluto |
| • Monarch Garden | Butterfly Garden |
| • Thermawarm | Thermawear |
| • Bugle | Bagel |

2. Write the search statement for a screening search for the following marks:

- Uncle Ben's
- B.O.S.S.
- Red light green light
- Hide 'n Seek

3. What marks can you expect to get from the following:

a. ss et=shaq-attaq (Exact Trademark index)

| | |
|------------|--------------|
| shaqattaq | shack attack |
| shaq-attaq | shack atak |
| shaq attaq | attackshaq |

b. ss low? and cal? (Basic index)

| | |
|---------|----------------|
| lowcal | callow |
| low cal | low calorie |
| low-cal | lowest calorie |

c. ss tr=super? and tr=port? (Rotated index)

| | |
|-----------------|---------------|
| supersport | super xsports |
| superdupersport | super port |
| port super | super pork |

Application 3: Determining Ownership of a Trademark

Typically, a search will start off broad and then be narrowed by additional search criteria. There are also many reasons why it is often necessary to determine the ownership of a trademark. You may want to see all trademarks registered with terms the same as or similar to your trademark. You may only want to see trademarks owned by a specific company, or you might want to determine the ownership history of a particular mark. Sometimes a company may own different types of marks, and you may want to see what types of marks the company holds. You may want to see what trademarks a company intends to use to get an idea of its new products. Finally, you may want to make sure no other company is infringing upon marks you have registered.

Technique

Dialog enables you to search for all owners or one specific one using the following techniques.

- Use OW= to retrieve marks that are owned by a specific entity (e.g., s ow=(colgate(w)palmolive) retrieves marks where Colgate-Palmolive Co. is the listed as the owner of record). TRADEMARKSCAN – U.S. Federal (File 226) also includes owner reassignment information that has been recorded with the U.S. Patent and Trademark Office. Thus, in File 226, OW= will retrieve all marks currently owned or that were previously owned by the entity, provided the transfer of ownership has been recorded with the USPTO.
- Use CO= to search by Named Company to find a party's name in any company name field, including Legal Representative. Retrieval will depend on the company or organization name fields available in any individual TRADEMARKSCAN file. For example, the U.S. TRADEMARKSCAN database, File 226, includes USPTO Trademark Trial & Appeal Board petitioner fields as listed below:

Covered are:

- All owners (OW=)
- Opposer (OP=)
- Petitioner in Cancellation Action (PE=)
- Plaintiff in Interference Action (IP=)
- Plaintiff in Concurrent Use Action (UP=)
- Filing Correspondent (LR=)

To illustrate, S CO=RAYTHEON retrieves all corporate references to Raytheon Co, including oppositions filed by Raytheon before the Trademark Trial and Appeal Board in File 226.

Note: The same name may appear differently in different records. Use EXPAND to locate variations.

| Code | Explanation |
|------|---------------|
| CO= | Named Company |
| OW= | All Owners |

► **Topic** ◀ It appears that either several companies are involved with Nu Skin or the company has different names. Do some more investigation on the ownership of this mark. See what other trademarks these owners have to help our client determine the company's future directions.

We saw in the earlier searches that the company NSE is a U.S. company in Provo, Utah, and appears to be the owner of the Nu Skin trademark. In the United Kingdom we found Nu Skin International so there may be other ways of spelling the name of this company. We'll take a look at this company first to gather different spellings of the company name to be comprehensive.

Dialog has trademark databases from 22 different countries, as well as the International Register and Community trademarks filed with the Office of Harmonisation in the Internal Market. We can use the file group—EUROTMKS—to search all of these European trademarks for NSE and Nu Skin International to find out which of their marks might be pending in Europe. See the Trademark list on page 8 for a list of European trademark databases.

1. BEGIN the EUROTMKS OneSearch category to search all European trademark databases at once.

2. EXPAND using the prefix OW= to retrieve all owners.

To do a comprehensive search use all forms of the names we have discovered.

Note: You can also use proximity operators, such as (w), (n), (#n), or (#w), to search multi-word owner names in the OW= prefix.

```
?b eurotmks
```

```
SYSTEM:OS - DIALOG OneSearch
File 126:TRADEMARKSCAN(R)-U.K. 2008/Oct W3
(c) 2008 Thomson CompuMark
File 227:TRADEMARKSCAN(R)-Community Tmks 2008/Oct W3
(c) 2008 Thomson CompuMark
File 228:TRADEMARKSCAN(R)-Spain 2008/Oct W2
(c) 2008 Thomson CompuMark
File 657:TRADEMARKSCAN(R)-France 2008/Oct W4
. . . .
File 685:TRADEMARKSCAN(R)-Lithuania 2008/Sep
(c) 2008 Thomson CompuMark
File 688:TRADEMARKSCAN(R)-Portugal 2008/Sep W2
(c) 2008 Thomson CompuMark
File 697:TRADEMARKSCAN(R)-Latvia 2008/Sep W2
(c) 2008 Thomson CompuMark
```

```
Set Items Description
--- ----
```

```
?e ow=nse
```

| Ref | Items | Index-term |
|-----|-------|---|
| E1 | 1 | OW=NSDESIGN |
| E2 | 1 | OW=NSDESIGN LTD |
| E3 | 342 | *OW=NSE |
| E4 | 1 | OW=NSE CONSEIL SARL |
| E5 | 3 | OW=NSE GULDVARU AKTIEBOLAG |
| E6 | 1 | OW=NSE HOLDING, SOCIETE ANONYME |
| E7 | 3 | OW=NSE INTERNATIONAL LIMITED |
| E8 | 1 | OW=NSE PARTICIPATIONS SOCIETE ANONYME |
| E9 | 23 | OW=NSE PRODUCTS |
| E10 | 32 | OW=NSE PRODUCTS INC |
| E11 | 1 | OW=NSE PRODUCTS INC. |
| E12 | 78 | OW=NSE PRODUCTS, INC |
| E13 | 10 | OW=NSE PRODUCTS, INC (DELAWARE ALLAMBAN BEJEGYZET |
| E14 | 160 | OW=NSE PRODUCTS, INC. |
| E15 | 12 | OW=NSE PRODUCTS, INC., A DELAWARE CORPORATION |
| E16 | 1 | OW=NSE PRODUCTS, INC., A DELAWARE CORPORATION, IN |
| E17 | 6 | OW=NSE PRODUCTS, INC., DELAWARE CORPORATION |
| E18 | 1 | OW=NSE SAS |
| E19 | 5 | OW=NSE SOFTWARE AG |
| E20 | 2 | OW=NSE, INC |
| E21 | 1 | OW=NSE, INC., GEORGIA CORPORATION, 1600 ATLANTA F |
| E22 | 3 | OW=NSEC |
| E23 | 3 | OW=NSEC - SISTEMAS INFORMATICOS, S.A. |
| E24 | 3 | OW=NSECURE |

3. SELECT all appropriate entries from the list of owner names (e.g., e9:e17) to create Set 1 (S1).

4. EXPAND again using an alternate spelling or misspellings of the name.

5. SELECT all appropriate E numbers (e1:e21).

Note: Use a colon to select a range of E numbers.

