



**The Dow Chemical Company
Trademark Manual**

January 2006

Manual

Table of contents

Introduction	2
About trademarks and this manual	2
The Dow Chemical Company trademark policies	3
Use of outside trademark attorneys	3
New trademark use	3
Trademark licenses	3
Correct trademark use	3
Recharges for trademark-related services	3
How to acquire a new trademark – name development and the search request form	4
Good naming guidelines	7
Coined trademarks	7
Arbitrary trademarks	7
Suggestive trademarks	7
Descriptive trademarks	7
Generic terms	8
Strength of a trademark	8
Avoid these traps	9
Strategies for acquiring trademarks	10
Search report availability grades	11
Filing applications and the registration process	13
Trademark renewal process and criteria for renewing	15
Contacting the Trademark Department staff	16
Frequently asked questions about the trademark process	17
Trademark websites and other resources	18

Introduction

About trademarks and this manual

Very simply, trademarks and service marks are tools that The Dow Chemical Company (Dow) uses to differentiate its products and services from those of its competitors. They are unique identifiers for the company and its products. Additionally, trademarks can be used to differentiate market segments for particular Dow products. Today, Dow maintains over 21,000 trademark registrations in more than 160 countries and the list keeps growing.

The value of a trademark to the company that owns it can be tremendous. Not only do Dow trademarks tell customers where the product comes from, they also convey a consistent, clear message that the product is of the highest quality manufactured by an established, reputable company. A trademark by itself carries a lot of information. Using a classic example, would a customer be more likely to purchase "ABC" film or "Kodak" brand film? At Dow, trademarks like STYROFOAM™ Polystyrene Insulation provide incredible value to the company's trademark and product portfolio.

This manual provides important information for a number of different audiences within Dow. It can be used by all employees to learn and understand the value of trademarks to the company. It contains proper use guidelines that explain how to correctly use Dow trademarks in all forms of communication and advertising. For Dow marketers, this booklet contains important policies and procedures that provide guidance on the trademark development process. And, it is a valuable reference guide for more experienced marketers.

We tried to capture the most important information in this manual, but there may be information that is not covered here, and questions may arise. For questions about any of the content, or about Dow trademarks, the process for obtaining new trademarks, or the protection of existing Dow trademarks, please contact Patricia Cole in the Trademark Department by sending an e-mail to pacole@dow.com. The Trademark Department also maintains an Intranet website (Dow Keyword: Trademark), which contains most of the information found in this manual for convenient, online access.

The Trademark Staff

Dow Keyword: Trademark

**The Dow
Chemical Company
trademark policies**

These policies ensure that the maximum value is realized from the Dow trademark portfolio, that the trademark portfolio is managed effectively and efficiently, and that Dow's limited trademark resources are prioritized and appropriately allocated.

1. **Use of outside trademark attorneys:** Only the Trademark Department is authorized to hire, use, and *instruct* outside attorneys for trademark-related matters. The Dow General Trademark Counsel may delegate this authority to other personnel within the Dow Law Departments for specific trademark matters. Dow employees may confer with outside attorneys on trademark-related matters *only with the prior approval* of the Dow Trademark Department.

2. **New trademark use:** Before using a new trademark or product name in any country, please contact the Trademark Department. The Trademark Department must search, clear, and approve:

- Each trademark or name the business wishes to use in each country of interest; and
- Each product the trademark will be used on in each country.

This policy does not apply to the addition of new generic descriptors or grade designations (e.g., TG-2, LS, surfactant or solvent, etc.) in a country where the product name or trademark has already been approved.

3. **Trademark licenses:** Use of Dow trademarks by third parties must be approved by the Dow Trademark Department and typically requires a written license.

No license is required for distributors selling authentic Dow products. They may use the DOW trademark and DOW Diamond logo in conjunction with the sales of these authentic Dow products in literature and promotional pieces with prior approval.

In addition, no license is required for use of the trademark merely as an indication of a sponsored event, such as a Dow sponsored community event.

All other third party uses require a license from the Trademark Department.

4. **Correct trademark use:** Correct use of Dow trademarks is essential to maintaining Dow trademarks and protecting their value to the company. All materials, including labels, advertising, literature, Internet and Intranet sites, correspondence, etc., must use and reference Dow trademarks correctly and in accordance with the Dow Trademark Use Guidelines (Dow Keyword: Trademark Use Guidelines).

