

THE ACCEPTABLE TYPES OF MARKS AND MEANS OF REPRESENTATION

Country	United States of America
Definition of Trademark	
1. According to the applicable legislation or to the practices of the Office, marks are defined as	
a) Visually perceptible signs	No
b) Signs capable of being represented graphically	No
c) Any sign capable of distinguishing the goods and services of one undertaking from those of another	Yes
2. Signs excluded from registration	
Are any signs excluded from registration as a mark?	No
Please, specify:	
Acceptable Types of Marks and Means of Representation	
Types of marks	
3. Is the applicant required to specify in the application the type of mark for which registration is requested?	No
4. Is a description of the mark [one option only]	a) Mandatory?
5. When an indication of the type of mark is neither specified nor included in the description, would the Office accept and process the application?	Yes
One option only:	a) Without an indication of the type of mark?
Please, specify:	
6. Please, indicate below the types of marks accepted by the Office and, where applicable, the way in which they must be represented:	
a) Word marks	Yes
i. Does the Office require the use of a standard character for the representation of word marks?	No
ii. Where applicable, does the Office require that words be translated into the language used by the Office	Yes
iii. Where applicable, does the Office require that words be transliterated following the phonetics of the language used by the Office	Yes
Please specify the font to be used to represent a standard character mark:	
b) Figurative marks (device marks)	Yes
Please, specify how they must be represented:	Applicant must submit a special form drawing. The drawing should show the mark in black on a white background, unless the mark includes color. For electronic filing, the mark image must be in .jpeg format and scanned at no less than 300 dots per inch and no more than 350 dots per inch with a length and width of no less than 250 pixels and no more than 944 pixels. All lines must be clean, sharp and solid, not fine or crowded, and produce a high quality image when copied. A mark description must be included explaining all the significant elements of the mark. US Trademark Rules of Practice, 37 C.F.R. 2.52(b), 2.52(b)(5), 2.53(c).
c) Hologram marks	Yes
Please, specify how they must be represented:	Applicant must submit a special form drawing. The drawing should show the mark in black on a white background, unless the mark includes color. For electronic filing, the mark image must be in .jpeg format and scanned at no less than 300 dots per inch and no more than 350 dots per inch with a length and

	width of no less than 250 pixels and no more than 944 pixels. All lines must be clean, sharp and solid, not fine or crowded, and produce a high quality image when copied. A mark description must be included explaining all the significant elements of the mark. US Trademark Rules of Practice, 37 C.F.R. 2.52(b), 2.52(b)(5), 2.53(c).
d) Three-dimensional marks (shape marks)	Yes
Please, specify how they must be represented	Applicant must submit a special form drawing. The drawing should show the mark in black on a white background, unless the mark includes color. For electronic filing, the mark image must be in .jpeg format and scanned at no less than 300 dots per inch and no more than 350 dots per inch with a length and width of no less than 250 pixels and no more than 944 pixels. All lines must be clean, sharp and solid, not fine or crowded, and produce a high quality image when copied. A mark description must be included explaining all the significant elements of the mark. US Trademark Rules of Practice, 37 C.F.R. 2.52(b), 2.52(b)(5), 2.53(c). Drawing must depict a single rendition of the mark, and the applicant must indicate that the mark is three-dimensional. If necessary to adequately depict the commercial impression of the mark, the applicant may be required to submit a drawing that shows the placement of the mark by surrounding the mark with a proportionately accurate broken-line representation of the particular goods, packaging, or advertising on which the mark appears. The applicant must also use broken lines to show any other matter not claimed as part of the mark. For any drawing using broken lines to indicate placement of the mark, or matter not claimed as part of the mark, the applicant must describe the mark and explain the purpose of the broken lines. US Trademark Rules of Practice, 37 C.F.R. 2.52(b)(2), 2.52(b)(4).
