



CRITERIA FOR REGISTERING A VCU TRADEMARK

Trademark rights are established through consistent use of a mark in connection with goods or services. In many cases, the university will utilize slogans or phrases in a manner that will result in rights for the university, but it will not wish to exclude others from using those phrases or slogans. In other circumstances, the university will seek to protect the rights it has generated, and will wish to seek federal or state registration of the mark as part of its trademark enforcement strategy.

The application process to register a trademark is lengthy and can be somewhat expensive. A trademark application has to be filed with detailed information and a specimen of the trademark provided. Once the U.S. Patent and Trademark Office (USPTO) grants registration to a mark, it is required that the mark be used continuously in order to maintain its validity. Specimens of use should be provided to the Trademarks and Licensing office on an annual basis. If a mark is not anticipated to be used constantly over a ten year period, it is likely that the university will not seek registration of the mark from the USPTO.

If mark is not anticipated to be used over a ten year period but needs a level of protection, please contact trademarks@vcu.edu for other options.

The factors involved in deciding to file an application to register a trademark are as follows:

- 1) What is the proposed mark? Standard design, words-letters, or specialized form with design and words?
- 2) Is the mark in use now? When was the date of first use? How was it used?
- 3) What classes of goods or services will the mark be registered in?
- 4) Who will use the proposed mark? What department?
- 5) How will the trademark be used?
- 6) Who will be the point of contact for the mark and monitor the mark's consistent and continuous use? Who will provide the Trademarks and Licensing office with specimens (examples of how the mark is used in commerce)?
- 7) Is there a likelihood that an outside entity would make unauthorized use of this mark?
- 8) Can the proposed mark be incorporated into an existing registered trademark?

This information will be reviewed by Trademarks and Licensing and then submitted to University Counsel and the Vice President of University Relations for review and determination if registration of the trademark is recommended.

Please contact Christy Rabil with the Office of Trademarks and Licensing – 804-828-3615 – for more information.