



Questions and Answers from Trademark Webinar

Tuesday, Apr 19, 2022

1. How do I search for names?

Names can be searched [here](#). Remember to also search on Google and state trademark databases for trademarks that may not have been registered with the USPTO.

2. How do I search for logos and shapes?

The USPTO assigns all marks containing design figurative elements (aka logos) a 6-digit numerical code(s) for searching purposes. This manual indexes the categories, divisions, and sections that make up these codes. For example, a logo that has a single five-pointed star would be coded in category 01 (celestial bodies, natural phenomena and geographical maps), division 01 (stars, comets) and section 03 (single star with five points), resulting in a complete design code of 01.01.03. The design search code manual also contains explanatory notes and specific guidelines that provide instructions for specific code sections, cross-reference notes that direct users to other code categories, sections and divisions, and notes describing elements that are included or excluded from a code section. Here are some links to additional resources:

- [Overview of the design/logo search process](#)
- [Design search code manual](#)
- [Guidelines for using the design search code manual](#)

3. What is the difference between a business name and a trademark?

The use of a business name does not necessarily qualify as trademark use. Many states and local jurisdictions register business names, either as part of obtaining a certificate to do business or as an assumed name filing. For example, an entrepreneur doing business in Washington state, wishing to start a business will need to file documents to form a business entity, such as a corporation or limited liability company. A name would need to be selected for the entity, for example; ABCXYZ, Inc. If no other company has already applied for the exact name ABCXYZ, Inc in Washington state and the entrepreneur complies with all other requirements, Washington state will likely issue a certificate and authorize the entrepreneur to do business under ABCXYZ, Inc. However, the state's authorization to form a business with a particular name does not also give the entrepreneur trademark rights and other parties could later try to prevent the entrepreneur's use of the business name if they believe a likelihood of confusion exists with their trademarks. If the entrepreneur wants the business name to also serve as a trademark, the entrepreneur may consider using the trademark as a source identifier/branding for goods and services.

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