i. Product packaging	Yes
Please, specify how it must be represented:	Applicant must submit a special form drawing. The drawing should show the mark in black on a white background, unless the mark includes color. For electronic filing, the mark image must be in .jpeg format and scanned at no less than 300 dots per inch and no more than 350 dots per inch with a length and width of no less than 250 pixels and no more than 944 pixels. All lines must be clean, sharp and solid, not fine or crowded, and produce a high quality image when copied. A mark description must be included explaining all the significant elements of the mark. US Trademark Rules of Practice, 37 C.F.R. 2.52(b), 2.52(b)(5), 2.53(c). Drawing must depict a single rendition of the mark, and the applicant must indicate that the mark is three-dimensional. If necessary to adequately depict the commercial impression of the mark, the applicant may be required to submit a drawing that shows the placement of the mark by surrounding the mark with a proportionately accurate broken-line representation of the particular goods, packaging, or advertising on which the mark appears. The applicant must also use broken lines to show any other matter not claimed as part of the mark. For any drawing using broken lines to indicate placement of the mark, or matter not claimed as part of the mark, the applicant must describe the mark and explain the purpose of the broken lines. US Trademark Rules of Practice, 37 C.F.R. 2.52(b)(2), 2.52(b)(4).

ii. Product shape	Yes
Please, specify how it must be represented:	Applicant must submit a special form drawing. The drawing should show the mark in black on a white background, unless the mark includes color. For electronic filing, the mark image must be in .jpeg format and scanned at no less than 300 dots per inch and no more than 350 dots per inch with a length and width of no less than 250 pixels and no more than 944 pixels. All lines must be clean, sharp and solid, not fine or crowded, and produce a high quality image when copied. A mark description must be included explaining all the significant elements of the mark. US Trademark Rules of Practice, 37 C.F.R. 2.52(b), 2.52(b)(5), 2.53(c). Drawing must depict a single rendition of the mark, and the applicant must indicate that the mark is three-dimensional. If necessary to adequately depict the commercial impression of the mark, the applicant may be required to submit a drawing that shows the placement of the mark by surrounding the mark with a proportionately accurate broken-line representation of the particular goods, packaging, or advertising on which the mark appears. The applicant must also use broken lines to show any other matter not claimed as part of the mark. For any drawing using broken lines to indicate placement of the mark, or matter not claimed as part of the mark, the applicant must describe the mark and explain the purpose of the broken lines. US Trademark Rules of Practice, 37 C.F.R. 2.52(b)(2), 2.52(b)(4).
e) Color marks	Yes
Please, specify how they must be represented	Applicant must submit a special form drawing. The drawing should show the mark in black on a white background, unless the mark includes color. For electronic filing, the mark image must be in .jpeg format and scanned at no less than 300 dots per inch and no more than 350 dots per inch with a length and width of no less than 250 pixels and no more than 944 pixels. All lines must be clean, sharp and solid, not fine or crowded, and produce a high quality image when copied. A mark description must be included explaining all the significant elements of the mark. US Trademark Rules of Practice, 37 C.F.R. 2.52(b), 2.52(b)(5), 2.53(c). If the mark includes color, the drawing must show the mark in color, and the applicant must name the color(s), describe where the color(s) appear on the mark, and submit a claim that the color(s) is a feature of the mark. US Trademark Rules of Practice, 37 C.F.R. 2.52(b)(1).
i. A single color	Yes
Please, specify how it must be represented:	Applicant must submit a special form drawing. The drawing should show the mark in black on a white background, unless the mark includes color. For electronic filing, the mark image must be in .jpeg format and scanned at no less than 300 dots per inch and no more than 350 dots per inch with a length and width of no less than 250 pixels and no more than 944 pixels. All lines must be clean, sharp and solid, not fine or crowded, and produce a high quality image when copied. A mark description must be included explaining all the significant elements of the mark. US Trademark Rules of Practice, 37 C.F.R. 2.52(b), 2.52(b)(5), 2.53(c). If the mark includes color, the drawing must show the mark in color, and the applicant must name the color(s), describe where the color(s) appear on the mark, and submit a claim that

	the color(s) is a feature of the mark. US Trademark Rules of Practice, 37 C.F.R. 2.52(b)(1).
