

# LAW OFFICE OF BARBARA L. WAITE P.C.

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## ASSIGNMENTS / CHANGE OF NAME OF TRADEMARK REGISTRATIONS IN THE UNITED STATES

There are limitations on assignment of trademark applications based upon an intent to use the mark in the United States or in international commerce with the United States. Such applications may only be assigned after a Statement of Use has been filed or, if no Statement has yet been filed, in connection with a sale or transfer of the entire business owned by the Applicant.

An application based upon a foreign filing or registration may only be assigned if the underlying foreign filing or registration has also been assigned to the same party. Proof of such assignment will be required.

An application based upon use, or an intent-to-use application for which a Statement of Use has been filed, may be freely assigned. A registration may also be freely assigned.

There are no particular time requirements for recording the assignment with the U.S. Patent and Trademark Office. Any assignment should be recorded in good time before any maintenance filings or renewal filings are due, however, in order to assure that these filings are accepted. The same is true of any name change in the owner.

There are no requirements that an assignment of a security interest in an application or registration be recorded, so long as the underlying ownership of the mark is not affected. Such documents may be recorded, however, and usually are at the insistence of the owner of the security interest. Filing requirements and costs are the same as for assignments of ownership.

### ● DOCUMENTS REQUIRED

- An assignment document, executed by the assigning party only. No legalization is required.
- If an application is being assigned which is based on a foreign filing or registration, a copy of the recordal of the assignment of the foreign filing or registration to the same party.
- In the case of a change of name, a copy of the document(s) from the governmental authority who approved the change of name.
- Power of Attorney and Designation of Domestic Representative. No legalization is required.