6. Combine Sets 1 and 2 using the OR connector to include all names in our new Set 3 (S3).

```
E25      3  OW=NSECURE B.V.
```

```
Enter P or PAGE for more
```

```
?s e9:e17
```

```
S1      323  OW='NSE PRODUCTS': OW='NSE PRODUCTS, INC.,
          DELAWARE CORPORATION'
```

```
?e ow=nu skin international
```

```
Ref      Items  Index-term
```

| | | |
|-----|-----|---|
| E1 | 1 | OW=NU SKIN INTARNATIONAL, INC |
| E2 | 1 | OW=NU SKIN INTERNATIONAL, INC. |
| E3 | 26 | *OW=NU SKIN INTERNATIONAL |
| E4 | 48 | OW=NU SKIN INTERNATIONAL INC |
| E5 | 76 | OW=NU SKIN INTERNATIONAL INC. |
| E6 | 1 | OW=NU SKIN INTERNATIONAL INC. (LEYES DE UTAH) |
| E7 | 2 | OW=NU SKIN INTERNATIONAL INC. (SOCIETE ORGANISEE |
| E8 | 1 | OW=NU SKIN INTERNATIONAL INC. SOCIETA DELLO STATO |
| E9 | 1 | OW=NU SKIN INTERNATIONAL INC., A CORPORATION OF T |
| E10 | 2 | OW=NU SKIN INTERNATIONAL. INC |
| E11 | 2 | OW=NU SKIN INTERNATIONAL. INC. |
| E12 | 1 | OW=NU SKIN INTERNATIONAL. INC. (SOCIETE ORGANISEE |
| E13 | 141 | OW=NU SKIN INTERNATIONAL, INC |
| E14 | 5 | OW=NU SKIN INTERNATIONAL, INC , SPOLECNOST ZRIZEN |
| E15 | 4 | OW=NU SKIN INTERNATIONAL, INC , SPOLOCNOST ZRIADE |
| E16 | 1 | OW=NU SKIN INTERNATIONAL, INC PROVO |
| E17 | 309 | OW=NU SKIN INTERNATIONAL, INC. |
| E18 | 5 | OW=NU SKIN INTERNATIONAL, INC. (SOCIETE ORGANISEE |
| E19 | 11 | OW=NU SKIN INTERNATIONAL, INC., UTAH CORPORATION |
| E20 | 9 | OW=NU SKIN INTERNATIONAL, INC |
| E21 | 3 | OW=NU SKIN INTERNATIONAL, INC ; |
| E22 | 1 | OW=NU SPA AS |

```
. . . .
```

```
Enter P or PAGE for more
```

```
?s e1:e21
```

```
S2      650  OW='NU SKIN INTARNATIONAL, INC':OW='NU SKIN
          INTERNATIONAL, INC ;'
```

```
?s s1 or s2
```

```
323  S1
650  S2
S3      973  S1 OR S2
```

► **Topic** ◀ Next, we want to refine the search. We want to see which trademarks are pending for Nu Skin in Europe. This is also a good way to gain competitive intelligence on the company's products by seeing what new trademarks might be pending. By reviewing the legal status field (ST=) in a record, we are able to determine whether trademarks are registered, abandoned, or pending for a new product.

Note: In TRADEMARKSCAN – U.S. Federal (File 226) you can also see marks designated as “intent to use.”

7. SELECT Set 3 (S3) containing all company owners' names and combine the set with the status for “pending” (e.g., st=pending) to narrow the search.

8. TYPE out a few records in *SHORT* format to see the trademark name and whether an image is available.

```
?s s3 and st=pending
          973 S3
        628749 ST=PENDING
          S4      20 S4 AND ST=PENDING

?t s4/short/1-5

4/49/1 (Item 1 from file: 227)
DIALOG(R)File 227: TRADEMARKSCAN(R)-Community Tmks
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676807 * TRADEMARK IMAGE AVAILABLE *
PHARMANEX Stylized letters
Register: Community Trademarks

4/49/2 (Item 2 from file: 227)
DIALOG(R)File 227: TRADEMARKSCAN(R)-Community Tmks
(c) 2008 Thomson CompuMark. All rights reserved.

675637
Nu SKIN and design
Register: Community Trademarks

4/49/3 (Item 3 from file: 227)
DIALOG(R)File 227: TRADEMARKSCAN(R)-Community Tmks
(c) 2008 Thomson CompuMark. All rights reserved.

666027 * TRADEMARK IMAGE AVAILABLE * Design only
Register: Community Trademarks

4/49/4 (Item 4 from file: 227)
DIALOG(R)File 227: TRADEMARKSCAN(R)-Community Tmks
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665169
NU SKIN
Register: Community Trademarks

4/49/5 (Item 5 from file: 227)
DIALOG(R)File 227: TRADEMARKSCAN(R)-Community Tmks
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652733
AGELOC
Register: Community Trademarks
```

9. TYPE a couple of records using **Format 19** to see the complete records and images.

Note: Record 1 is a pending trademark for *Pharmanex*, owned by NSE.

Notice the **Goods/Services** field is in different languages, but the **International code** is the same, in this example 32.

In Section 3 you will use the class code to refine a search.

?t s4/19/1-2

4/19/1 (Item 1 from file: 227)
DIALOG(R) File 227: TRADEMARKSCAN(R)-Community Tmks
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676807 * TRADEMARK IMAGE AVAILABLE *
PHARMANEX Stylized letters
Register: Community Trademarks
International Class: 5 (Pharmaceuticals)

~~32 (Light beverages)~~
Status: APPLICATION (PENDING)

Status According to National PTO: CTM PUBLICATION DONE
Goods/Services: (CZECH) 05 Dietni doplňky, napoje a prasky nahrazující stravu, napoje jako potravinové doplňky, koktejly nahrazující stravu, tyčinky nahrazující jídlo (všechno pro nelečebné účely).

