

## Trademark & Service Mark Classifications

### Introduction by Susan Schreter, Managing Editor

Have you ever wondered why one brand name can be used on so many products and services all at the same time? For example, the mark "Olympus" represents diving goggles, cameras, textile or synthetic ropes, letter sorting machines, a mortgage company, a real estate company and more. You'll also find that the mark "Tacoma" is marketed as a popular Toyota truck as well as fine-crafted acoustic guitars manufactured by Fender Musical Instruments. This is possible because US law allows businesses to secure intellectual property rights in one or more of 45 trademark or service mark industry classes.

Do you have to file a federal trademark or service mark registration for your business name or product or service brand name? Not necessarily. It all depends on competition within your industry and your business goals. In general, if you intend to sell your products or services in a broad geographic area, a federal registration may be useful in managing your brand identity. And, if you expect to approach experienced investors for business funding, expect them to insist on protections for your company's intellectual property assets.

So how can you familiarize yourself with trademark and service mark business issues? Start with the action steps listed below.

### Summary TakeCommand Action Steps:

- Read through the following summary of trademark and service mark classifications. Determine which classes may apply to your company's products or services.
- Visit [www.uspto.gov](http://www.uspto.gov). The United States Patent and Trademark Office offers a free online trademark and service mark search service called "TESS." While this federal registration service does not include all marks (because among other exceptions, businesses can establish common law rights to trademarks and service marks), it is comprehensive, educational resource for entrepreneurs. Simply, type in your desired trademark or service mark name into the TESS system's "New User Form Search." Look closely for similar marks in your selected industry classifications. Read their descriptions for ideas on how you might prepare your own trade mark or service mark application, too. It's important to note that new applications for marks that are too similar to existing marks or might cause reasonable confusion in the marketplace are often denied by PTO examiners. And, if a similar mark squeaks by trademark examiners, a mark still can be challenged in the courts by existing trademark owners. Can you afford a costly legal battle? Sometimes it is just easier and less costly to choose another name with fewer potential conflicts before investing in logo's and preparing brand marketing literature.
- When you are ready to file an application for your trademark or service mark, you have two options. You can file the application online by yourself or you can hire an attorney to prepare it for you. The PTO makes online filing extremely easy. The cost to file is \$275 to

\$375 per application. If an attorney files on your behalf, expect to pay these same filing fees plus attorneys' fees.

- Do you have questions about trademarks and service marks? Check out books on trademarks and service marks from your local library or book store. Read through the helpful background information at the PTO's website and of course, talk to lawyers who actively practice intellectual property law. Avoid trusting your trademark or service mark application to general practice lawyers. When paying for professionals, remember you are buying their knowledge and experience. Your money should buy excellence. Don't settle for anything less.

Best regards,  
Susan Schreter, Managing Editor

# Summary of Trademark & Service Mark Classifications

## Goods Classes 1 to 34

### Class 1: Chemicals

Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry. This class does not usually include chemical products for use in medical science, fungicides, herbicides, and adhesives for stationery or household purposes.

### Class 2: Paints

Paints, varnishes, dyes for clothing, lacquers for industry and arts; preservatives against rust and against deterioration of wood; colorants for food and beverages; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists. This class does not usually include cosmetic dyes, unprocessed artificial resins, and insulating paints and varnishes.

### Class 3: Cosmetics and Cleaning Preparations

Bleaching preparations and other substances for laundry toilet cleaning use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices, deodorants for personal use and sanitary products. This class does not usually include degreasing preparations for use in manufacturing processes and deodorants other than for personal hygiene use.

### Class 4: Lubricants and Fuels

Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks for lighting.

### Class 5: Pharmaceuticals

Pharmaceutical and veterinary preparations; sanitary preparations for personal and medical use; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides. This class does not usually include bandages.

### Class 6: Metal goods

Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

### Class 7: Machinery

Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); motor parts, electric cleaning machines and

supporting apparatus, agricultural implements other than hand-operated; incubators for eggs. This class does not usually include hand tools and hand operated equipment or tools and motors for vehicles.

#### **Class 8: Hand Tools**

Hand tools and hand operated implements; cutlery; side arms; electric razors and clippers. This class does not usually include surgical cutlery, paper knives, fencing gear and weapons and machine tools.

#### **Class 9: Electrical and Scientific Apparatus**

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), lifesaving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

#### **Class 10: Medical Apparatus**

Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials.

#### **Class 11: Environmental Control Apparatus**

Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes. This class generally includes air conditioners, electric cooking utensils, electric blankets, hot water bottles and other heated products not used for medical purposes.

