Process to create a strong
TRADEMARK
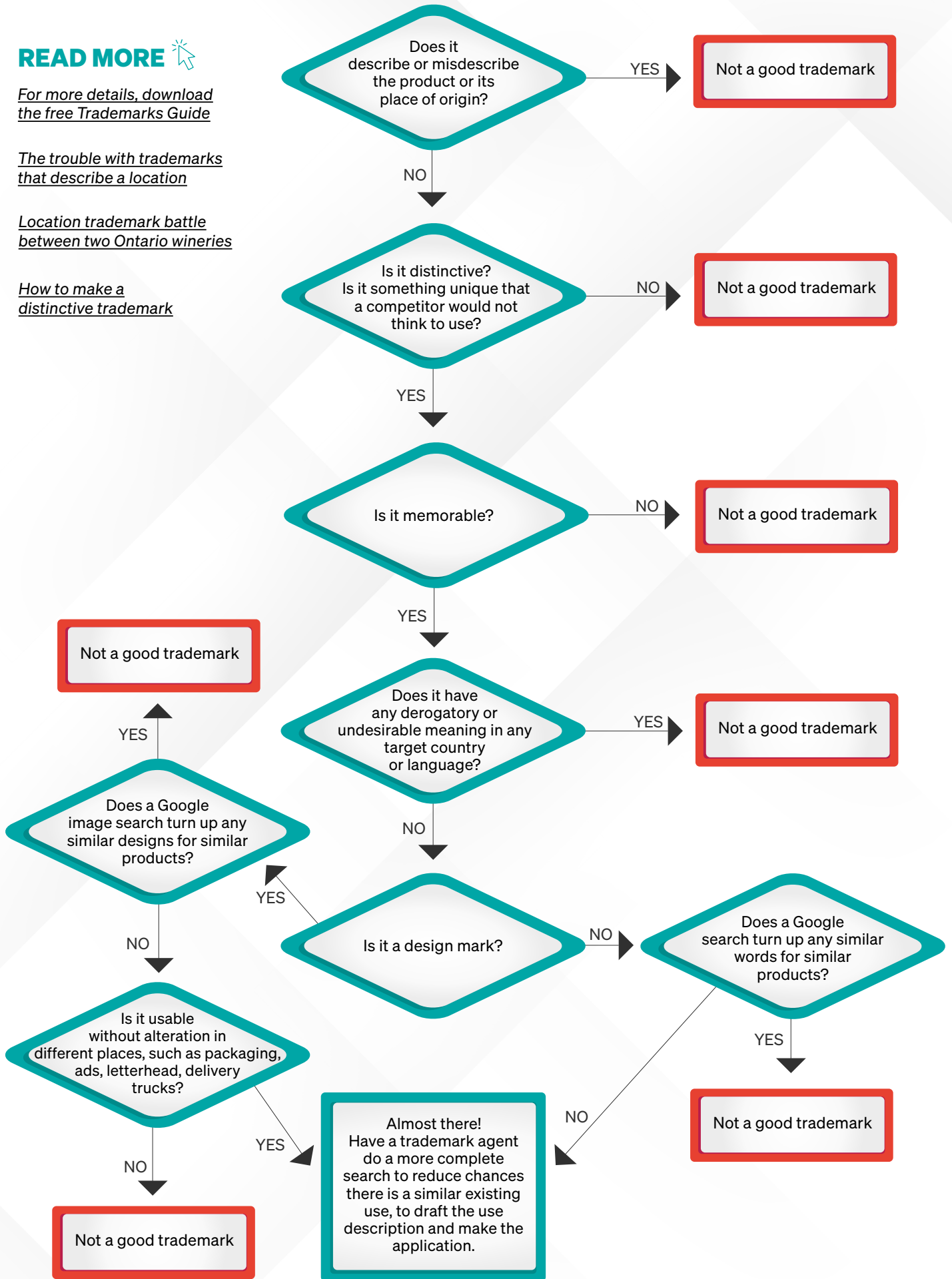
Does it describe or misdescribe the product or its place of origin? → **YES** → Not a good trademark

NO ↓

Is it distinctive? Is it something unique that a competitor would not think to use? → **NO** → Not a good trademark

YES ↓

Is it memorable? → **NO** → Not a good trademark

YES ↓

Does it have any derogatory or undesirable meaning in any target country or language? → **YES** → Not a good trademark

NO ↓

Is it a design mark? → **NO** → Does a Google search turn up any similar words for similar products? → **YES** → Not a good trademark

Does a Google image search turn up any similar designs for similar products? → **YES** → Not a good trademark

NO ↓

Is it usable without alteration in different places, such as packaging, ads, letterhead, delivery trucks? → **NO** → Not a good trademark

YES →

Almost there! Have a trademark agent do a more complete search to reduce chances there is a similar existing use, to draft the use description and make the application.

Harrison Pensa
TECHNOLOGY & PRIVACY LAW

The information in this flowchart is a simplified guide. Ask for advice from a trademark agent before using and registering a trademark.