32 Nealkoholické napoje, jmenovité ovocné stavy, vlákninové napoje, stavy obohacené zivínami, napoje obohacené vitamíny. (DANISH) 05 Kosttilskud, drikke og pulver til erstatning for maltider, kosttilskud i form af drikke, shakes som erstatning for maltider, snackstaenger til erstatning for maltider (foraevnede varer ikke til medicinske formal).

32 Ikke-alkoholholdige drikke, nemlig frugtsaft, fiberdrikke, naeringsberiget saft, vitaminberigede drikke. (DUTCH) 05 Dieetsupplementen, maaltijdvervangende dranken en poeders, dieetsupplementdranken, maaltijdvervangende mengdranken, maaltijdvervangende repen (alle voor niet-medisch gebruik).

32 Alcoholvrije dranken, te weten vruchtensappen, vezeldranken, met voedingsstoffen verrijkte sappen, met vitaminen verrijkte dranken.

(ENGLISH) 05 Dietary supplements, meal replacement drinks and powders, dietary supplement drinks, meal replacement shakes, meal replacement bars (all for non-medical purposes).

32 Non-alcoholic drinks, namely, fruit juices, fiber drinks, nutrient enriched juice, vitamin enhanced drinks.

.
Language: English (Language of the application); French (Second language)

Application Number: 6935092

Application Date: May 26, 2008

Last Full Publication: September 29, 2008

Published In: CTMB 39 page 1010

Expiration Date: May 26, 2018

Duration: 10 YEARS

Vienna Codes: 270501

Last Reported Owner(s): NSE Products, Inc., 75 West Center, Provo, Utah, 84601, US (United States of America)

Agent: MACLACHLAN & DONALDSON, 47 Merrion Square, Dublin, 2, IE (Ireland)

Historical Information:

PUBLICATION OF APPLICATION: CTMB Volume 39 page 1010 dated September 29, 2008

PHARMANEX

Another pending trademark is for Nu Skin.

Looks like NSE is branching out into Europe.

4/19/2 (Item 2 from file: 227)
 DIALOG(R)File 227: TRADEMARKSCAN(R)-Community Tmks
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675637
 Nu SKIN and design
 Register: Community Trademarks
 International Class: 3 (Cosmetics and cleaning preparations)
 5 (Pharmaceuticals)
 10 (Medical Apparatus)
 32 (Light beverages)
 Status: APPLICATION (PENDING)
 Status According to National PTO: CTM PUBLICATION DONE
 Goods/Services: (CZECH) 03 Nelecive pripravky pro peci o plet, kremy, vody, gely, tonika, cistici pripravky, sera, oblicejove masky, pripravky pro lecbu akne, exfolianty na plet;kosmetika, očni stiny, tuzky na oboci, pudr na liceni, rumenec, rtenky, tuzky na rty, tekute podkladove pudry, kryci tycinky;vyrobky pro ustni hygienu vhodne pro lidske pouziti, pricemz jsou tyto

 (ENGLISH) 03 Non-medicated skin care preparations, creams, lotions, gels, toners, cleansers, serums, facial masks, acne treatment, exfoliants for skin; cosmetics, eye shadow, eye pencils, face powder, blush, lipstick, lip liner, liquid foundation, concealer; oral hygiene products suitable for human use, which preparations are designated to interrupt plaque formation between regular teeth cleaning intervals, including specifically an anti-plaque mouthwash, anti-plaque breath spray and anti-plaque toothpaste.
 05 Dietary supplements, meal replacement drinks and powders, dietary supplement drinks, meal replacement shakes, vitamin enhanced drinks, meal replacement bars (all for non-medical purposes).
 10 Low frequency electric therapy apparatus.
 32 Non-alcoholic drinks, fruit juices, fiber drinks, nutrient enriched juice.

 Language: English (Language of the application); French (Second language)
 Application Number: 6929657
 Application Date: May 22, 2008
 Last Full Publication: August 4, 2008
 Published In: CTMB 31 page 3812
 Expiration Date: May 22, 2018
 Duration: 10 YEARS
 Vienna Codes: 260401 260405 260418 260498
 CM Design Codes: 260401; 260422
 Last Reported Owner(s): NSE Products, Inc., 75 West Center, Provo, Utah, 84601, US (United States of America)
 Agent: MACLACHLAN & DONALDSON, 47 Merrion Square, Dublin, 2, IE (Ireland)
 Historical Information:
 PUBLICATION OF APPLICATION: CTMB Volume 31 page 3812 dated August 4, 2008

Online Practice Exercises

Try some of the following searches for U.S. trademarks to practice the techniques you learned in Section 2.

1. Who owns the trademark for the following slogan: "See the stars. Ride the movies."?
2. An application was filed to trademark the phrase "Space Shuttle Astronaut." Was the trademark ever registered? If not, who opposed it? What was the intended use of the trademark?
3. Locate trademarks owned by the sports division of ABC.
4. Find Sara Lee's trademarks.
5. Does Microsoft have any pending trademarks?
6. What trademark applications filed by Champion International are still pending?

Summary

In Section 2 you learned how to conduct several basic trademark searches.

1. You conducted a search using the prefix ET= to search for a known trademark. You viewed what this search would look like conducted in DialogClassic Web in File 226, TRADEMARKSCAN—U.S. Federal.
2. You performed a preliminary screening search for a trademark using the Rotated Index (TR=) in TRADEMARKSCAN—U.K. (File 126). Using the Rotated Index provides the most comprehensive trademark search.
3. You also searched a group of databases using the OneSearch category EUROTMKS, containing all European trademark databases on Dialog, to retrieve trademarks for a specific owner. By looking at the Bluesheet, you found that there are different prefixes for different statuses of owners: all owners, last reported owner, and named company.
4. You learned how to narrow the search to find marks that exhibit a certain legal status (ST=). You found that it is possible to gain insight into a company's future products by determining marks that are pending or that a company intends to use (U.S. only). You can even see changes in a company's direction by looking at the marks that they have abandoned or allowed to expire.



