TRADEMARK CLEARINGHOUSE

How to submit a trademark record

Trademark Clearinghouse

30/09/2020

Version 1.4

Contents

TMCH

Introduction

This guide will provide you the necessary steps on how to register a trademark in the Trademark Clearinghouse user interface.

For the purpose of the Trademark Clearinghouse, a Trademark Holder is an owner, licensee or assignee of a trademark. A Trademark Agent is a third party such as a law firm, agency, or domain name registrar appointed to manage trademark records on behalf of a Trademark Holder.

The contracting party is the Trademark Holder or Trademark Agent that will be under contract with the Trademark Clearinghouse and will receive the applicable notifications from the Trademark Clearinghouse.

The application user is the person that will be managing the trademark records in the Trademark Clearinghouse as well as other services offered by the Trademark Clearinghouse.

A label is a part of a domain name that can be associated with a trademark record, based on the matching rules published on the official ICANN website (e.g. label "tmch" in the domain name www.tmch.com).

The general flow of registering trademark records with the Trademark Clearinghouse is the following:


Submitting trademarks → Reviewing order details → Payment

TMCH
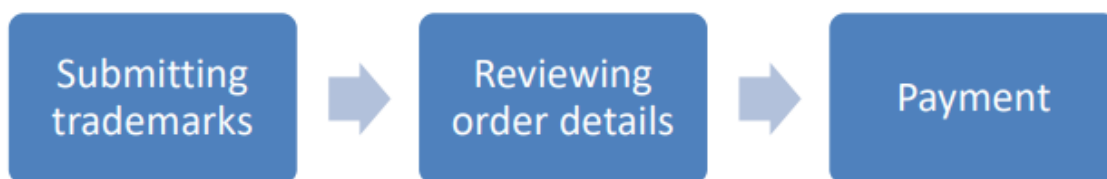
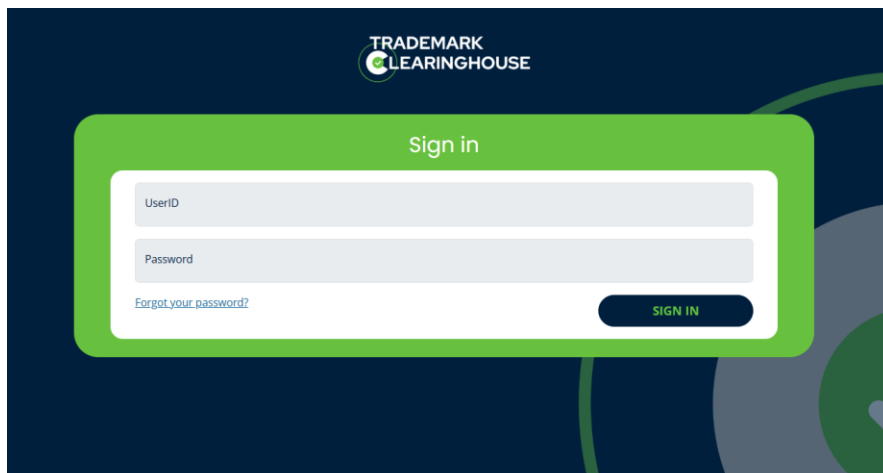# 1. How to submit a trademark record

1.1. Sign into the Trademark Clearinghouse user interface

In order to add a trademark record for a registered trademark within the Trademark Clearinghouse, you will need to sign into the Trademark Clearinghouse user interface.

To sign in to the Trademark Clearinghouse user interface, the user (which can be the same person as the contracting party) will need navigate to https://secure.trademark-clearinghouse.com, click on the "Sign in" button and enter its user ID and password:
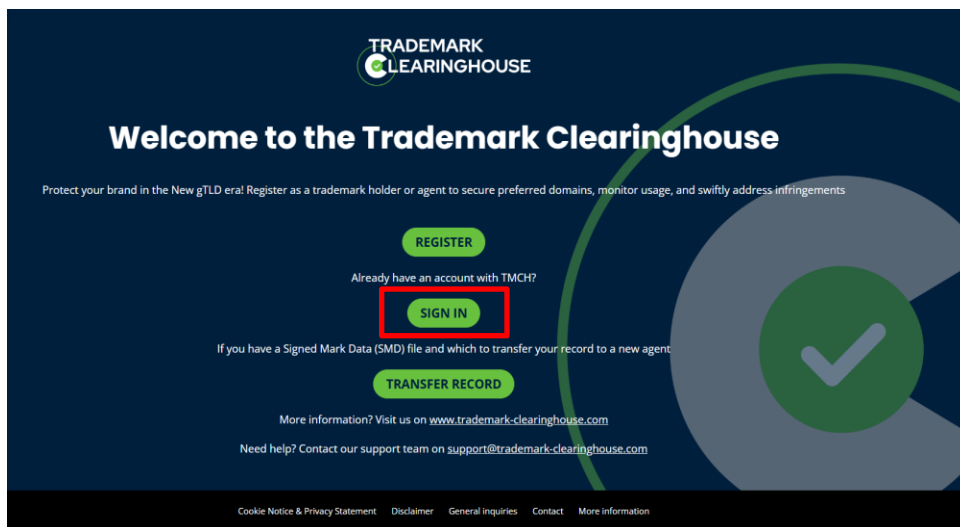
After clicking on this button, the following screen will appear. Please enter you user ID and password. After filling in your credentials, click the "Sign in" button to log in to the interface.
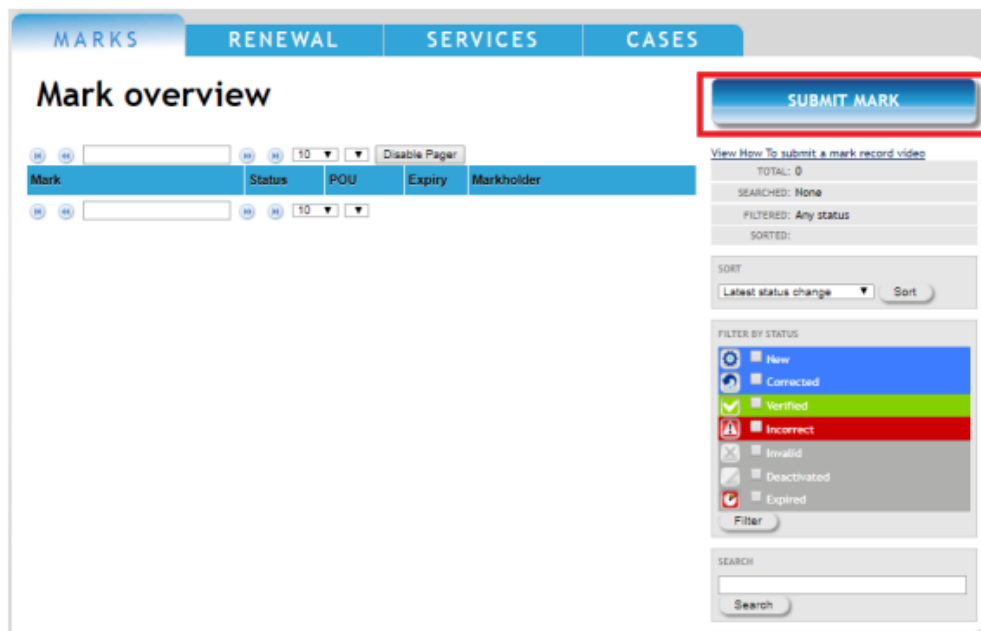
1.2. "Submit mark" button.

