

TRADEMARK SEARCHING (Word Marks)

This guide is not comprehensive but a suggested listed of search tools. At the very least, all trademark searches must include a search of the Federal Registrations (TESS).

Likelihood of confusion is one of the main reasons a trademark is rejected for registration or involved in litigation. Searching must include more than the exact spelling of the mark to determine potential confusion. A trademark search should address the following word variants:

- Misspellings (e.g. kwik, nite)
- Synonyms, or words whose meaning are similar (e.g. horse & pony, ocean & sea)
- Homophones, or words that sound alike (e.g. write & right)
- Homonyms, or words that are spelled the same but mean different things (e.g. a hide is an animal skin and to hide is to keep out of sight)
- Words that describe a graphic in another trademark (e.g. swoosh for athletic shoes)
- British spellings (e.g. grey, colour, centre, tyre)
- Nonstandard plurals (e.g. women, feet, mice)
- Abbreviations (e.g. Mr./Mister, Dr./Doctor)
- Fanciful spellings (e.g. Easy, EZ, E-Z, E.Z., E Z)
- Foreign words/Translations (e.g. soleil/sol/sun)
- Combined terms (e.g. Citibank)
- Name variations (e.g. William, Bill)
- Numbers/Roman numerals (e.g. 20/20, 2/II/two)

To help prevent likelihood of confusion with similar marks, keep **SAM** in mind:

Sound
Appearance
Meaning

Are the marks similar in Sound, Appearance, or Meaning?

RESOURCES FOR SEARCHING FEDERAL TRADEMARKS (®)

[TESS](#)

TESS is the Web version of the trademark database. TESS does not include as many dead trademarks as CASSIS and has fewer search options but it is searchable from home any hour of the day.

RESOURCES FOR SEARCHING STATE TRADEMARKS (™)

[USPTO State Trademark Information Link](#)

SAMPLE RESOURCES FOR SEARCHING COMMON LAW TRADEMARKS (™)

Dictionaries

Search common dictionaries to identify generic terms.

Specialized Dictionaries

Dictionaries specific to a subject, like *Dictionary of Food Ingredients* or *Hawley's Condensed Chemical Dictionary*, can identify generic terms within an industry.

Foreign Language Dictionaries

English language equivalents are considered when determining confusion. For example, use of the term “Sol” would be considered the same as if you were using “Sun”. You also want to avoid a term in English that translates into a negative meaning in another language, especially if you plan to export your product.

Atlases and Geographic Dictionaries

Search atlases and geographic dictionaries to avoid using geographic terms that may mislead consumers about the origin of the product.

Product and Company Directories

Companies and their Brands (PTDL T 223.V4 A253 2004)

Brands and their Companies (PTDL T 223.V4 A25 2004)

[Thomas Register](#)

[Hoovers](#)

Telephone Directories (including a White Pages search for surnames)

[Switchboard](#)

[Big Yellow](#)

Domain Name Registrars

[InterNIC Whois](#)

No trademark search, even those performed by professionals, can be considered comprehensive. Since registration of common law trademarks is not required, the completeness of any search result is uncertain.