5. **Recharges for trademark-related services:** Costs associated with searching, applying for new trademarks, responding to official actions and/or opposition proceedings, and general maintenance filings, including renewal applications, will be charged back to the businesses.

How to acquire a new trademark – name development and the search request form

This section will guide those assigned the responsibility of pursuing acquisition of a new trademark through the necessary steps with the project stakeholders and Trademark Department. A key question to ask before starting this process is, *“Will this product clearly add more value to the company with a new trademark when compared to the value gained if the product were sold using an existing, registered trademark or a generic name?”* If the answer is “No,” then the trademark development process should be skipped completely. If the answer is “Yes,” proceed with the following steps for **all projects** that require a trademark, regardless of whether the project is considered a strategic project.

1. **Define strategy/product positioning/concept:** Identify and refine the trademark strategy for acquiring a trademark for this new product offering.
2. **Identify countries:** Identify the countries where the new product is expected to be sold, and the quarter and year that the commercialization of the new product offering is expected to occur.
3. **Explore existing marks:** Review both the potential of line extensions of established trademarks and trademarks that may be available from the Trademark Department that may have been acquired for a different project but not used. Review the list of available trademarks with key stakeholders such as market managers, project leaders, global business director, communication managers, project stakeholders, etc.
4. **Generate or brainstorm a list of candidates:** If existing, available trademarks are not acceptable, a new list of trademark candidates must be generated using the Good Naming Guidelines section of this manual (page 7).
5. **Refine the list of candidates:** Consider the product concept carefully. Develop trademark candidates that convey the features and/or benefits of the product.
6. **Develop coined, arbitrary, and suggestive trademark candidates:** In addition to candidates developed above, develop a list of coined, arbitrary, and suggestive candidates (at least two of each).
7. **Prioritize:** Review and prioritize the list of names with key stakeholders **before** requesting an availability search by the Trademark Department. Key stakeholders must sign-off on the Trademark Request Form.

8. **Submit Trademark Search Request Form electronically:** After prioritizing the list of potential new trademarks, complete the online Trademark Search Request Form (Dow Keyword: Trademark Search Request Form). The form must identify the goods and/or services to be used on or in association with the new trademark, the specific countries of commercial interest, and a commercial launch timetable. The form must also contain the approval or signature of the relevant business director(s). When completed and submitted, the form is forwarded electronically to the Trademark functional mailbox. *Be sure that both a web page and an e-mail confirmation is received after submitting this online form confirming that the request was received by the Trademark Department. If both confirmations are not received, contact the Trademark Department directly to ensure that the request was properly received.*

The information in the form helps to prioritize the Trademark Department's efforts. In addition, because searches are initiated in the countries where the product will be launched in the current year, (or in order of business priority), this information often helps minimize the cost of searching, spread the cost of the filing and registration process over a period of several years, and minimize costs if the project is aborted.

9. **Screening and clearing new trademark name candidates:** Availability searching is about 90 percent effective in identifying anticipatory marks. However, it is not 100 percent fail-safe. In some countries such as the U.S., consideration must be given not only to registered marks, but also unregistered marks which are in commercial use, namely, "common law" marks based on use in commerce. The searching process in the U.S. attempts to identify unregistered common law marks as well as registered marks.
10. **Costs associated with obtaining new trademarks:** Budgeted costs should be at least \$4,000 USD per mark per country for searching, filing, and registration expenses, provided no objections/oppositions are filed. If objections/oppositions occur, costs could escalate above \$10,000 USD per mark per country.

Consequently, average costs per mark per country may vary from \$4,000 USD to \$10,000 USD. Multiply \$4,000 by the total number of countries where registration is desired. This will give a "ballpark" sum total for budget purposes.

11. **Timing to search and develop new trademarks:** It is best to initiate the trademark development/screening process at least 12 to 18 months prior to commercialization.