To submit a trademark, you have two options:

- Submit a trademark by using the "Submit mark" button on the "Mark Overview" page.
- Submit a trademark by using the "Submit mark" button on the home page.

1.2.1. Submitting by using the "Submit mark" button on the "Mark Overview" page

After you have logged in, you will be immediately redirected to the "Mark Overview" page. Here you can select the "Submit mark" button to access the submission form.
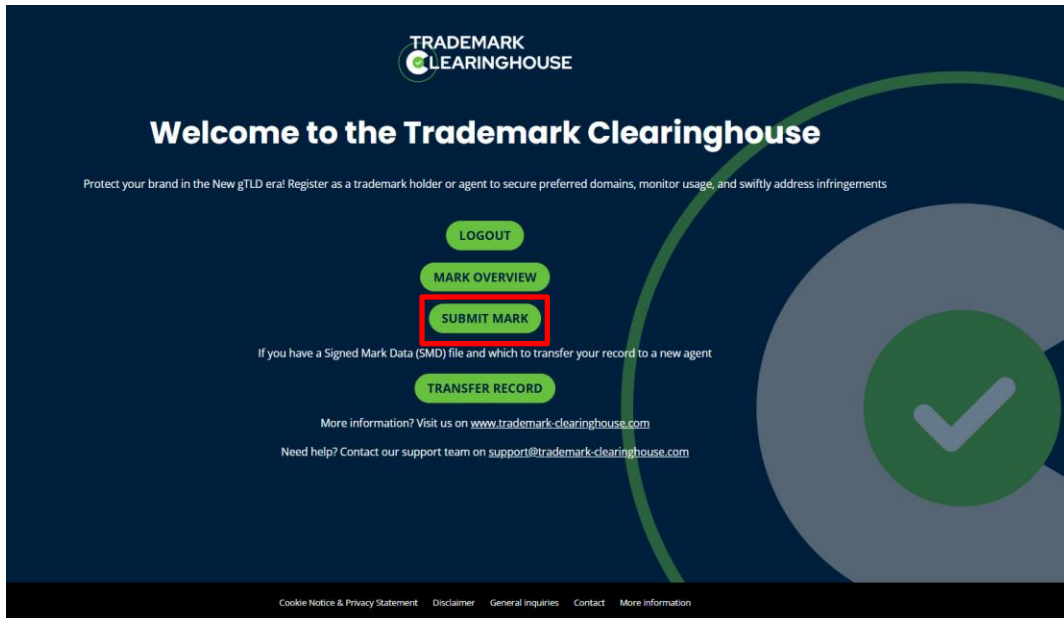

