

**COMPARISON OF PRINCIPAL VS. SUPPLEMENTAL REGISTER  
 BENEFITS OF U.S. FEDERAL TRADEMARK REGISTRATION**

<b>BENEFIT</b>	<b>PRINCIPAL</b>	<b>SUPPLEMENTAL</b>
Prima facie evidence of the validity of the registration, the registrant's ownership of the mark, and the exclusive right to use the mark in commerce (15 U.S.C. §1057 (b))	✓	<b>NO</b>
Prima facie evidence of continued use since the application filing date	✓	<b>NO</b>
"Incontestability" after five years of continuous use, which precludes an attack against the registration on the basis of prior use or descriptiveness (15 U.S.C. §1065)	✓	<b>NO</b>
Constructive notice of the registrant's claim of ownership of the mark (15 U.S.C. §1072)	✓	<b>NO</b>
Nationwide rights (with certain qualifications) (15 U.S.C. §1072)	✓	<b>NO</b>
Statutory remedies such as mandatory treble damages and criminal penalties in counterfeit cases (15 U.S.C. §1117; 18 U.S.C. § 2320)	✓	<b>NO</b>
The ability to bar importation of goods bearing infringing trademarks by depositing the registration with customs (15 U.S.C. § 1124)	✓	<b>NO</b>
The right to bring suit in federal court regardless of diversity (15 U.S.C. §1121)	✓	✓
Rights under the Paris Convention, including Convention Priority Rights on foreign filings and the right to registration abroad based upon registration in the U.S.	✓	✓
Deterrent against use or registration by others (can use ®)	✓	✓