Upon receipt of the request form, the name candidates will be screened against existing databases for obvious conflicts prior to incurring the cost of the full search report. If the candidates clear the preliminary screening, a full and more comprehensive search is ordered through outside sources. The full search is reviewed by the Trademark Department, who will provide the requestor a written *opinion of the availability* of the trademark or trademarks that were requested to be searched. Basically, there are three types of responses from the Trademark Department:

- A written legal opinion on the availability of the trademark with an availability grade. In some cases, it will be immediately clear that Dow will not be successful in registering a name candidate. In these cases, notification will be given that the trademark candidate was rejected or is unavailable. (This opinion would coincide with an availability grade of "D" or "F.")
- A written legal opinion advising that successful registration of a trademark candidate is not likely, or the chances of failure are fairly high. In the past, some businesses have proceeded with the trademark process and have successfully registered a trademark after resolving numerous oppositions and barriers, including negotiation and compensation paid to another company for the use of a trademark. However, in just as many cases, Dow has not been successful and the business expended significant resources only to restart the process. (This opinion would coincide with an availability grade of "C.")
- A written legal opinion that a candidate "appears likely" to succeed in the registration process. Sometimes, candidates are said to be "cleared" at this point. *However, it is very important to understand that this does not mean that the use of the trademark will not be opposed by another company.* At this point, it is still very early in the trademark development process. "Cleared" only means that upon a more comprehensive search, there were no citations revealed that would be an obvious impediment to registration. (This opinion would coincide with an availability grade of "A" or "B.")

At this point, the trademark registration process can either continue or be restarted, depending on the availability grade. If continuing, it will be necessary to instruct the appropriate Trademark Department representative via e-mail to apply for trademark registration in the country or countries where the product is intended to be marketed.

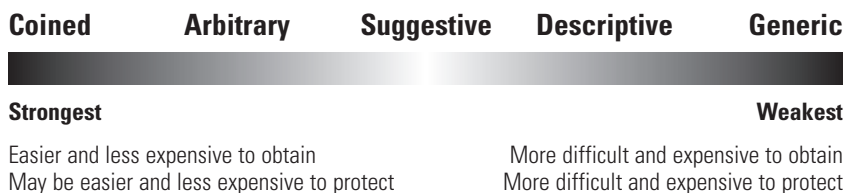
Good naming guidelines

Creating a new name can be one of the most fun, exciting, and rewarding experiences during the development of a new product offering. Due to the subjective nature of the process, it can also be one of the most challenging and exasperating. The right trademark can contribute significantly to the eventual success or failure of a product. It is important to choose trademark candidates that can be registered at reasonable cost and be protected over the lifetime of the product.

There are several different types of trademarks based on how the trademarks were developed:

1. **Coined trademarks:** A coined trademark is a made-up or invented term intended for use as a trademark. Its sole purpose is to function as a trademark; namely, to designate the origin of the product and provide assurance as to its quality. These are often the easiest trademarks to obtain and protect because no one can argue that they were used without the owner's permission for any purpose other than to infringe upon them. Examples of Dow coined trademarks include VERSENE™ Chelating Agents, UCON™ Fluids and Lubricants, and UNIPOL™ Process Technology.
2. **Arbitrary trademarks:** An arbitrary trademark is a word or phrase that has a specific meaning in the language of its origin, but has no meaning in connection with the type of products with which it is being used. For example, "Apple" is an arbitrary trademark for a brand of personal computer. Examples of arbitrary Dow trademarks include PREVAIL™ Engineering Thermoplastic Resins and ENGAGE™ Polyolefin Elastomers.
3. **Suggestive trademarks:** A suggestive trademark tells something about or suggests something about the product, but does not describe the product itself. For example, BROWN BOX as a trademark for a line of brown colored luggage may suggest the color of leather and possibly the shape or use of the product. The term "BROWN BOX" does not mean luggage. Suggestive marks are tougher to defend against infringement. Infringers may argue that they are descriptive of the products. Examples of suggestive Dow trademarks are INVERT™ Solvents and STRANDFOAM™ Plastic Foam.
4. **Descriptive trademarks:** A trademark is considered descriptive of a product or service if it immediately describes an ingredient, quality, characteristic, or feature thereof, or if it directly conveys information regarding the nature, function, purpose, or use of the product or service. Such terms are entitled to little, if any, legal protection. Often it is difficult to protect descriptive terms as trademarks because other companies must be able to use the same or similar terms in order to describe their products. If a proposed trademark is deemed descriptive by the Trademark Department, that is a good reason to select another trademark or be prepared to spend considerable money, time, and effort in trying to obtain a registration and to prevent others from using it.