1.2.2. Submitting by using the "Submit mark" button on the home page

When you have provided your login-details and after you have signed in, you can go to the home page by clicking on the "Clearinghouse" logo which is located on the top right of the interface.
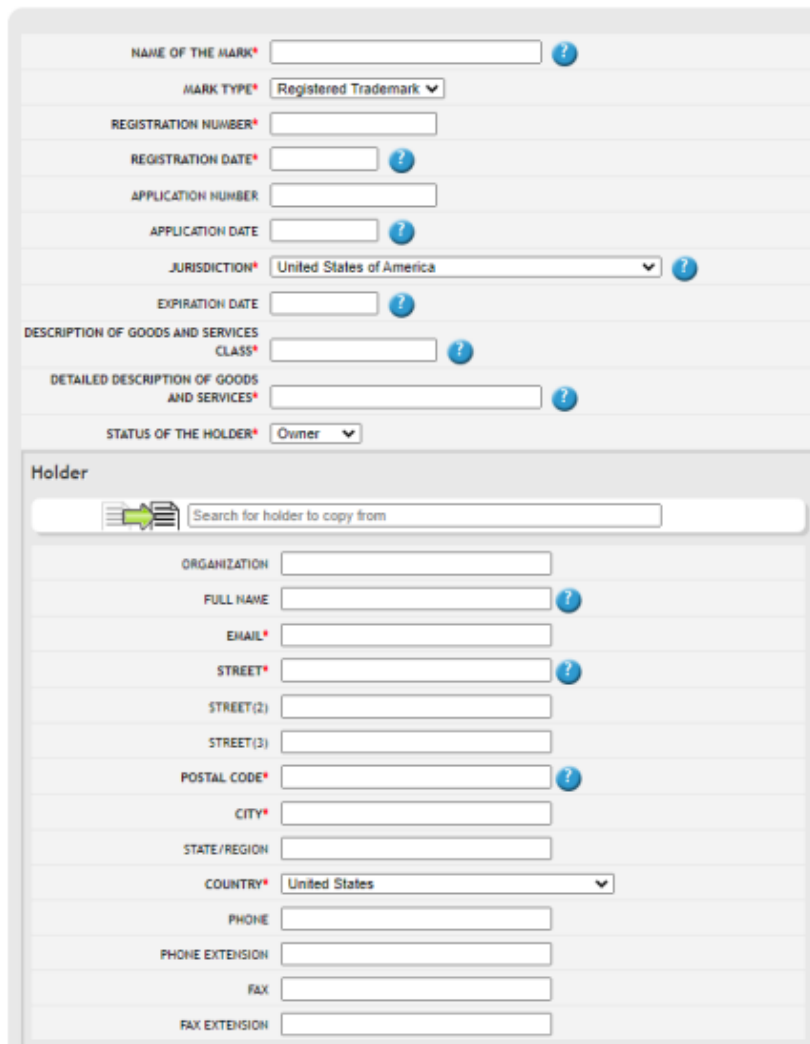
![TMCH logo]

Here, you can click the "Submit mark" button to access the submission form as well.

1.3. New trademark submission

Once you have clicked on the "Submit mark" button as shown in the previous section, you will be able to provide the details for the trademark(s) you wish to register with the Trademark Clearinghouse.

The mandatory fields are marked by an asterisk (*):

- Name of the mark: the name of your trademark as shown on the trademark certificate.
- Mark type: Three trademark types can be registered:

1. Registered trademarks: is a nationally or regionally (i.e., multi-nationally) registered trademark on the principal or primary register in the trademark's jurisdiction.
2. Court validated trademarks: a trademark that has been validated by a court of law or other judicial proceeding at the national level, such as unregistered (common law) trademarks and/or well-known trademarks.
3. Trademarks protected by statute or treaty: trademarks protected by statute or treaty in effect at the time the mark has been submitted to the Clearinghouse for inclusion. These trademarks may include but are not limited to geographical indications or designations of origin.

- Registration number: the registration number included on the trademark certificate.
- Registration date: the date on which the trademark was registered in the corresponding jurisdiction, as shown on its trademark certificate.
- Jurisdiction: the jurisdiction from which the trademark was registered, and the certificate issued.
- Description of goods and services class: the numbering of the Nice classes included in your trademark certificate. Should the corresponding jurisdiction not follow Nice classification you can opt to include N/A instead;
- Detailed description of goods and services: the description of the Nice classes. Should the jurisdiction of your trademark certificate not follow Nice classification we ask you to still include the Goods and Services description as shown on the trademark certificate;

Only for Trademark Agents as organization and address information is automatically copied from the contract information for Trademark Holders:

- Status of the holder
    1. Owner
    2. Licensee (if selecting licensee as holder type please upload a [licensee declaration](#));
    3. Assignee (if selecting assignee as holder type please upload an [assignee declaration](#));
- Organization: the name of the trademark holder as per the trademark certificate (or assignee/licensee declaration).
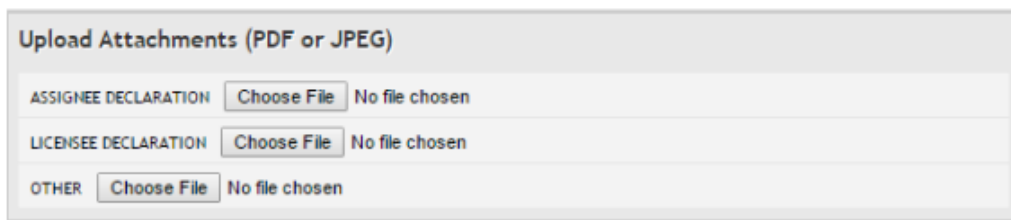- E-mail: e-mail of the trademark holder.

- Street, postal code, city, country: address of the trademark holder

If you want to select a specific type of trademark, you can click on the arrow next to the "Mark type" field to display a dropdown list and complete the rest of the fields. Depending on the type of trademark record selected, you will need to complete a list of requested fields.

For more detailed information on the different fields, we kindly refer to the Trademark Clearinghouse Guidelines document.

1.4. Upload the documentary evidence if applicable

If applicable, the Trademark Agent/Holder will have the possibility to upload additional documentation to the trademark record. As mentioned in the above section, should the holder type selected by licensee or assignee, please upload a licensee declaration or an assignee declaration accordingly.