ii. A combination of colors	Yes
Please, specify how it must be represented:	Applicant must submit a special form drawing. The drawing should show the mark in black on a white background, unless the mark includes color. For electronic filing, the mark image must be in .jpeg format and scanned at no less than 300 dots per inch and no more than 350 dots per inch with a length and width of no less than 250 pixels and no more than 944 pixels. All lines must be clean, sharp and solid, not fine or crowded, and produce a high quality image when copied. A mark description must be included explaining all the significant elements of the mark. US Trademark Rules of Practice, 37 C.F.R. 2.52(b), 2.52(b)(5), 2.53(c). If the mark includes color, the drawing must show the mark in color, and the applicant must name the color(s), describe where the color(s) appear on the mark, and submit a claim that the color(s) is a feature of the mark. US Trademark Rules of Practice, 37 C.F.R. 2.52(b)(1).
f) Sound marks	Yes
Please, specify how they must be represented	An applicant is not required to submit a drawing if the mark consists only of a sound. The applicant must submit a detailed description of the mark. A description of the mark must be included. US Trademark Rules of Practice, 37 C.F.R. 2.52(b)(5), 2.52(e). For electronic filing, the applicant should select "Sound Mark" as the mark type. Applicant will be required to indicate whether it is attaching an audio file. The applicant should submit an audio reproduction of any sound mark. The purpose of this reproduction is to supplement and clarify the description of the mark. The reproduction must be in an electronic file in .wav, .wmv, .wma, .mp3, .mpg, or .avi format and should not exceed 5 MB in size because TEAS cannot accommodate larger files. For paper filing, the applicant should clearly indicate in the application that the mark is a "NON-VISUAL MARK." The reproductions of sound marks must be submitted on compact discs ("CDs"), digital video discs ("DVDs"), videotapes, or audiotapes. The applicant should clearly and explicitly indicate that the reproduction of the mark contained on the disc or tape is meant to supplement the mark description and that it should be placed in the paper file jacket and not be discarded. Trademark Manual of Examining Procedure, Section 807.09.
i. A musical sound	Yes
Please, specify how it must be represented:	An applicant is not required to submit a drawing if the mark consists only of a sound. The applicant must submit a detailed description of the mark. A description of the mark must be included. US Trademark Rules of Practice, 37 C.F.R. 2.52(b)(5), 2.52(e). For electronic filing, the applicant should select "Sound Mark" as the mark type. Applicant will be required to indicate whether it is attaching an audio file. The applicant should submit an audio reproduction of any sound mark. The purpose of this reproduction is to supplement and clarify the description of the mark. The reproduction must be in an electronic file in .wav, .wmv, .wma, .mp3, .mpg, or .avi format and should not exceed 5 MB in size because TEAS cannot accommodate larger files. For paper filing, the applicant should clearly indicate in the

	<p>application that the mark is a "NON-VISUAL MARK." The reproductions of sound marks must be submitted on compact discs ("CDs"), digital video discs ("DVDs"), videotapes, or audiotapes. The applicant should clearly and explicitly indicate that the reproduction of the mark contained on the disc or tape is meant to supplement the mark description and that it should be placed in the paper file jacket and not be discarded. Trademark Manual of Examining Procedure, Section 807.09.</p>
ii. Any sound	Yes