SECTION 3: MORE TRADEMARK SEARCHES

In this section you will:

- Use international classification codes to narrow a search
- Refine a search using the goods and services description
- Search the Asian trademark databases
- Set up a trademark watch

There are several ways to refine a trademark search. In Section 2 you limited the search using the trademark's legal status (ST=)—registered, pending, intent to use. You can also narrow a search to active (/active) or inactive (/inactive) marks.

Application 4: Using International Class Codes and Goods/Services

There are two common ways used to narrow a trademark search further. One is to limit the search to a particular area of interest using international (IC=) classifications. Categories representing broad groups of goods or services are used to classify the trademark registrations.

International Classification Codes (IC=) represent broad groups of goods or services used to classify trademark registrations. More than one class code is often assigned to one trademark. They are listed as one- and two-digit numeric codes (e.g., 6 for Metal Goods). The class descriptions are included as part of each record (e.g., IC=15 (Musical Instruments)).

Every record has an international class number that can be used for searching. Search using the class number of one or two digits (e.g., IC=1; IC=41). Also, use related classes for broadest coverage.

► **Topic** ◀ Nu Skin International seems to have a number of trademarks in the European trademark databases. What do they have in the area of dietary supplements in the United States that haven't been registered yet?

1. BEGIN the U.S. trademark file (File 226).

Trademarks may be registered in specific states (File 246) and/or at the national level.

2. Since we've found in earlier searches that the company has several ways its name is spelled, we'll **EXPAND** using the name spelled out and also the abbreviation.

3. SELECT appropriate E numbers.

4. EXPAND using the abbreviation of the company name.

5. SELECT the appropriate E numbers.

6. Combine the two sets (S1, S2) using the OR connector so any of the names will be contained in the set.

```
?b 226
File 226:TRADEMARKSCAN(R)-US Fed OG 081028/AP 081024
      (c) 2008 Thomson CompuMark

      Set  Items  Description
      ---  -
?e ow=nu skin

Ref  Items  Index-term
E1      5  OW=NU SCIENCE TRADING, LLC
E2      1  OW=NU SIGNAL, L.L.C.
E3      0  *OW=NU SKIN
E4      1  OW=NU SKIN INTERNATINAL, INC.
E5      2  OW=NU SKIN INTERNATIONAL
E6      1  OW=NU SKIN INTERNATIONAL. INC.
E7      8  OW=NU SKIN INTERNATIONAL, INC
E8     297  OW=NU SKIN INTERNATIONAL, INC.
E9      1  OW=NU SKOOL PRODUCTS LLC
E10     1  OW=NU SOUF RECORDS LLC
. . . .

Enter P or PAGE for more
?s e4:e8
      S1      309  OW='NU SKIN INTERNATINAL, INC.':OW='NU SKIN
      INTERNATIONAL, INC.'
?e ow=nse

Ref  Items  Index-term
E1      6  OW=NSDC
E2      6  OW=NSDC, LLC
E3     92  *OW=NSE
E4      1  OW=NSE PRODUCTS, INC
E5     83  OW=NSE PRODUCTS, INC.
E6      8  OW=NSE, INC.
E7      1  OW=NSEARCH
E8      1  OW=NSEARCH, LLC
. . . .
E25     2  OW=NSFP LIQUIDATING TRUST

Enter P or PAGE for more
?s e3:e6
      S2      92  OW='NSE':OW='NSE, INC.'
?s s1 or s2
      S3     370  S1 OR S2
```

The Goods/Services description is a free-form entry of the goods and services and cannot be relied upon for consistency. However, it can be extremely valuable in obtaining an overview of the market for a particular product. Here are some suggestions for searching:

- The presentation of goods and services descriptions varies substantially. In some cases, the goods are stated broadly, encompassing a wide group of similar products (e.g., All Types of Baked Goods), or each individual product or service is listed specifically (e.g., croissants).
- Not all records in TRADEMARKSCAN—U.S. State have goods or services descriptions. If you search the Federal and State trademark files together, the goods and services restriction will be ignored where none is listed.

- If the description in the registration exceeds the character limits of the field, the description is truncated and followed by an etc.
- Review retrieved records to identify additional synonyms for more comprehensive searches.

7. Limit the search using the International Class code(s) (IC=) that we found in an earlier search. Connect the codes with OR.

8. Narrow the search further using words from the Goods & Services field (GS=).

9. Combine the sets using the AND operator.

10. Finally, limit the search to trademarks that are pending or that the owner intends to use.

Note: Intent to use is only available in File 226.

11. TYPE out a few records in the SHORT format to see the trademark name and whether a design is available.

12. We will TYPE record 4 in Format 19 to see the complete record and image.

International Class codes we used (5 and 32). Note other codes as well.

Status of mark

```
?s ic=(5 or 32)
S4 288483 IC=(5 OR 32)

?s gs=(drink? or juice? or dietary() supplement? or
dietary() drink?)
S5 107785 GS=(DRINK? OR JUICE? OR DIETARY() SUPPLEMENT?
OR DIETARY() DRINK?)

?s s3 and s4 and s5
S6 51 S3 AND S4 AND S5

?s s6 and st=(pending or intent to use)
S7 24 S10 AND ST=(PENDING OR INTENT TO USE)

?t s7/short/1-4

7/49/1
DIALOG(R)File 226: TRADEMARKSCAN(R)-US Fed
(c) 2008 Thomson CompuMark. All rights reserved.
07475860 * TRADEMARK IMAGE AVAILABLE *
PHARMANEX and Design

7/49/2
DIALOG(R)File 226: TRADEMARKSCAN(R)-US Fed
(c) 2008 Thomson CompuMark. All rights reserved.
07475815 * TRADEMARK IMAGE AVAILABLE *
NU SKIN and Design

7/49/3
DIALOG(R)File 226: TRADEMARKSCAN(R)-US Fed
(c) 2008 Thomson CompuMark. All rights reserved.
07442893 * TRADEMARK IMAGE AVAILABLE *
NU SKIN Block Letters

7/49/4
DIALOG(R)File 226: TRADEMARKSCAN(R)-US Fed
(c) 2008 Thomson CompuMark. All rights reserved.
07439983 * TRADEMARK IMAGE AVAILABLE *
DESIGN ONLY

?t s7/19/4
Dialog eLink: Order File History
7/19/4
DIALOG(R)File 226: TRADEMARKSCAN(R)-US Fed
(c) 2008 Thomson CompuMark. All rights reserved.
07439983 * TRADEMARK IMAGE AVAILABLE *
DESIGN ONLY
INTL CLASS: 3 (Cosmetics & Cleaning Preparations)
5 (Pharmaceuticals)
32 (Light Beverages)
44 (Medical, veterinary, agricultural &
Forestry services)
STATUS: Pending-Published for Opposition; Notice of
Allowance - Issued; Intent to Use -
Application; Intent To Use - Current USPTO
STATUS: Notice of Allowance - Issued - September 2,
2008
GOODS/SERVICES: (INT. CL. 3) NON-MEDICATED SKIN CARE
```

