

[legalq&a]

Q Due to changes in technology, the product/service I sell has changed over time. Can I keep/amend my existing trademark registration or do I have to file a new application?

A The USPTO announced a new pilot program pursuant to which it will allow trademark registrations to be amended where the trademark owner now sells different products from those covered by the original registration due to evolving technology. In the absence of this pilot program, such trademark owners would have to abandon their existing registration and file a completely new application.

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Under this pilot program, the trademark owner can only amend the description of goods and services. Additionally, the trademark owner must no longer be using the mark on the goods/services listed in the registration, but must be using the mark on new goods/services that represent some evolved form of technology. Toward this end, the underlying content and subject matter of the products on which the mark is used must not have changed, but it is permissible to change the description from goods to services or vice versa. Finally, the trademark owner must provide new dates of first use for the new goods/services in their evolved form and is prohibited from filing an affidavit of incontestability until five years after the USPTO's acceptance of the amendment. If you have any questions or would like to learn more about the pilot program, please contact Kurt Anderson.



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