5. **Generic terms:** A generic term is a word used to describe a quality, ingredient, or other characteristic of a product. A generic term is a noun – a trademark is a proper adjective. A generic term or product descriptor may once have been a trademark. Examples of U.S. trademarks that were once registered but are now considered generic are aspirin, escalator, and linoleum. Erosion of a trademark into a generic term happens when the trademark owner does not use it properly to maintain and protect its brand equity. This can occur when the trademark is used by a pioneer in a special field – the product is the first of a kind – and the trademark owner has not developed and used an appropriate generic term for the product. Proper trademark use is essential to keep a trademark from becoming generic.
6. **Strength of a trademark:** The strength of a trademark refers to its ability to be protected against infringement or use by another company or individual. The stronger the trademark, the greater our ability to protect our exclusive use of that trademark for our products. For example, coined names are the strongest trademarks since these names typically mean nothing in any language. Below is a diagram that shows a continuum of strength or protection against others' use of the name as a trademark and general costs associated with the type of trademark chosen.



Most names are created by Dow employees, although in some high-value projects, external consultants may be hired to help develop just the right name for a new product. Frequently, names are created during brainstorming sessions with people closest to the customer. Occasionally, a single individual may be charged with the responsibility of developing a new name. Whichever method the Dow business decides to use to create a new name, be sure that the choices are reviewed and prioritized with key stakeholders before requesting an availability search from the Trademark Department. Each search can cost up to \$800 USD, and in some countries, the entire process can exceed \$5,000 USD. Disputes such as trademark oppositions can cost in excess of \$10,000 USD. So, limiting the searches to only those names that the team has agreed to pursue is the most efficient way to manage resources for developing trademarks.

7. **Avoid these traps:** Due to the subjective nature of the trademark development process, there are many ways that progress can be slowed or stopped cold – when it is least expected. To reduce the possibility of slowing down or having to restart the process, avoid the following pitfalls when creating and selecting new trademark candidates:

- Avoid words (or intentional misspellings of words) that merely describe the nature, quality, character, composition or uses of the product or service. Examples might include Foam Insulation or Spray Mix. These names typically are too descriptive or generic and would be very difficult to register or defend.
- Avoid geographical names and words which are surnames. Examples might include Smith's cleaner or Mediterranean wax.
- Avoid use of numerals or letters by themselves. Examples might include A1, X, III, AAA, etc.
- Avoid laudatory terms, such as Best, Supreme, Deluxe, Dependable, Finest, Preferred, Premier, Superior, Tops, Ultra, etc.
- Avoid words that could be regarded as deceptively misdescriptive of the product or service. An example might be Quickshot for a slow-acting herbicide or WaspKill for an insecticide that does not work on wasps or wasp-like insects.
- Avoid words that are identical, look like, sound like, or are otherwise similar to trademarks used by other companies for identical or similar products. For example, we would likely not be able to register the trademark BASE for products which would compete with or be sold in the same markets as products from BASF; or LuPont since we often compete with the DuPont Company. Additionally, avoid trademarks that look like, sound like, and are likely to be confused with famous trademarks belonging to other companies, such as Bugwiser, which sounds a lot like a well known trademark from a famous brewing company.

Strategies for acquiring trademarks

Following the previous explanation about different types of trademarks and good naming guidelines, the appropriate business leaders can begin thinking about the best approach for the new product offering. Each of the strategies listed below can result in very successful trademarks (or alternative generic or product descriptive names in some cases) for new Dow products.

Generally speaking, the strategies have been arranged from the least to most expensive.

1. **Avoid the trademark process if appropriate:** For certain generic products where no differentiation is claimed in the market from a competitive product, added expense and time involved in the trademark development process can be avoided altogether if the generic name is used in conjunction with the DOW Diamond logo and marketed under the “DOW” brand, as shown in the following example:



DOW™ Ethylene Oxide

2. **Leverage an existing DOW trademark:** Here it is possible to adjust the grade designator or generic descriptor as necessary. Examples include line extensions marketed under an umbrella brand, such as BETAMATE™ 1496 Adhesives and Primers, BETAMATE 2096 A+B, BETAMATE 4061, etc. In these cases, the cost of trademark registration has already been incurred and the commercial value of the name may already be very high. This is particularly true if the trademark has already been registered in the country of interest. In countries where the trademark has not yet been registered, the likelihood of successful registration is increased if registrations do exist in other countries, especially if there is a relatively large number of countries in which the trademark is already registered.

Using one of the first two strategies may allow the business to leverage other resources in addition to the trademark itself. For example, printed sales literature, advertising specialties, packaging materials, and more can all be leveraged (reducing the overall cost of the new product) if they have already been created for existing generic or branded products.