PREPARATIONS, NAMELY, CREAMS, LOTIONS, GELS, TONERS, CLEANSERS, SERUMS, FACIAL MASKS, ACNE TREATMENT, EXFOLIANTS FOR SKIN; COSMETICS, NAMELY EYE SHADOW, EYE PENCILS, FACE POWDER, BLUSH, LIPSTICK, LIP LINER, LIQUID FOUNDATION, CONCEALER; ORAL HYGIENE PRODUCTS SUITABLE FOR HUMAN USE, WHICH PREPARATIONS ARE DESIGNATED TO INTERRUPT PLAQUE FORMATION BETWEEN REGULAR TEETH CLEANING INTERVALS, NAMELY, ANTIPLAQUE MOUTHWASH, ANTIPLAQUE BREATH SPRAY AND ANTIPLAQUE TOOTHPASTE (INT. CL. 5) DIETARY SUPPLEMENTS, MEAL REPLACEMENTS DRINKS AND POWDERS, DIETARY SUPPLEMENT DRINKS, MEAL REPLACEMENT SHAKES, VITAMIN ENHANCED DRINKS, MEAL REPLACEMENT BARS, DIETARY SUPPLEMENT DRINKS FEATURING SOLUBLE FIBERS, NUTRITIONALLY FORTIFIED BEVERAGES, NAMELY, NUTRIENT ENRICHED JUICE (INT. CL. 32) NON-ALCOHOLIC DRINKS, NAMELY, FRUIT JUICES AND FRUIT DRINKS (INT. CL. 44) WEIGHT MANAGEMENT PROGRAM, NAMELY, CONSULTING TO INDIVIDUALS ENGAGED IN WEIGHT LOSS AND WEIGHT REDUCTION DIET PLANNING
SERIAL NO.: 77-439,983
FILED: April 4, 2008
PUBLISHED: June 10, 2008

ORIGINAL APPLICANT: NSE PRODUCTS, INC. (DELAWARE Corporation), LEGAL DEPARTMENT, 75 WEST CENTER STREET, PROVO, UT (Utah), 84601

OWNER AT PUBLICATION: NSE PRODUCTS, INC. (DELAWARE Corporation), LEGAL DEPARTMENT, 75 WEST CENTER STREET, PROVO, UT (Utah), 84601

FILING CORRESPONDENT: TYLER V. WHITEHEAD, NU SKIN LEGAL DEPARTMENT, 75 WEST CENTER STREET, LEGAL DEPARTMENT, PROVO, UT 84601

CLAIMS: COLOR IS NOT CLAIMED AS A FEATURE OF THE MARK.

DESIGN PHRASE: THE MARK CONSISTS OF CIRCLE WITH FOUNTAIN CONTAINED INSIDE..

HISTORY: September 2, 2008 NOTICE OF ALLOWANCE-MAILED June 10, 2008 PUBLISHED FOR OPPOSITION



Application 5: Searching the Asian Trademarks

Due to the international nature of business opportunities, companies often want to register trademarks as broadly as possible. The EUROTMKS category enables you to check for trademarks in 24 European countries and organizations.

The ASIATMKS category includes four trademark files for the Asia Pacific region.

- **TRADEMARKSCAN® - Australia (File 656)** includes over 482,000 active trademarks since 1906 and inactive trademarks for the last three years registered with IP Australia.
- **TRADEMARKSCAN® - China (File 651)** includes over 4.6 million active trademarks since 1950 and inactive marks for the last three years registered with the State Intellectual Property Office of the People's Republic of China (SIPO).
- **TRADEMARKSCAN® - Japan (File 669)** includes over 3.1 million active and inactive trademarks registered with the Japanese Patent Office since 1902 for active marks and 1905 for inactive marks.
- **TRADEMARKSCAN® - South Korea (File 655)** contains over 650,000 active and inactive trademarks registered with the Korean Intellectual Property Office (KIPO) since 1954.

► **Topic** ◀ Find out if NSE is involved in the Asian market. Does NSE have any trademarks pending in the Asian countries for its AgeLoc product?

1. Begin in all the Asian trademark files using the OneSearch category: ASIATMKS

2. SELECT the last owner (ON=) and use both spellings of the company name.

3. Using the rotated index (TR=), SELECT the product name followed by a question mark.

4. Combine the sets (S1, S2) using the AND connector.

5. TYPE out all the records to see which countries have trademarks for NSE's product AgeLoc.

```
?b asiatmks
SYSTEM:OS - DIALOG OneSearch
  File 651:TRADEMARKSCAN(R)-China 2008/Oct W4
             (c) 2008 Thomson CompuMark
  File 655:TRADEMARKSCAN(R)-South Korea 2008/Nov W2
             (c) 2008 Thomson CompuMark
  File 656:TRADEMARKSCAN(R)-Australia 2008/Nov W1
             (c) 2008 Thomson CompuMark
  File 669:TRADEMARKSCAN(R)-Japan 2008/Sep
             (c) 2008 Thomson CompuMark

      Set  Items  Description
      ---  ----  -
?s on=(nse? or nu skin international?)
  S1      737  ON=(NSE? OR NU SKIN INTERNATIONAL?)

?s tr=(age? and loc?)
  S2       88  TR=(AGE? AND LOC?)

?s s1 and s2
  S3        3  S1 AND S2

?t s3/short/all

3/49/1 (Item 1 from file: 651)
DIALOG(R)File 651: TRADEMARKSCAN(R)-China
(c) 2008 Thomson CompuMark. All rights reserved.

4930249
AGELOC
Register: China
```

Apparently, NSE is not registering the trademark in Japan.