Please, specify how it must be represented:	<p>An applicant is not required to submit a drawing if the mark consists only of a sound. The applicant must submit a detailed description of the mark. A description of the mark must be included. US Trademark Rules of Practice, 37 C.F.R. 2.52(b)(5), 2.52(e). For electronic filing, the applicant should select "Sound Mark" as the mark type. Applicant will be required to indicate whether it is attaching an audio file. The applicant should submit an audio reproduction of any sound mark. The purpose of this reproduction is to supplement and clarify the description of the mark. The reproduction must be in an electronic file in .wav, .wmv, .wma, .mp3, .mpg, or .avi format and should not exceed 5 MB in size because TEAS cannot accommodate larger files. For paper filing, the applicant should clearly indicate in the application that the mark is a "NON-VISUAL MARK." The reproductions of sound marks must be submitted on compact discs ("CDs"), digital video discs ("DVDs"), videotapes, or audiotapes. The applicant should clearly and explicitly indicate that the reproduction of the mark contained on the disc or tape is meant to supplement the mark description and that it should be placed in the paper file jacket and not be discarded. Trademark Manual of Examining Procedure, Section 807.09.</p>
g) Motion marks	Yes
Please, specify how they must be represented:	<p>If the mark has motion, the drawing may depict a single point in the movement, or the drawing may depict up to five freeze frames showing various points in the movement, whichever best depicts the commercial impression of the mark. The applicant must also describe the mark. A description of the mark must be included. US Trademark Rules of Practice, 37 C.F.R. 2.52(b)(3), 2.52(b)(5). For electronic filing, the image must be in .jpg format and scanned at no less than 300 dots per inch and no more than 350 dots per inch with a length and width of no less than 250 pixels and no more than 944 pixels. All lines must be clean, sharp and solid, not fine or crowded, and produce a high quality image when copied. For paper filing, (a) Be on non-shiny white paper that is separate from the application; (b) Be on paper that is 8 to 8.5 inches (20.3 to 21.6 cm.) wide and 11 to 11.69 inches (27.9 to 29.7 cm.) long. One of the shorter sides of the sheet should be regarded as its top edge. The image must be no larger than 3.15 inches (8 cm) high by 3.15 inches (8 cm) wide; (c) Include the caption "DRAWING PAGE" at the top of the drawing beginning one inch (2.5 cm.) from the top edge; and (d) Depict the mark in black ink, or in color if color is claimed as a feature of the mark. (e) Drawings must be typed or made with a pen or by a process that will provide high definition when copied. A photolithographic, printer's proof copy,</p>

	or other high quality reproduction of the mark may be used. All lines must be clean, sharp and solid, and must not be fine or crowded. US Trademark Rules of Practice, 37 C.F.R. 2.53(c), 2.54.
h) Multimedia marks (motion and sound)	Yes
Please, specify how they must be represented:	<p>If the mark has motion, the drawing may depict a single point in the movement, or the drawing may depict up to five freeze frames showing various points in the movement, whichever best depicts the commercial impression of the mark. The applicant must also describe the mark. A description of the mark must be included. US Trademark Rules of Practice, 37 C.F.R. 2.52(b)(3), 2.52(b)(5). For electronic filing, the image must be in .jpg format and scanned at no less than 300 dots per inch and no more than 350 dots per inch with a length and width of no less than 250 pixels and no more than 944 pixels. All lines must be clean, sharp and solid, not fine or crowded, and produce a high quality image when copied. The applicant should select "Sound Mark" as the mark type. Applicant will be required to indicate whether it is attaching an audio file. The applicant should submit an audio reproduction of any sound mark. The purpose of this reproduction is to supplement and clarify the description of the mark. The reproduction must be in an electronic file in .wav, .wmv, .wma, .mp3, .mpg, or .avi format and should not exceed 5 MB in size because TEAS cannot accommodate larger files. For paper filing, (a) Be on non-shiny white paper that is separate from the application; (b) Be on paper that is 8 to 8.5 inches (20.3 to 21.6 cm.) wide and 11 to 11.69 inches (27.9 to 29.7 cm.) long. One of the shorter sides of the sheet should be regarded as its top edge. The image must be no larger than 3.15 inches (8 cm) high by 3.15 inches (8 cm) wide; (c) Include the caption "DRAWING PAGE" at the top of the drawing beginning one inch (2.5 cm.) from the top edge; and (d) Depict the mark in black ink, or in color if color is claimed as a feature of the mark. (e) Drawings