Upload Attachments (PDF or JPEG)

ASSIGNEE DECLARATION   Choose File   No file chosen

LICENSEE DECLARATION   Choose File   No file chosen

OTHER   Choose File   No file chosen

For more detailed information on the documentation which needs to be provided, we kindly refer to the Trademark Clearinghouse Guidelines document.

1.5. Select the labels

When entering the name of the trademark record to submit, a list of labels will be generated and made visible in the "Label" section as shown on the image below:
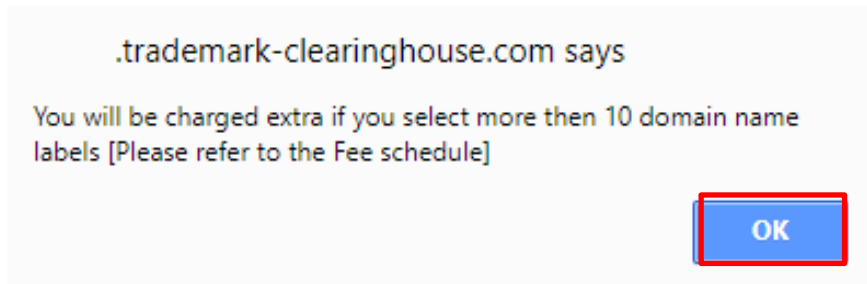

A label is a U-label or an A-label that can be associated with a trademark record, in accordance with the matching rules published on the official ICANN website.

By default, up to 10 labels are included in the trademark record fee. If you wish to add more than ten labels, select the additional labels you wish to include.

A warning message will pop up:

Click on "OK" if you would like to proceed with more than 10 labels. Should you wish to modify the selection, you can do so by unselecting the extra labels.

Please refer to the fee structure for an overview of the cost for additional domain labels.

When all the labels you wish to include are added, you can finalize your order by clicking on "Submit" at the bottom of the page. Your order will then be added to your basket. You will then be able to review your order and pay the related fees.
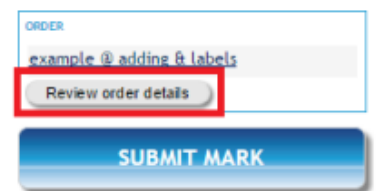
1.5.1. Adding domain labels when reviewing order details

After you have submitted your trademark and you have not proceeded with confirming your order details, a box on the upper right corner of your "Mark Overview" page will appear. Your orders which have not yet been finalized will be saved in this section.
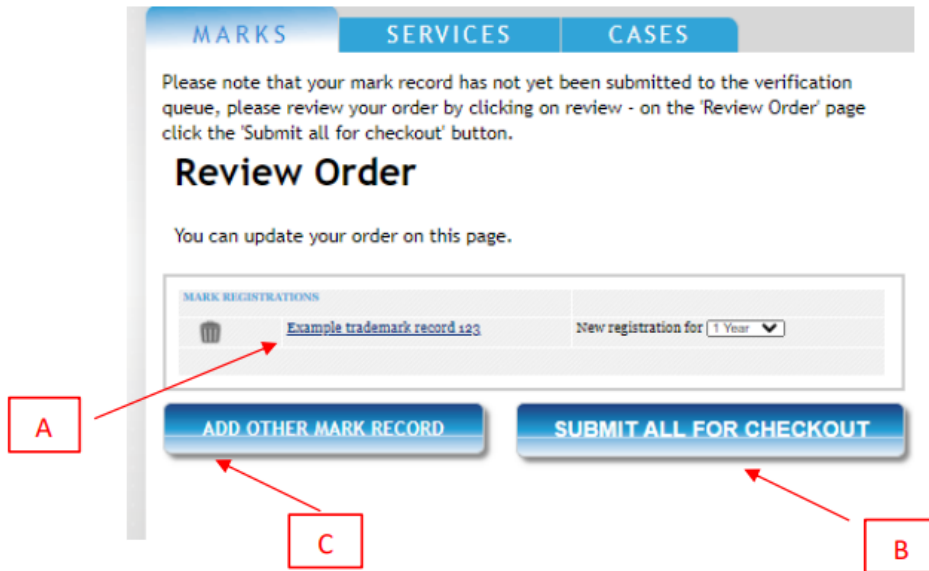
If you wish to complete your order, please click on "Review order details".

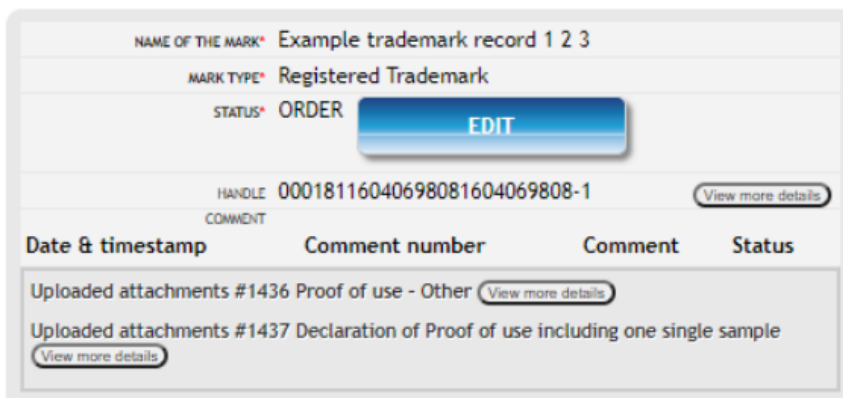After clicking on "Review order details", the following screen will pop up:

If you wish to add additional domain labels to your existing order, click on your trademark record (A). If you do not wish to add additional domain labels, click on "Submit all for checkout" (B) and pay the related fees. In case you would like to add another mark, click on "Add other mark record" (C).