3. **Consider coined or made-up names:** Coined trademarks generally have a much higher success rate for registration because the likelihood of other names that are the same or similar is greatly reduced. Coined names typically have less if any opposition and are more likely to proceed through the trademark registration without interruption.

Coined names can be combinations of individual letters that mean nothing when combined. An example of a coined name made from combining letters is VERSENE™ which is a word that did not exist prior to its use as a trademark. Other world-famous trademarks of this type from other industries include Kodak and Exxon.

4. **Consider arbitrary names:** Evaluate names that are unrelated to the product, but which can be associated with the product, its features, and its benefits in a positive way. Unlike coined names, unrelated or arbitrary names come with some meaning in the language of their origin.

Examples of Dow trademarks in this category include PREVAIL™ Thermoplastic Resins, EMERGE™ Plastic Resins, and ENDURE™ Bactericide. Names like these provide value in the sense that they suggest mental images, thoughts, and perceptions that can be favorably associated with the product in the minds of the users. However, while these may be viewed as more “exciting” names, many other companies have also identified them as such, and they are becoming more difficult and costly to obtain. For this reason, arbitrary names should be avoided for smaller and lower value projects.

5. **Consider suggestive names:** Perhaps the strategy that yields the highest value trademarks is to find or create names that closely match or are *suggestive* of the product concepts, features, and benefits. INVERT™ Solvents and STRANDFOAM™ Plastic Foam are excellent examples of suggestive Dow trademarks. These trademarks are not necessarily the most expensive trademarks to obtain; however, they generally require a lot more thought to create. For some potentially high value product opportunities, a business may purchase consulting services for help in creating a new trademark.

Search report availability grades

When the Trademark Department reports its findings back to the requesting business, the report contains an availability grade. These grades have been developed to help Trademark clients quickly identify the relative ease or difficulty associated with registering and defending a trademark candidate. Availability grades are determined based on the search reports that are developed by outside counsel and reviewed by the Dow Trademark staff. All trademark candidates that are submitted to the Trademark Department for searches will receive an availability grade. Each grade summarizes the findings of the search report and the opinion of the Trademark Department regarding continuation of the registration process as follows:

1. **Letter grades:**
 - **Availability grade A:** Search did not uncover any conflicting citations (trademarks owned by other companies), and the candidate appears available for application, registration, and use by Dow.
 - **Availability grade B:** There were one or more citations uncovered in the search that may be an issue in registering this candidate, but upon initial review, the citations would not appear to present serious problems to the application, registration, and use of this candidate by Dow.

- **Availability grade C:** There were one or more citations or other issues that are likely problems. It may be possible to overcome these citations or issues through negotiation and settlement, submitting arguments to the appropriate Trademark Office, etc., but there is no guarantee that those arguments will be successful. These candidates typically take longer and are more costly to pursue. Citations for older trademark registrations owned by other companies might be subject to total or partial cancellation at the request of Dow if the mark is not being used for goods covered by the registration. Grade “C” candidates are a somewhat higher risk and are not recommended if use of the mark needs to commence in less than two years.
 - **Availability grade D:** There were one or more citations or other issues that appear to present serious obstacles to an application for and registration of the candidate by Dow. It may be possible to overcome these citations or issues, but it does not appear likely. Barring special circumstances, these candidates should be avoided.
 - **Availability grade F:** There were one or more citations or issues that will likely prevent the registration, adoption, and use of the candidate. These candidates should be eliminated from the trademark acquisition process.
2. **Limitations of the search process:** Even with the use of availability grades, it is important to note that trademark availability searches and Dow trademark search opinions regarding continuation of the trademark registration process are subject to a number of inherent limitations, including the:
- Very subjective nature of trademark law, which governs trademark availability;
 - Accuracy and completeness of the official records of the country(ies) searched;
 - Accuracy and completeness of the contract search firm(s) retained by Dow; and
 - Fact that not all existing trademarks are registered. In some countries (including the United States and Canada), prior rights to a trademark can be acquired through its use without registration, making similar or identical existing trademarks difficult to identify. As previously noted, these marks are called common law trademarks.