must be typed or made with a pen or by a process that will provide high definition when copied. A photolithographic, printer's proof copy, or other high quality reproduction of the mark may be used. All lines must be clean, sharp and solid, and must not be fine or crowded. For paper filing, the applicant should clearly indicate in the application that the mark is a "NON-VISUAL MARK." The reproductions of sound marks must be submitted on compact discs ("CDs"), digital video discs ("DVDs"), videotapes, or audiotapes. The applicant should clearly and explicitly indicate that the reproduction of the mark contained on the disc or tape is meant to supplement the mark description and that it should be placed in the paper file jacket and not be discarded. US Trademark Rules of Practice, 37 C.F.R. 2.53(c), 2.54; Trademark Manual of Examining Procedure, Section 807.09.</p>
i) Other(s) (e.g., gesture marks, olfactory marks, pattern marks, position marks, taste marks, texture marks, trade-dress)	Yes
Please, indicate what other types of marks are accepted:	Gesture marks, olfactory marks, pattern marks, position marks, taste marks, texture marks, three-dimensional trade dress
Please, specify how each of the other types of marks indicated above must be represented:	<p>Gesture marks: See response to question 6(g) above.</p> <p>Olfactory marks: An applicant is not required to submit a drawing if the mark consists only of a scent. The</p>

applicant must submit a detailed description of the mark. US Trademark Rules of Practice, 37 C.F.R. 2.52(e). Position marks: If necessary to adequately depict the commercial impression of the mark, the applicant may be required to submit a drawing that shows the placement of the mark by surrounding the mark with a proportionately accurate broken-line representation of the particular goods, packaging, or advertising on which the mark appears. The applicant must also use broken lines to show any other matter not claimed as part of the mark. For any drawing using broken lines to indicate placement of the mark, or matter not claimed as part of the mark, the applicant must describe the mark and explain the purpose of the broken lines. A description of the mark must be included. US Trademark Rules of Practice, 37 C.F.R. 2.52(b)(4), 2.52(b)(5). Taste marks: An applicant is not required to submit a drawing if the mark consists only of taste. The applicant must submit a detailed description of the mark. US Trademark Rules of Practice, 37 C.F.R. 2.52(e). Texture marks: Applicant must submit a special form drawing. The drawing should show the mark in black on a white background, unless the mark includes color. For electronic filing, the mark image must be in .jpeg format and scanned at no less than 300 dots per inch and no more than 350 dots per inch with a length and width of no less than 250 pixels and no more than 944 pixels. All lines must be clean, sharp and solid, not fine or crowded, and produce a high quality image when copied. A description of the mark must be included. US Trademark Rules of Practice, 37 C.F.R. 2.52(b), 2.52(b)(5), 2.53(c). Three-Dimensional marks: See response to question 6(d) above. Pattern marks: Single item – The drawing for a repeating-pattern mark applied in a particular manner to a single item must depict the pattern as it appears on the item. Thus, if the pattern appears only on a portion of the item, the drawing must show the pattern’s placement on that portion. If the pattern appears over the entire surface of the item, the drawing must depict the pattern accordingly. The shape of the item must appear in broken lines to indicate that it is not claimed as part of the mark. If the drawing shows the item in solid lines, the USPTO will interpret the drawing as indicating that the proposed mark is a composite mark consisting of both the repeating pattern and the shape of the item to which it is applied. Multiple items – If the repeating pattern will be applied to multiple goods, a drawing showing the pattern’s placement on one of the goods is appropriate if all of the identified goods are similar in form and function, and the mark will appear in a similar manner on all of the goods. Under these circumstances, a depiction of one of the goods may be considered a substantially exact representation of the mark as used on all of the goods. For example, if a repeating pattern is used in a similar manner on similarly shaped purses of various sizes, a drawing showing the repeating pattern on one version of the purses (shown in broken lines) would be acceptable. Another example is a repeating-pattern mark that is applied in the same manner to the handles of forks, spoons, and knives. In that case, a drawing that depicts the mark on one of the items (shown in broken lines) would be acceptable. Likewise, if the repeating-