#### **Class 12: Vehicles**

Vehicles; apparatus for locomotion by land, air or water.

#### **Class 13: Firearms**

Firearms; ammunition and projectiles; explosives; pyrotechnical products and fireworks. This class does not usually include matches.

#### **Class 14: Jewelry**

Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewelry, precious stones; chronometric instruments. This class generally does not include cutlery.

#### **Class 15: Musical Instruments**

Musical instruments including mechanical pianos and accessories; music boxes, and electrical musical instruments. This class does not generally include recording equipment and devices for music transmission and reproduction.

#### **Class 16: Paper Goods and Printed Matter**

Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching

material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks.

#### **Class 17: Rubber Goods**

Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.

#### **Class 18: Leather Goods**

Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travel bags; umbrellas and walking sticks; whips, harness and saddles. This class usually does not include leather clothing, footwear and hats.

#### **Class 19: Nonmetallic Building Materials**

Building materials (nonmetallic); nonmetallic rigid pipes for building; asphalt, pitch and bitumen; nonmetallic transportable buildings; monuments, not of metal; veneers; and building glass and glass tiles. This class generally does not include cement preservatives and fireproofing preparations.

#### **Class 20: Furniture**

Furniture, furniture parts, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics; mattresses, spring mattresses, and pillows. This class generally does not include linen for bedding and special furniture for laboratory and medical use.

#### **Class 21: House wares and Glass**

Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes. This class generally does not include electric-driven kitchen appliances.

#### **Class 22: Cordage and Fibers**

Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials. This class generally does not include strings for musical instruments.

#### **Class 23: Yarns and Threads**

Yarns and threads, for textile use.

#### **Class 24: Fabrics**

Textiles and textile goods, not included in other classes; bed and table linens. This class generally does not include electric blankets.

#### **Class 25: Clothing**

Clothing, footwear, headgear.

**Class 26: Fancy Goods**

Lace and embroidery, ribbons and braid; buttons, certain hooks and eyes, certain fasteners, pins and needles; artificial flowers. This class generally does not include yarns and threads for textile use.

**Class 27: Floor Coverings**

Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).

**Class 28: Toys and Sporting Goods**

Games and playthings; gymnastic and sporting articles not included in other classes; non-food decorations for Christmas trees. This class generally does not include clothing items for sports.

**Class 29: Meats and Processed Foods**

Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats.

This class generally does not include baby food.

**Class 30: Staple Foods**

Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice. This class generally does not include baby food and animal food.

**Class 31: Natural Agricultural Products**

Agricultural, horticultural and forestry products and grains not included in other classes; living animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt. This class generally does not include tobacco.

**Class 32: Light Beverages**

Beers; mineral and aerated waters and other nonalcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages. This class generally does not include milk, beverages for medical purposes, and beverages with a coffee, cocoa or chocolate base.

**Class 33: Wine and Spirits**

Alcoholic beverages (except beers).

**Class 34: Smokers' Items**

Tobacco; certain tobacco substitutes, smokers' articles; matches.

## **Service Classes 35 to 45**

### **Class 35: Advertising and Business**

Advertising; business management; business administration; office functions.

### **Class 36: Insurance and Financial**

Insurance; financial; banking; brokerage; monetary affairs; real estate.

### **Class 37: Building Construction and Repair**

Building construction; repair; installation services.

### **Class 38: Telecommunications**

Telecommunications services. This class generally does not include radio and advertising services.

### **Class 39: Transportation and Storage**

Transport (by rail, road, water, air or pipeline); packaging and storage of goods; travel arrangement. This class generally does not include services related to customs brokerage, traveler checks and travel agents; services related to the maintenance and repair of transport vehicles

### **Class 40: Treatment of Materials**

Treatment of materials.

### **Class 41: Education and Entertainment**

Education; providing of training; entertainment; sporting, recreation and cultural activities.

### **Class 42: Computer, Scientific and Legal**

Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services.

### **Class 43: Hotels and Restaurants**

Services for providing food and drink; temporary accommodations. This class generally does not include long-term rental apartments, travel reservation and planning services and prep and other schools which offer boarding facilities.

### **Class 44: Medical, Beauty and Agricultural**

Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services. This class generally does not include exercise-oriented health clubs and spas.

### **Class 45: Personal**

Personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals; funeral services, matrimonial services; certain dating services. This class generally does not include medical, financial planning, insurance and brokerage services, and educational services.

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