Filing applications and the registration process

Filing an application: When the search process has been completed and the business has selected the best trademark candidate(s), an application for registration must be filed at the Trademark Office. In most countries – with counsel from the Trademark Department – use of the trademark may begin at this point for commercial purposes in the country where the application is cleared and filed. *However, even after application for registration, any use of the trademark by Dow is still subject to an opposition being filed by any third party who believes their trademark rights may be infringed. In that event, Dow could be forced to stop using a trademark during the registration process. While the risk of this occurring is reduced at this point, the possibility is still very real.*

1. **Examination of applications:** In most countries, new trademark applications are subject to examination by a Trademark Office Examiner who looks for registrations or prior applications for marks that may be confusingly similar to the mark identified in the application. In the U.S., the examination process takes about nine to 12 months. The time required for the examination process is different in each country depending on the back-log of the various Trademark Offices.

2. **Objections or oppositions to application during examination/publication:** If the examiner raises objections and/or if third parties oppose the registration, the registration will be delayed until such objections/oppositions are resolved in Dow's favor. Obviously, objections and/or oppositions not only delay the registration process, but also increase the costs of the process and could delay launch of the new product.

If the examiner does not identify any potentially conflicting marks, then the application is published for others (third parties) to file objections. Registration will be granted if the examiner does not raise any potential obstacles, and if third parties do not oppose or object to the registration of the proposed mark.

3. **Responding to official actions:** It is imperative that Dow market managers, communication managers, or other appropriate business contacts assist in providing any additional information to the Trademark Department as may be required in the event an opposition is filed to Dow's use of a trademark. Or, if the Trademark Office (of a country or countries where the application was filed) objects to the application and issues an official "Office Action." Office actions describe the reasons for the objection or rejection, and include statutory deadlines for responses to be filed; otherwise the rejection of the application becomes final. It is critical that necessary information be provided to the Trademark Department as soon as possible in order to meet the deadline requirements.

- 4. Commercialization of the product:** Commercialization of the product under a proposed mark prior to the first examination by the Trademark Office and publication of acceptance of an application creates the risk of potential mark infringement/unfair competition claims being filed against the use of the proposed mark. This would disrupt, if not hinder, a commercial launch with the added expense of relabeling, repackaging, and changing promotional literature if the objections/oppositions are well founded.

However, commercialization of trademark name candidates that have been cleared for use by Dow with an availability grade of "A" or "B" can begin immediately with an acceptable degree of risk. Candidates cleared with a "C" availability are a somewhat higher risk and may not be recommended for commercialization prior to acceptance by the Trademark Office.

In most countries, Dow will need to document commercial use of the trademark. Typically, this means that the appropriate business contacts may be asked to help provide evidence of commercial use of the product. Evidence can include invoices documenting the first sale of the product, actual product labels, sales brochures, etc. Please be prepared to assist and send this information to the Trademark Department upon request.

- 5. Trademark registration obtained:** As previously stated, registration will be granted if the examiner does not raise any potential obstacles, and if third parties do not oppose or object to the registration of the proposed mark.

When the trademark becomes registered, the appropriate business contacts will be requested to assist with promoting proper use of the new trademark within Dow and with outside interests such as customers, the media, etc.

Trademark renewal process and criteria for renewing

Trademark registrations expire at the end of a 10-year period (20 years in some countries) from the date the registrations are granted. Renewal applications must be filed and renewal fees must be paid prior to the end of the expiring period in order to maintain the registrations in force. The Dow Chemical Company has developed the following procedures and set certain criteria for the renewal of its trademarks:

1. **Procedure:** The trademark paralegal will provide the appropriate business leader, market manager, or trademark focal point with a listing of the trademarks coming due for renewal for the entire coming year. The business leader should review the list of marks and forward comments back to the appropriate paralegal in a timely manner.

The trademark paralegal will initiate the renewals provided the following criteria are met.

2. **Criteria:** In order to meet the renewal criteria, at least one or more of the following conditions must be present:
 - Sales of products bearing the trademark exist in the country where the trademark is being evaluated for renewal.
 - The business plans to commercialize products bearing this trademark.
 - The mark is a global mark having in excess of \$30MM USD in sales in more than one country.
 - The trademark should be maintained as a defensive mark, as determined by the trademark counsel/paralegal and the business desires to preclude imitation products.
 - The mark is licensed to a third party.
 - There is a significant business need that justifies the cost of the renewal. Generally, renewals require filing a new application with a range of costs between \$700 to \$1,000 USD per mark.

