

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

BENEFIT	PRINCIPAL	SUPPLEMENTAL
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))	✓	NO
Prima facie evidence of continued use since the application filing date	✓	NO
Evidentiary presumption of distinctiveness, as opposed to descriptiveness	✓	NO
"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)	✓	NO
Constructive notice of the registrant's claim of ownership of the mark (15 U.S.C. §1072)	✓	NO
Nationwide rights (with certain qualifications) (15 U.S.C. §1072)	✓	NO
Statutory remedies such as mandatory treble damages and criminal penalties in counterfeit cases (15 U.S.C. §1117; 18 U.S.C. § 2320)	✓	NO
The ability to bar importation of goods bearing infringing trademarks by depositing the registration with customs (15 U.S.C. § 1124)	✓	NO
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 ®)	✓	✓