

# Guide to Searching Trademarks at the Centennial Library

## What is a trademark?

A trademark is a word, phrase, symbol, design, slogan, etc. that associates a product or service with a particular source. The purpose of trademarks is to prevent consumer confusion and foster competition. Trademark rights are established with use; not registration. Advantages to registering a trademark include, safeguarding opportunities for national expansion, and the possibility of greater recovery of damages for infringement.

## How to begin a trademark search.

An applicant is not required to conduct a search for conflicting marks prior to applying with the PTO. However, in evaluating an application, an examining attorney conducts a search and notifies the applicant if a conflicting mark is found. The application fee, which covers processing and search costs, will not be refunded, even if a conflict is found and the mark cannot be registered. Therefore it is greatly to the applicant's advantage to check the federal databases for existing registered and pending marks.

- Begin by searching the [U. S. Trademark Databases](#) for Registered and Pending Marks. Try the **Basic** search engine first. The Combined Mark Field includes word marks, pseudo marks and translations.
- Type in your word, or phrase. Consult the Help button to determine truncation, wildcard symbols, and other search strategies.
- If you find that you have too many hits, you may want to limit your search by combining your phrase with a specific International Classification number. Note: This can limit your search too much, so please ask a reference librarian for help in formulating your search strategy. If you find that you have zero hits, you might want to broaden your search by typing in fewer words, or truncating an ending.
- Eliminate unrelated registered trademarks by looking at the full description of the mark. If a graphic design is registered, you should be able to view it with your web browser.

A comprehensive trademark search includes coverage of U.S. federal and state trademark registers as well as common law sources. These include directories located on the Internet and traditional business directories, many of which can be found at UNM's [Parish Business Library](#). Note that the [New Mexico Department of State](#) is responsible for registering New Mexico trademarks. There is no database of registered or pending marks. If you decide to register with the state and not federally, you should still do a

comprehensive search in the federal database. The extent to which you chose to search is entirely up to you.

**Please understand that the librarians at Centennial are not in any position to offer legal council. Rather, they are there to help you formulate a search and steer you to the most helpful resources. ;**

You can try out a [Trademark Tutorial](#) created by the University of Texas at Austin. This is designed to help you with the CASSIS DVD-ROMs. We suggest you use the DVDs (loaded on the CASSIS workstation) if you are having troubles accessing the PTO web server.

For further assistance speak to a reference librarian.

CSEL Reference tel: 505/277-4412 or contact [Jackie Shane](#), patent and trademark librarian.

## **Why search other trademarks?**

To determine whether there is a conflict between two marks, the PTO determines whether there would be likelihood of confusion, that is, whether relevant consumers would be likely to associate the goods or services of one party with those of the other party as a result of the use of the marks at issue by both parties. The principal factors to be considered in reaching this decision are the similarity of the marks and the commercial relationship between the goods and services identified by the marks.

To find a conflict, the marks need not be identical, and the goods and services do not have to be the same.

Considerations regarding likelihood of confusion are:

- Similarity between appearance, sound, and/or meaning
- Similar marketing environment
- Relative strength of a senior trademark

For a more comprehensive list, see [Basic Facts About Trademarks](#), also located next to the trademark workstations.