When clicking on your trademark name (meaning that you wish to review/modify your current order), the following screen will appear.

1.5.2. Adding domain labels by editing the trademark

Click on "Edit" to make changes to your current order. Here you can edit the information submitted in the trademark record including the trademark name.

If you wish to add domain labels to your current order, navigate to the "Label" section, where you will see the option to add additional domain labels. Use the drop-down lists to choose the domain labels you wish to add.
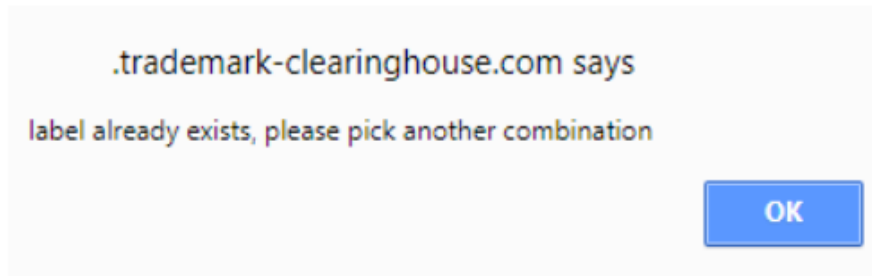
If you pick a label that already exists, the system will make you aware of this and the following screen will appear:

.trademark-clearinghouse.com says

label already exists, please pick another combination

OK

After you have added additional domain name labels, make sure to check the box at the bottom of the page (A) and click on "Update Without Submitting" (B).

Label

label # 4242 exampletrademark-record12-3

label # 4241 exampletrademark-record123

label # 4238 exampletrademarkrecord-1-2-3

label # 4236 exampletrademarkrecord-1-23

label # 4239 exampletrademarkrecord-12-3

label # 4243 exampletrademarkrecord-123

label # 4237 exampletrademarkrecord1-2-3

label # 4240 exampletrademarkrecord1-23

label # 4244 exampletrademarkrecord12-3
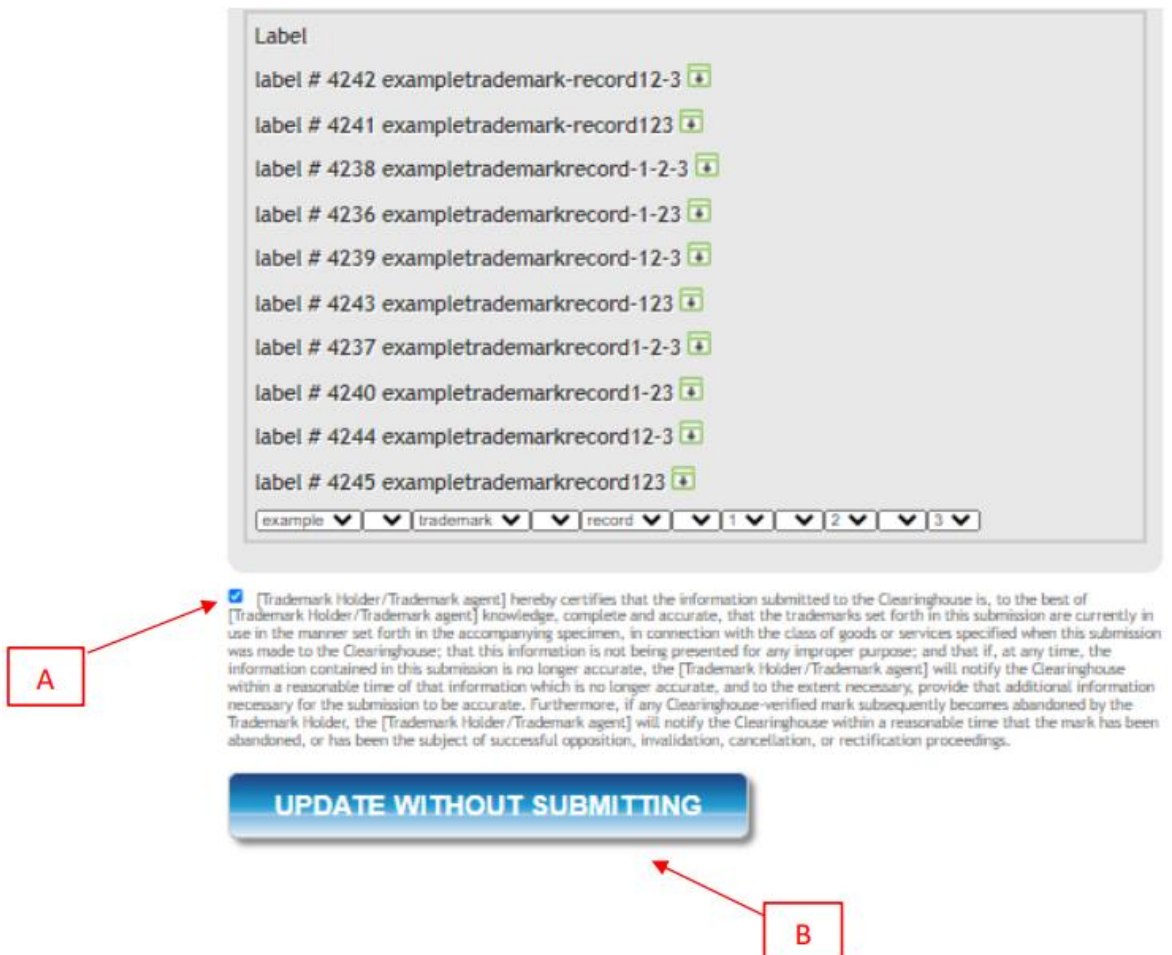
label # 4245 exampletrademarkrecord123