3/49/2 (Item 1 from file: 655)

DIALOG(R)File 655: TRADEMARKSCAN(R)-South Korea
(c) 2008 Thomson CompuMark. All rights reserved.
01279370

AGELOC

REGISTER: REPUBLIC OF KOREA

INTL CLASS: 3 (Cosmetics and cleaning
preparations)
29 (Meats and processed foods)
30 (Staple foods)

3/6/3 (Item 2 from file: 656)

DIALOG(R)File 656: TRADEMARKSCAN(R)-Australia
(c) 2008 Thomson CompuMark. All rights reserved.

AGELOC

Register: AUSTRALIA

International Class:
3 (Cosmetics and cleaning preparations)
5 (Pharmaceuticals)

Application 6: Setting up a Trademark Watch

Finding up-to-date information on companies, industries, regional economic trends, health issues, and competitors is important to business success in any industry. Dialog Alerts is a current awareness service that is available for most regularly updated databases on Dialog. This service provides you with an easy, cost effective way to keep up to date on new technologies, research activities, the competition, new laws or regulations, or issues that directly affect your area of science, business, industry, or intellectual property.

Dialog Alerts can provide immediate delivery of news and information your organization needs, efficient distribution/archiving with automatic copyright compliance, and higher productivity by cutting down on routine searches.

Dialog Alerts can help you:

- Protect patents and trademarks
- Enter new markets
- Develop new products or services
- Check on the competition
- Select and plan for new technologies

The Dialog Alerts service lets you run a search automatically and regularly. This will keep you informed of new trademarks. In order to monitor a company's trademarks, you first must do a search using the techniques you have already learned in this course.

► **Topic** ◀ Keep track of any new trademarks that NSE registers in the United States.

1. Begin in the U.S.
Federal trademark
database (File 226).

2. SELECT the all
owners field (OW=)
and use both
spellings of the
company name.

3. TYPE out a few
records to make sure
your search is
accurate.

```
?b 226
File 226:TRADEMARKSCAN(R)-US Fed OG 081028/AP 081024
(c) 2008 Thomson CompuMark

Set  Items  Description
---  ----  -
?s ow=(nse? or nu skin international?)
      S1      369  OW=(NSE? OR NU SKIN INTERNATIONAL?)

?t s1/short/1-5

1/49/1
DIALOG(R)File 226: TRADEMARKSCAN(R)-US Fed
(c) 2008 Thomson CompuMark. All rights reserved.
      08873209  * TRADEMARK IMAGE AVAILABLE *
GLACIAL MARINE MUD      Block Letters

1/49/2
DIALOG(R)File 226: TRADEMARKSCAN(R)-US Fed
(c) 2008 Thomson CompuMark. All rights reserved.
      08871152  * TRADEMARK IMAGE AVAILABLE *
LIPOCAROTENES      Block Letters

1/49/3
DIALOG(R)File 226: TRADEMARKSCAN(R)-US Fed
(c) 2008 Thomson CompuMark. All rights reserved.
      08844900  * TRADEMARK IMAGE AVAILABLE *
MOVIE MAGIC      Block Letters
```

4. To begin the Alert process, type **SAVE ALERT**. The Alert screen to complete will display in a new window.

5. Enter the Alert Name.

Notice that the database(s) and search strategy are entered for you. Check them to make sure they are what you want.

6. Enter the **PRINT** command (PR set#/format/records), enter an address from the dropdown box and click **Insert Address**.

If you have not set up an address, click **Create Address**.

7. Choose a schedule either based on the update frequency or set your own schedule, including day and time. Then click **SAVE**.

```
1/49/4
DIALOG(R)File 226: TRADEMARKSCAN(R)-US Fed
(c) 2008 Thomson CompuMark. All rights reserved.
08844791 * TRADEMARK IMAGE AVAILABLE *
PICTURE PERFECT Block Letters
```

```
1/49/5
DIALOG(R)File 226: TRADEMARKSCAN(R)-US Fed
(c) 2008 Thomson CompuMark. All rights reserved.
08844683 * TRADEMARK IMAGE AVAILABLE *
MOBILEMAX Block Letters
```

```
?save alert
```

Alert Name Subaccount

File List:
 TRADEMARKSCAN(R)-US Fed (File 226) Add Files

Options:
 Remove duplicates across databases and against past deliveries (Dedup)
 Notify me even if no new documents are found

Search Commands:

Print Commands:

Insert Address:

- AC002 (EML)
- ADKM (EML)
- ADRAY (EML)
- ADRNP0ST (PST)
- ADSUEP (EML)
- BAJABEV (EML)**
- GENERIC (EML)

Choose a schedule:
 Based on the Alert update frequency:
 If any databases have multiple Alert frequencies, make a selection
 TRADEMARKSCAN(R)-US Fed (File 226)
 Weekly

According to this schedule:
 Monthly: on day at
 Twice a month: on at
 Weekly: on at

Online Practice

Write out the search strategies you would use to answer the following questions. This will give you a final practice on what you learned in this course. Don't forget to check your answers before going on to the summary and course wrap up.

1. Conduct a search to retrieve all trademarks CURRENTLY owned by the following entities.
(Hint: Check alternate spellings)
 - a. Trend Masters
 - b. National Football League
2. Retrieve all trademarks currently owned by Bandai International. Narrow the search to all trademarks registered with International Class 28 (Toys and Sporting Goods). Further narrow the search to those trademarks owned by Bandai that list action figures in the goods/services field. Display the records in a format with images.
3. Use strategies for the following to do searches in the TRADEMARKSCAN—U.S. Federal and TRADEMARKSCAN—U.S. State databases.

Capture the Flag
Freeze Tag
Red Rover
Duck, Duck, Goose

Summary

In Part 3 you restricted your searches to:

- all owners (OW=)
- International (IC=) classification codes
- the goods and services field (GS=)

Using the goods and services descriptions and also the classification codes, companies can track products of their competition, identify any possible infringements of marks in the same categories, and come up with lists of marks already held in specific areas before beginning work on a new product.

You also learned to search all U.S. trademark databases—TRADEMARKSCAN—U.S. Federal (File 226) and TRADEMARKSCAN—U.S. State (File 246).

- You searched for All Owners using the prefix OW=.
- You limited the search strategy to trademarks that a company “intends to use” using Legal Status (ST=) in the TRADEMARKSCAN - U.S. Federal.

As a result of your searches, you have found ways to identify products that companies intend to use in the future. You can also see where companies potentially plan to market their products by the locations where they register their trademarks.