	<p>pattern mark will appear in a similar manner on various sizes of similarly shaped product packaging, then a drawing showing the mark appearing on one version of the packaging depicted in broken lines is acceptable. Mark used in various ways or on various items – Swatch-Type drawing – may be accepted in limited circumstances where an applicant uses, or intends to use, a repeating-pattern mark in various ways on the same or similar items, or in similar or different ways on a variety of items; and the applicant shows with sufficient evidence that (1) the applied-for mark is actually used, or will be used, in various ways or on a variety of different items, but (2) it will nonetheless be perceived as a source indicator and create the same commercial impression across all uses. Trademark Manual of Examining Procedure, Section 1202.19(a).</p>
Format and Means to File an Application with the Office	
7. Which of the following are acceptable formats to file an application with the Office?	
a) A paper form	Yes
b) The image of a paper form (e.g., PDF, JPG)	Yes
c) Structured data (e.g., e-filing, XML files)	Yes
8. How does the applicant submit the application?	
a) On a physical support (e.g., paper, CD-ROM or USB device)	Yes
b) By fax	No
c) Electronically, other than fax (e.g., by e-mail, by e-filing)	Yes
9. Is the applicant either required or allowed to submit an electronic representation of the mark along with the application?	Yes
Format(s) in which the Office accepts the electronic representation of the mark	
10. Depending on the type of mark, may the electronic representation consist of one or more digital still images?	Yes
Please select below the format accepted by the Office	
a) GIF	No
b) JPEG	Yes
c) PNG	No
d) TIFF	No
e) Other(s)	Yes
Please, specify in which other format(s):	pdf, xml
When the representation consists of more than one digital still image:	
a) all images must be included in one file	Yes
b) each image may be in a separate file	No
11. Depending on the type of mark, may the electronic representation consist of a digital recording of sound only (i.e., without moving images)?	Yes
Please, select below the format accepted by the Office	
a) MID	No
b) MP3	Yes
c) WAV	Yes
d) Other(s)	Yes
Please, specify in which other format(s):	wmv, wma, mpg, avi
12. Depending on the type of mark, may the representation consist of a digital recording of moving images without sound?	Yes
Please, select below the format(s) accepted by the Office	
a) AVI	Yes
b) GIF	Yes

c) MOV	No
d) MP4	No
e) MPEG	No
f) WMV	Yes
g) Other(s)	Yes
Please, specify in which other format(s):	wma, mpg, mp3, jpeg, pdf
13. Depending on the type of mark, may the representation consist of a digital recording of moving images and sound?	Yes
Please, select below the format(s) used by the Office	
a) AVI	Yes
b) MP4	No
c) MPEG	No
d) WMV	Yes
e) Other(s)	Yes
Please, specify in which other format(s):	wma, wpg, mp3, jpeg, pdf, gif
Formats and standards used by the Office to store, manage and publish electronic representation of marks	
SCRx3421	
14. Does the Office store and manage an electronic representation of the mark (whether provided by the applicant or produced by the Office) in a database?	Yes
15. Is the electronic representation of the mark available to the public?	Yes
How can the public access the electronic representation of the mark?	
a) At the Office only (e.g., a dedicated computer terminal)	No
b) Online (e.g., online database)	Yes
16. In which format does the Office store, manage and publish the electronic representation of the mark when this consists of:	
a) one or more digital still images	jpeg, pdf, gif
b) a digital recording of sound only	mp4
c) a digital recording of moving images without sound	mp4
d) a digital recording of moving images and sound	mp4