A

☑ [Trademark Holder/Trademark agent] hereby certifies that the information submitted to the Clearinghouse is, to the best of [Trademark Holder/Trademark agent] knowledge, complete and accurate, that the trademarks set forth in this submission are currently in use in the manner set forth in the accompanying specimen, in connection with the class of goods or services specified when this submission was made to the Clearinghouse; that this information is not being presented for any improper purpose; and that if, at any time, the information contained in this submission is no longer accurate, the [Trademark Holder/Trademark agent] will notify the Clearinghouse within a reasonable time of that information which is no longer accurate, and to the extent necessary, provide that additional information necessary for the submission to be accurate. Furthermore, if any Clearinghouse-verified mark subsequently becomes abandoned by the Trademark Holder, the [Trademark Holder/Trademark agent] will notify the Clearinghouse within a reasonable time that the mark has been abandoned, or has been the subject of successful opposition, invalidation, cancellation, or rectification proceedings.

UPDATE WITHOUT SUBMITTING

B

After the label is added, click on "Review order details" in the right corner of the page to complete the order and to pay the related fees.
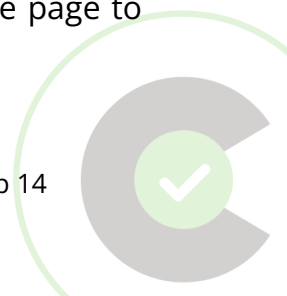
1.6. Add Sunrise and/or Trademark Claims services

By preference, you will be able to opt in or out for Sunrise and/or Trademark Claims services. Should you wish to opt out of either service you can untick the box next to the corresponding service. By default, both services will be selected. In case Sunrise services are selected, for registered trademarks, you must also attach a signed declaration and a sample of Proof of Use by clicking the button as indicated in the picture below.

The file is then uploaded in the Trademark Clearinghouse and linked to the registered trademark record.

Please note that, once the files are attached to a trademark record, they cannot be removed. Additionally, the file size is limited to 10 MB and the file type must be JPG, JPEG or PDF.

For more information on acceptable Proof of Use documents, we kindly refer to the following manuals depending on if you are:

- a Trademark Holder
- a Trademark Agent

If the Sunrise services are not selected, no Proof of Use must be uploaded. Note that the activation of the Sunrise services can be done at a later stage. In this case, please untick the "Sunrise services" box.

1.7. Add variations

You will be able to add variations, which are additional labels that are non-exact matches of your trademark record.

For more information on variations, we kindly refer to the "How to add variations" manual.

1.8. Activate Norn-to-Holder service

If you are a Trademark Agent, you can also choose to activate the "Copy of NORN to Holder" service. Trademark Holders, represented by a Trademark Agent, will also benefit from the TMCH notifications by receiving direct copies of them. An acceptation of the Terms and Conditions will be required to activate the related service at an additional fee of $10.

For more information on this service, we kindly refer to the FAQs available on the Trademark Clearinghouse website.

1.9. Accept the declaration

After completing all fields and optionally uploading attachments, adding variations and selecting services, you must check the declaration of Terms and Conditions box (A) and press the "Submit" button (B) to complete the registration of a new trademark record as shown below:
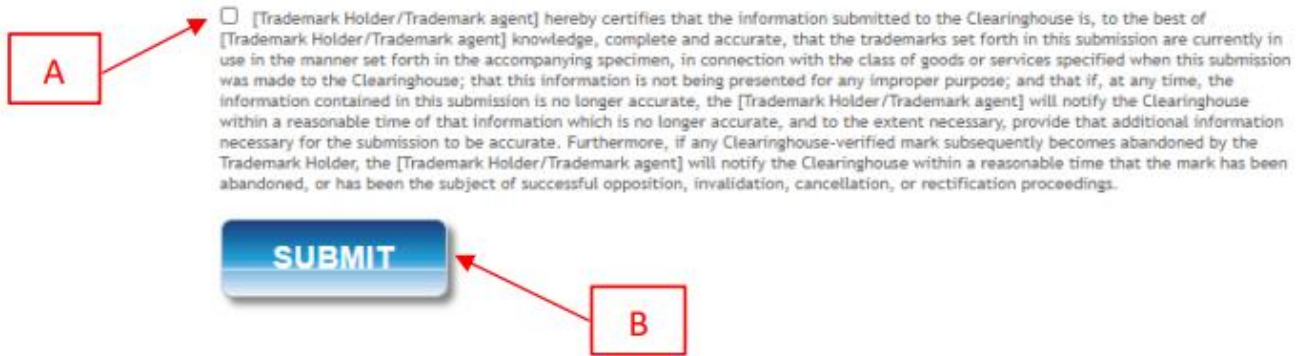
Please note that after submitting, the trademark record is not yet registered with the Trademark Clearinghouse as the "Review order details" and "Checkout" procedures need to be completed first.

1.10. Proceed to order the submitted trademark records

1.10.1. A maximum of 10 trademark records in one order is allowed

Once you have added the requested trademark records, you must first confirm the order to finalize the submission of the trademark records. You will be able to add multiple trademark records in one order, but due to security and abuse prevention reasons, there is a limitation of 10 trademark records per order (payment transaction).