Finally, you learned that Dialog Alerts can be very useful to help a company stay current on its competition. It is also a way to track a company’s trademarks for infringements.

Remember when setting up an Alert to follow these steps:

1. BEGIN in one or more appropriate databases. Check the Bluesheets to make sure that Alerts are available in the databases you have chosen.
2. Enter SELECT (S) or SELECT SETS (SS) statements and complete the search strategy.
3. Browse the output to assess the strategy for relevance.
4. Type Save Alert.
5. Complete the Alerts form.
6. Save the Alert.

By following these simple steps, you will be able to use your search expertise to set up Dialog Alerts profiles throughout your organization.

Section 4: Wrap Up

You now have the basics for doing Dialog trademark searches. The following tips are important as you conduct more Dialog searches.

1. Practice so that using DialogClassic Web commands and features becomes automatic.
 - Online Training and Practice (ONTAP) Databases: Use free of charge for a limited time. Call 1 800 3-Dialog or check the Training Web site for current passwords at http://training.dialog.com/sem_info/ontap_pw.html.
 - Review the basics of DialogClassic using the *Fast Start to DialogClassic Web*, found at http://support.dialog.com/techdocs/fast_start_dcw.pdf.
 - Check the Training Center for more tips and tricks at <http://training.dialog.com/quick/>.
2. Get additional training.
 - Sign up for some of the other online intellectual property classes.
 - Check the Training Center at <http://training.dialog.com> for courses, dates, and locations.
 - Try the self-paced trademark class at <http://training.dialog.com/onlinecourses/trademarks/>.
3. Get help.
 - Call the Dialog Knowledge Center help line. In North America call: 1 800 334-2564; outside North America 00 800 33 34 2564. You can also email the Knowledge Center at <http://www.dialog.com/contacts/webform/> or directly by email to customer@dialog.com.
 - Check the *How Do I...?* series under Intellectual Property for trademark applications at <http://support.dialog.com/howdoi/>.



Appendix A

Summary of Dialog Commands

Dialog's powerful search system allows you to retrieve just the information you need, quickly and precisely. Below is a summary of the five basic commands, truncation, proximity connectors, logical operators, search saves, and the EXPAND command.

The Five Basic Commands

| | |
|---------------|--|
| BEGIN | begin 226 b 226,246 b eurotmks |
| EXPAND | e co=milton bradley expand ow=microsoft |
| SELECT | select skelly s game or toy s s1 and s2 |
| TYPE | type s#/format/range of records t s1/3/1,6,3 t s3/6/1-2 from each t s3/9/1 from 148 |
| LOGOFF | logoff bye quit |

Common Formats

SHORT (or Format 49) – trademarks

MEDIUM – bibliographic

FULL (or Format 19) – complete record and image

Truncation

| | |
|-------------------|--|
| s lemon? | Retrieves lemon, lemons, lemonade, lemonbutter |
| s lemon?? | Retrieves lemon, lemons |
| s lemon? ? | Retrieves lemon, lemons |
| s l?mon | Retrieves limon, lemon |

Display Sets

Displays the set history since the last BEGIN command.

Proximity Connectors

- (n) **s game?(n)board?** Retrieves words next to each other in any order.
Example: game boards or board games
- (w) **s indoor(w)game?** Retrieves words next to each other in the order expressed.
Example: indoor game or indoor games
- (#n) **s game(2n)board** Retrieves words that are up to # words apart in any order.
Example: the board for the game is missing
- (#w) **s game(5w)board** Retrieves words that are # words apart in the order expressed.
Example: the game is played on a board
- (s) **s game(s)board** Retrieves words in the same paragraph in full-text databases.

Logical Operators

- AND s skelly and game** Retrieves all records that contain all of the search terms.
- OR s game or toy** Retrieves all records that contain at least one of the search terms.
- NOT s game not toy** Eliminates a search term or group of search terms.

Note: When AND and OR are used in the same search statement put the ORed terms in parentheses.

Saving Searches

- SAVE TEMP** Temporarily saves search strategy for seven days.
- EXECUTE STEPS** Executes that strategy at a later time while still online.

OneSearch®

Use OneSearch categories to search multiple files at the same time or to create your own categories.

Example: ?b ustmks
 ?b eurotmks
 ?b asiatmks
 ?b natmks

EXPAND Command

Exact Trademarks

When you believe you know the exact text of the trademark, use the ET= field. Use the EXPAND command to verify that you have the exact spelling. If your EXPAND result is zero, then try using the TR= field.

?e et=nu skin

| Ref | File | Items | Total | Index-term |
|-----|------|-------|-------|--------------------------------------|
| E1 | 226 | | 1 | ET=NU SILK |
| E2 | 226 | | 1 | ET=NU SILVER |
| E3 | 226 | | 6 | *ET=NU SKIN |
| E4 | 226 | | 4 | ET=NU SKIN CLEAR ACTION |
| E5 | 226 | | 2 | ET=NU SKIN FORCE FOR GOOD FOUNDATION |
| E6 | 226 | | 1 | ET=NU SKIN GALVANIC SPA SYSTEM |
| E7 | 226 | | 1 | ET=NU SKIN GLOBAL ADVANTAGE |
| E8 | 226 | | 1 | ET=NU SKIN TRU FACE |
| E9 | 226 | | 1 | ET=NU SKIN TRU HAND |
| E10 | 226 | | 1 | ET=NU SKIN 180 |
| E11 | 226 | | 1 | ET=NU SKOOL |

| | | | |
|-----|-----|---|------------------------|
| E12 | 226 | 3 | ET=NU SKY |
| E13 | 226 | 1 | ET=NU SMILE |
| E14 | 226 | 1 | ET=NU SOFT |
| E15 | 226 | 2 | ET=NU SOIL |
| E16 | 226 | 2 | ET=NU SONIC |
| E17 | 226 | 1 | ET=NU SOUF RECORDS LLC |
| E18 | 226 | 2 | ET=NU SOUL |
| E19 | 226 | 1 | ET=NU SOUND |
| E20 | 226 | 1 | ET=NU SOUND MUSIC |
| E21 | 226 | 1 | ET=NU SOUND PRODUCTION |
| E22 | 226 | 1 | ET=NU SOUND RECORDS |
| E23 | 226 | 1 | ET=NU SOUTH |
| E24 | 226 | 1 | ET=NU SPACK |
| E25 | 226 | 3 | ET=NU SPARKLE |

. . . .