Contacting the Trademark Department staff

The Dow Trademark Department is located in Indianapolis, Indiana, U.S.A. It is made up of a trademark counsel (attorney), two trademark paralegals, two office professionals, and a docketing clerk. The following are brief summaries of their roles, which should help you connect with the right person for any of your questions.

General trademark counsel

Joe Miller is counsel for trademark and branding strategies, infringement matters, negotiating trademark licensing and assignments, and trademark issues related to mergers and acquisition. He is also responsible for managing the Trademark Department staff.

Contact Joe Miller via e-mail at cjmillier@dow.com or by phone at 1-317-337-4584

Trademark paralegals

Patty Cole is responsible for trademark prosecution; searching; obtaining and maintaining Dow and its affiliated companies' trademarks on a global basis, as well as Dow AgroSciences (DAS) and Mycogen's trademarks in the U.S., Canada, and Europe; and trademark review for proper usage.

Contact Patty Cole via e-mail at pacole@dow.com or by phone at 1-317-337-4836

Cynthia Jensen is responsible for trademark prosecution; searching; obtaining and maintaining trademarks for Flexible Products, as well as DAS and Mycogen's trademarks in Latin America, Eufrosia, and the Asia Pacific; and trademark review for proper usage.

Contact Cynthia Jensen via e-mail at cejensen@dow.com or by phone at 1-317-337-4458

Trademark assistants

Kathy Broshous, Cathy Galvin, and Debbie Moore maintain trademark files for Dow and its subsidiaries; enter trademark prosecution, maintenance, and cost data into the CPI Trademark database; process invoices and track costs; and provide administrative support to the trademark counsel and paralegals.

Contact Kathy Broshous via e-mail at kabroshous@dow.com or by phone at 1-317-337-4834

Contact Cathy Galvin via e-mail at clgalvin@dow.com or by phone at 1-317-337-4828

Contact Debbie Moore via e-mail at dkmoore@dow.com or by phone at 1-316-337-4857

For matters relating to copyrights, please contact Joe Miller or Cathy Galvin.

Frequently asked questions about the trademark process

Q: How long does it take to get a trademark registered?

A: The time it takes to register a trademark varies from country to country. A few countries automatically grant trademark registration as soon as the trademark registration is applied for (though in these countries registrations can still be successfully opposed by other interested parties). In most countries, there is some period of time, generally one to two years, between the date when the application is filed and when a trademark registration is granted. In the United States, this period is typically about one year but can last as long as three years.

Q: How much does it cost to acquire a trademark?

A: It depends on the size and scope of the naming project. While it would be misleading to provide an absolute cost figure, a generalized estimate of \$4,000 USD per mark per country can be used. Other costs that can be incurred include using a consultant to help create a name. This will quickly add thousands to the cost of acquiring a trademark. Similarly, using focus groups and market research to help prioritize the trademark candidates will also add significant cost to the process. Submitting long lists of trademark candidates that have not been prioritized will add unnecessary cost to the process as well. And, not following good naming guidelines can cause additional cost, because it increases the potential of running into opposition from third parties and having to restart the process.

Q: The trademark folks reported that this name was “cleared,” then they said the mark encountered obstacles and couldn’t be used after use had already begun. Why does this happen?

A: The term “cleared” refers to the fact that a search was performed to determine if there were any *obvious* barriers to successful registration of the trademark. This availability process has approximately a 90 percent accuracy rate. However, it is still quite possible that the Trademark Office could reject the mark or a third party could oppose its use by Dow, causing the Company to abandon its pursuit of a particular name. Until the name is registered as a trademark and has passed some period of incontestability (provided the mark was properly used), there is some risk of losing it.

Q: Does the online form have to be used to submit the trademark search request, or will a simple e-mail work?

A: The online form *must* be used to submit the request. The form ensures that *all necessary information* is provided to the Trademark Department staff so that the request can be processed quickly and efficiently. Omitting any portion of this data will slow the entire process down. Additional data from the form helps track information about each trademark search request, enabling us to measure and report on important aspects of the process. In addition, submission of the form ensures that the request will be entered into the Trademark Department electronic docketing system for more efficient handling of the request. Access the Search Request Form at Dow Keyword: Trademark Search Request Form.

Trademark websites and other resources

Here is a brief but helpful listing of Intranet and Internet based links which you may find helpful as you work through the trademark development process:

Dow Keyword: Trademark

United States Patent and Trademark Office: <http://www.uspto.gov/>

World Intellectual Property Organization: <http://www.wipo.org/>



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