This measurement will prevent you from adding more than 10 trademark records in the order page by displaying the following message as shown in the image below:
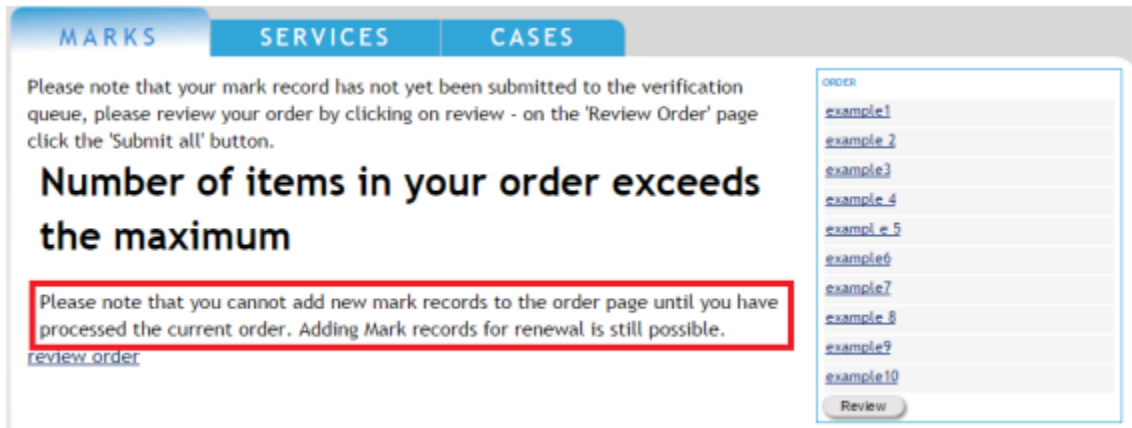
1.10.2. Review of the trademark records available in the order page

After submitting your trademark record and if less than 10 trademark records have been recorded, you will be redirected to the "Review Order" page.
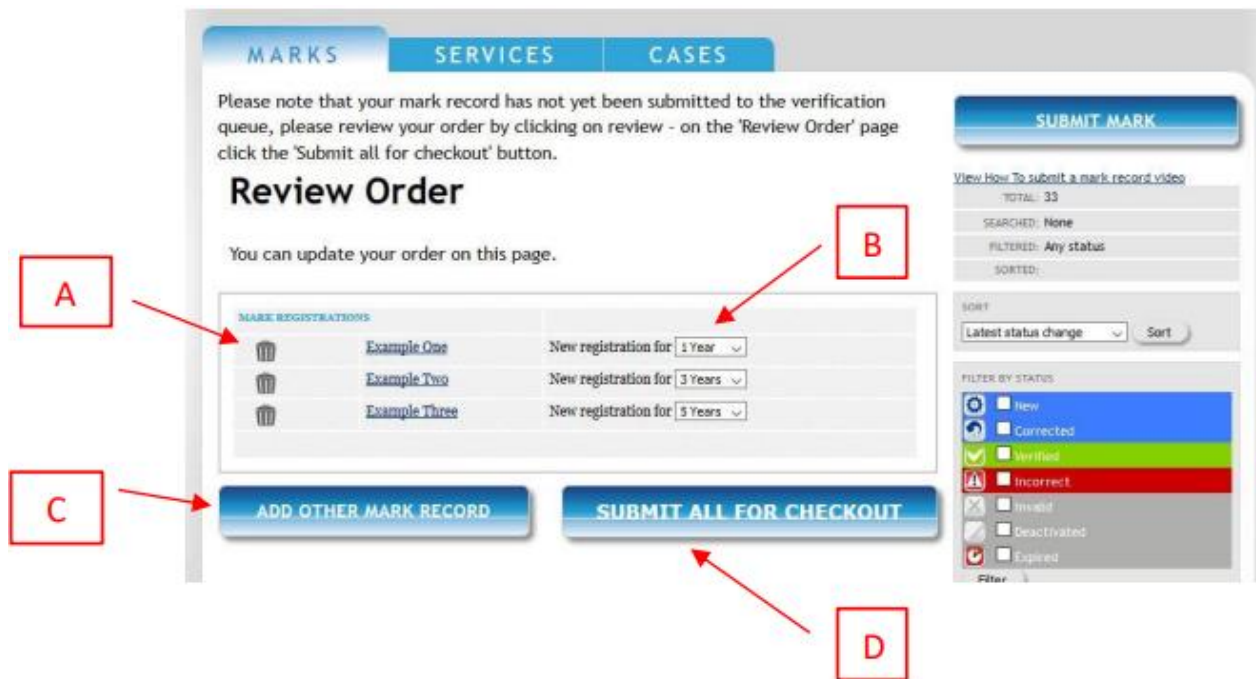
Trademark records added will be listed with the name and the duration of the registration in the Trademark Clearinghouse.

On this page, you will be able to:

- Delete specific trademark records from the order page by clicking on the bin icon (A);
- Update the duration for each trademark record by selecting 1, 3 or 5 years (B);
- Add another trademark record to your basket ("Add other mark record") (C);
- Finalize your order ("Submit all for checkout") (D).

Once you click on a trademark name, you will be redirected to the details of your trademark record, which you can still update (by clicking on "Edit"). If you wish to edit some trademark details, please note that you need to accept again the Terms and Conditions at the bottom of your page and that you have to click on "Update" at the bottom of your page to save your modifications. Then you need to click on "Review" in the top-right corner of your page to go to the "Review Order" page.

As mentioned above, the duration of the trademark record registration can be changed and updated. By clicking on the arrow next to "New registration for", a dropdown list will be available, in which you can choose the duration you would like to have the trademark record registered with the Trademark Clearinghouse. After choosing the duration, the changes will be registered in the order page.

