

TRADEMARK SPECIMENS GUIDE

Trademark applications based on actual use and affidavits of use must include a specimen **for each class** showing **actual use** of the mark in commerce in connection with the identified goods or services. Different types of specimens are acceptable for services classes as compared to goods classes. Originals are not necessary; photocopies, photographs, or scanned images are acceptable. When e-mailing a specimen, a jpeg format is ideal

ACCEPTABLE* specimens for GOODS (Int'l Classes 1-34)

- A label, tag, container, or packaging for the goods
- A photograph of the goods showing the mark applied to the goods
- Shipping or mailing labels for use on the goods or on containers for the goods
- Point-of-sale displays associated with the goods, such as banners, shelf-talkers, window displays, menus and similar devices
- Catalogs or websites that show a picture of the goods in close proximity to the mark and provide means for ordering the goods
- For computer software, a screen shot of an on-screen display when the program is in operation or of an Internet website from which the software can be downloaded
- Installation, operation, or maintenance manuals shipped with the goods.

NOT acceptable* specimens for GOODS (Int'l Classes 1-34)

- Advertising such as circulars, brochures, price lists, announcements, publicity releases, trade directory listings; informational inserts
- Business forms such as invoices, order forms, bills of lading, and business cards

ACCEPTABLE* specimens for SERVICES (Int'l Classes 35-45)

- Advertising such as newspaper, magazine, or Internet advertisements, brochures, billboards, handbills, direct-mail leaflets, menus (for restaurants), and the like, so long as the specimens show an association between the mark and the services for which registration is sought
- Business documents such as letterhead and invoices if they show the mark and refer to the relevant services. If the letterhead itself does not include a reference to the services, a copy of a letter on stationery bearing the mark is acceptable if the content of the letter indicates the relevant services.

NOT acceptable* specimens for SERVICES (Int'l Classes 35-45)

- Printer's proofs for advertisements
- Press releases or articles resulting from such press release

* This guide is intended only to list *generally* acceptable and unacceptable types of specimens and are not intended to provide an exhaustive list or to reflect all specific possibilities. Additional types of specimens may be acceptable, and exceptions may apply for each of the identified categories. Please discuss any questions or concerns with your RatnerPrestia representative.