

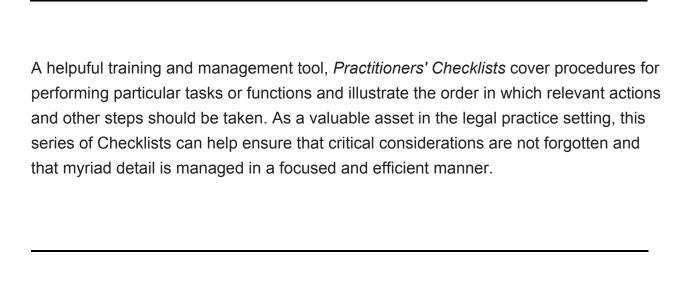
Practitioners' Checklists

TRADEMARK CREATION

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Trademark Creation

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This checklist organizes the major steps in the trademark creation process, addressing both business and legal points of view.

A. Assemble the Branding and Trademark Clearance Team

1.	Check off below all who need to be in the room:
	Product development
	Marketing
	Advertising
	Legal In-house Outside
	Website Design
	Domain Name Management
	Finance
	International Business Representatives

B. Scope of the Brand

1. Check off all intended purposes of the trademark:
Company name
House mark
Lead product
Secondary product/product line extension
Product feature/ingredient
Product accessory
2 Lifespan: how long is the mark likely to be used?
3 Geography: where is the mark likely to be used?
C. Consider Positioning
1. Where does this brand fit in the market?
Define the target customers.
Define the anticipated channels of trade.
Define the "personality" of the brand.
2. Check off all consumer needs and desires the brand will serve:
Prestige
Value
Credibility
Comfort
Safety
Health
Other

	3. List characteristics of the new brand that serve these needs and desires better than others in the market:
	Design
	Quality/Safety
	Ease of use
	Price
	Other
	4 List facts that substantiate claims.
D.	Consider Distinctiveness
	Market: stands out in the crowd
	Legal: inherently distinctive (fanciful, arbitrary, suggestive) v. merely descriptive
	Regulatory considerations: do any special regulations apply to selection or use of marks for the proposed goods/services?
E.	Brainstorm
	1 Generate a list of ideas for proposed marks
	 Existing words Made-up words Names Slogans Design elements, fonts Colors Sounds 3-D

F. Winnow

1. Refine list of "contenders."
Eliminate ideas that don't support the desired positioning.
Compare to competitors' marks.
Search Google, Facebook, other social media to survey other possible users/uses/connotations.
Research possible meanings in other languages.
Determine availability of relevant domain names.
Conduct preliminary trademark clearance of leading three to five contender (see "Trademark Clearance Checklist").
2 Evaluate findings.
3 Choose mark.
G. Registration Strategy
1. For trademark applications, consider:
Format of mark
Standard characters
Design only
Combined word and design marks
Non-traditional
Jurisdictions
Proposed goods and services
Bases for registration
Proposed use Use Priority or seniority

2.	For domain names, check off all that may apply below:
	Global Top Level Domains
	com
	net org
	org edu
	Custom gTLD
	Others
	Regional or Country code domains
	Variations of the name
	Translations and transliterations of the name
	Non-ASCII character versions of the name
3.	For company names, check off all that may apply below:
	Country, province, state of incorporation
	Regulations concerning names, such as requirements to include "Inc." or "Co."

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