The duration of trademark records that are valid in the Trademark Clearinghouse can be 1, 3 or 5 years.

1.11. Order the added trademark records (Checkout)

1.11.1. Agent or Holder with Prepayment

When you have reviewed the trademark records in the "Review Order" page and if necessary, updated the list, the trademark records can be ordered by clicking on the "Submit all for checkout" button.

You will be redirected to the" Your Order" page and will see a list of all the trademark records with their respective durations, prices, labels and variations as shown in the image below.

The price per trademark record is given VAT excluded. The total is displayed at the end of the list with and without VAT depending on the jurisdiction.

You can confirm and pay the ordered trademark records by clicking on "Pay prepaid"[1].

The amount will be withdrawn from the prepaid credits. Please note that if you do not have a sufficient amount in your prepaid account, a message "Not enough credits remaining: ..." will be displayed.

You can find more information about your remaining credit in the header of the application:

1.11.2. Holder paying with Credit Card

As Trademark Holder paying with credit card, you can only submit one trademark record at a time.

Once the submission completed, you will be redirected to the "Your Order" page where the trademark record with its respective duration, price, labels and variations will be displayed.

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[1] At this stage, the order can also be reset by clicking on the "Reset Order" button. All previously added Trademark records will remain available in the "Review Order" page for later ordering.

The price is given VAT excluded. At the end of the table, the total sum is given with and without VAT.

At any time and if you would like to navigate to another page, you can go back to your basket by clicking on the "Proceed to checkout" button on the "Mark Overview" page (see below).

You can confirm and pay the ordered trademark records by clicking on "Pay with credit card"[2].

You will be redirected to the website of Ogone to finalize the payment process and pay with your credit card (VISA, MasterCard or American Express).

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[2] At this stage, the order can also be reset by clicking on the "Reset order" button. All previously added trademark records will remain available in the Review Order page for later ordering.
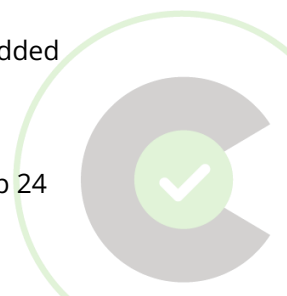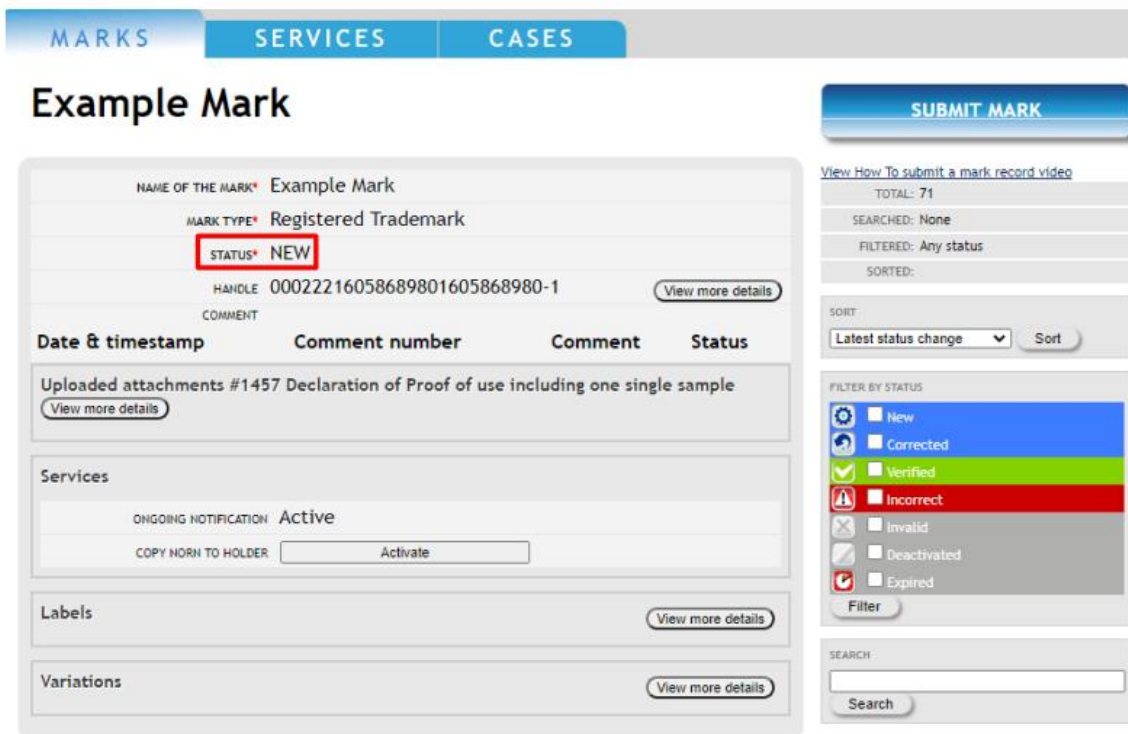
1.12. Confirm/see the added trademark record in the "Mark Overview" page

After your payment has been accepted, the trademark record is available in the "Mark Overview" page as shown in the image below:

You can see the information provided by clicking on the trademark record after which an overview of the information will be displayed:

The status "NEW" indicates that the trademark has been submitted to the verification process. The validators from the Trademark Clearinghouse will now verify that the submitted trademark information is complete and accurate. After verification, the status will be updated either to "VERIFIED" if all the information provided is correct either to "INCORRECT" in case additional information or corrections are required.