Enter P or PAGE for more

By using the EXPAND command, you can see if you entered the name correctly. By looking at the EXPAND list, you are able to determine that there are different spellings used in the entries for the same name.

Appendix B: International Class Codes for Goods and Services

Goods

| | |
|-----|---|
| 1. | Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins; unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry. |
| 2. | Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists. |
| 3. | Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices. |
| 4. | Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks for lighting. |
| 5. | Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides. |
| 6. | Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores. |
| 7. | Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs. |
| 8. | Hand tools and implements (hand-operated); cutlery; side arms; razors. |
| 9. | Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire extinguishing apparatus. |
| 10. | Surgical, medical, dental, and veterinary apparatus and instruments, artificial limbs, eyes, and teeth; orthopedic articles; suture materials. |
| 11. | Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply, and sanitary purposes. |
| 12. | Vehicles; apparatus for locomotion by land, air, or water. |
| 13. | Firearms; ammunition and projectiles; explosives; fireworks. |
| 14. | Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewelry, precious stones; horological and chronometric instruments. |
| 15. | Musical instruments. |
| 16. | Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic |

| | |
|-----|---|
| | materials for packaging (not included in other classes); printers' type; printing blocks. |
| 17. | Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal. |
| 18. | Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and traveling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery. |
| 19. | Building materials (non-metallic); nonmetallic rigid pipes for building; asphalt, pitch and bitumen; nonmetallic transportable buildings; monuments, not of metal. |
| 20. | Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics. |
| 21. | Household or kitchen utensils and containers; combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steel-wool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes. |
| 22. | Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials. |
| 23. | Yarns and threads, for textile use. |
| 24. | Textiles and textile goods, not included in other classes; beds and table covers. |
| 25. | Clothing, footwear, headgear. |
| 26. | Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers. |
| 27. | Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile). |
| 28. | Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees. |
| 29. | Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats. |
| 30. | Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces (condiments); spices; ice. |
| 31. | Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals; malt. |
| 32. | Beers; mineral and aerated waters and other nonalcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages. |
| 33. | Alcoholic beverages (except beers). |
| 34. | Tobacco; smokers' articles; matches. |

Services

| | |
|-----|--|
| 35. | Advertising; business management; business administration; office functions. |
| 36. | Insurance; financial affairs; monetary affairs; real estate affairs. |
| 37. | Building construction; repair; installation services. |
| 38. | Telecommunications. |
| 39. | Transport; packaging and storage of goods; travel arrangement |
| 40. | Treatment of materials. |
| 41. | Education; providing of training; entertainment; sporting and cultural activities. |
| 42. | Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software. |
| 43. | Services for providing food and drink; temporary accommodations. |
| 44. | Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services. |
| 45. | Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals. |

Note: From the U.S. Patent and Trademark Office (USPTO) at
<http://www.uspto.gov/go/tac/doc/basic/international.htm>

Appendix C: Answers to Exercises

Learning Check—p. 18

1. Which of the following trademark(s) does not exemplify confusing similarity?

- Bugle boy Bugler
- Plutus Pluto
- Monarch Garden Butterfly Garden
- Thermawarm Thermawear
- Bugle Bagel

Answer: bugle, bagel

2. Write the search statement for a screening search for the following marks:

- Uncle Ben's ss tr=(uncle? and ben?)
- B.O.S.S. select b(w)o(w)s(w)s
- Red light green light ss tr=red? and tr=light? and tr=green?
- Hide 'n Seek ss tr=hide? and tr=seek?

3. What marks can you expect to get from the following:

a. ss et=shaq-attaq (Exact Trademark index)

Answer: shaq-attaq

shaqattaq shack attack
 shaq-attaq shack atak
 shaq attaq attackshaq

b. ss low? and cal? (Basic index)

Answer: lowcal, low cal, low calorie, lowest calorie

lowcal low calorie
 low cal lowest calorie
 low-cal

c. ss tr=super? and tr=port? (Rotated index)

Answer: all but superpork

supersport super xsports
 superdupersport super port
 port super super pork

Online Practice Exercise—p. 25

1. Who owns the trademark for the following slogan: "See the stars. Ride the movies."?

Answer: Universal Studios

2. An application was filed to trademark the phrase "Space Shuttle Astronaut". Was the trademark ever registered? If not, who opposed it? What was the intended use of the trademark?

Answer: The trademark was opposed by the U.S. National Aeronautics and Space Administration (NASA), and the trademark was registered only after the opposition was terminated.

3. Locate trademarks owned by the sports division of ABC.

Answer: b 226

e ow=abc sports
s e4:e5
t s1/full

4. Find Sara Lee's trademarks.

Answer: b 226

s ow=(sara(w)lee?) or s ow=sara lee?

t s1/49/all

5. Does Microsoft have any pending trademarks?

Answer: b 226

**e ow=microsoft
s e#
s s1 and st=pending
t s2/full/1-3**

6. What trademark applications filed by Champion International are still pending?

Answer: b 226

**e ow=champion
s e5:e8
s s1 and st=pending
t s2/short**

Online Practice Exercises—p. 35

1. Conduct a search to retrieve all trademarks CURRENTLY owned by the following entities. (Hint: Check alternate spellings)

a. Trend Masters

Answer: e on=trendmaster or e on=trend master

b. National Football League

Answer: e on=national football league or e on=nfl

2. Retrieve all trademarks currently owned by Bandai International. Narrow the search to all trademarks registered with International Class 28 (Toys and Sporting Goods). Further narrow the search to those trademarks owned by Bandai that list action figures in the goods/services field. Display the records in a format with images.

Answer: b 226

**E on=bandai
S e number(s)
S ic=28
S gs=(doll or action()(figure? or hero?))
S s1 and s2 and s3
S s4/19/1-5**

3. Use strategies for the following to do searches in the TRADEMARKSCAN—U.S. Federal and TRADEMARKSCAN—U.S. State databases.

a. Capture the Flag

Answer: s tr=capture? and tr=(flag? or banner?)

b. Freeze Tag

Answer: s tr=(freeze? or froze? or ice? or cold?) and tr=(flag? or chase?)

c. Red Rover

Answer: s tr=red? and tr=rover?

d. Duck, Duck, Goose

Answer: s tr=duck? and tr=(goose? or geese?)



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