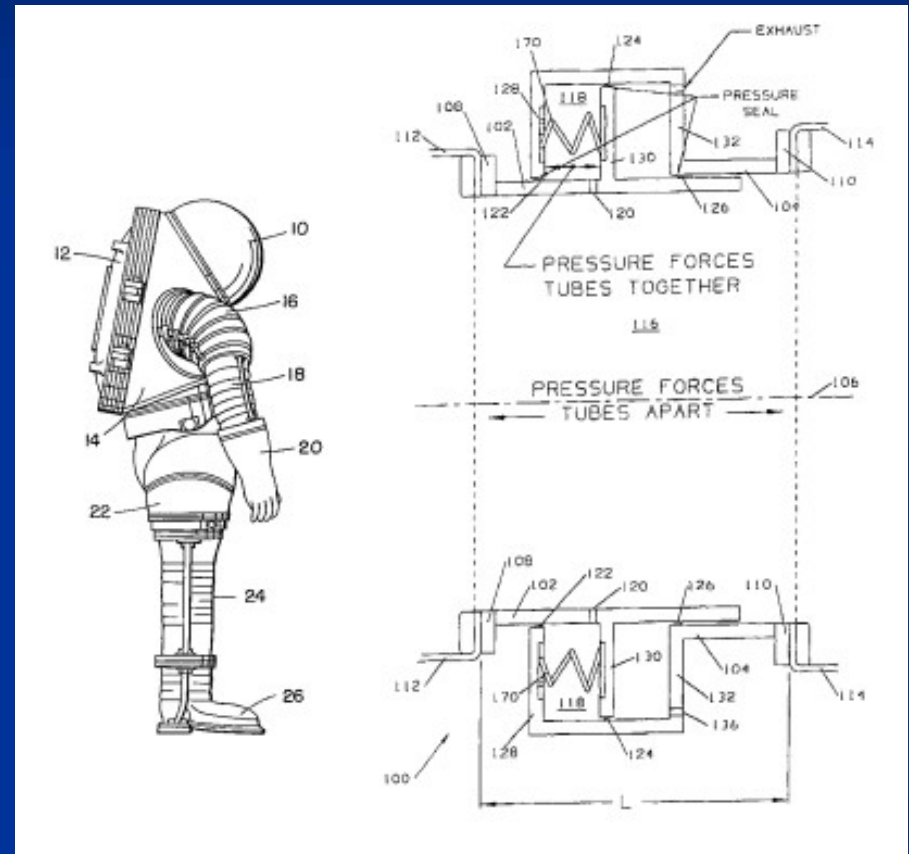


Propiedad Intelectual

■ Propiedad Intelectual

- Patentes
- Modelos de Utilidad
- **Marcas**
- Denominaciones de Origen
- Derechos de autor
- Secretos industriales



Marcas Registradas

- **Marca:** Protege palabras, nombres, símbolos, sonidos o colores que distinguen bienes y servicios. Pueden ser renovados indefinidamente siempre y cuando la empresa permanezca activa comercialmente.



Marcas Registradas

- **Marca:** Es la señal externa (imágenes, palabras o ambas) que es usada por un comerciante, productor o prestador de servicios (es el signo de diferenciación entre mercancías), para distinguir los productos por ellos elaborados, vendidos o distribuidos así como los servicios que prestan. Existen tres categorías referentes: **marca colectiva o de servicio, nombre comercial y aviso comercial.**

Marcas Registradas

- **Marca para nombre comercial:** Es cualquier signo (palabra o frase, figura, forma tridimensional o nombre propio de una persona) que sirva para distinguir un establecimiento industrial, comercial o de servicios, dentro de la zona donde esté establecida su cliente, **respecto a otros establecimientos de su mismo giro.**

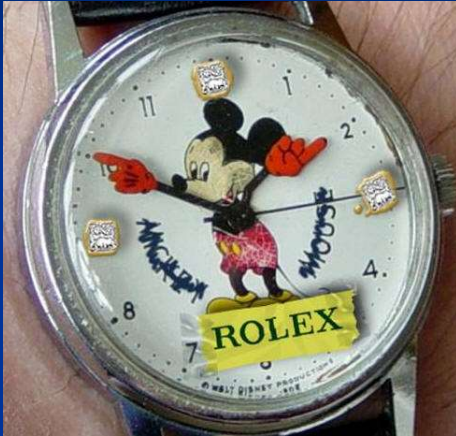
Marcas Registradas



Marcas Registradas



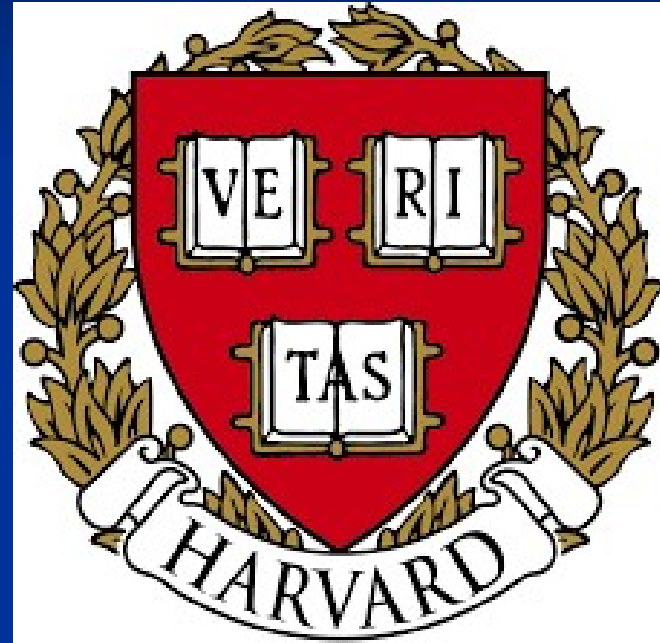
Marcas Registradas



Marcas Registradas



VS



Sin embargo, es importante resaltar que cuando los giros de los negocios no son iguales (además de encontrarse en distintos países), no hay violación de la marca registrada, por lo cual es mejor “un mal arreglo que un buen pleito”

Marcas Registradas

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[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 1 out of 44**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) *(Use the "Back" button of the Internet Browser to return to TESS)*



Word Mark	CFE
Goods and Services	IC 029. US 046. G & S: Fish fillets; Preserved fish; Salted fish. FIRST USE: 19990217. FIRST USE IN COMMERCE: 19990217
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.11.20 - Rectangles inside one another 26.11.21 - Rectangles that are completely or partially shaded
Serial Number	87115027
Filing Date	July 25, 2016
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	May 30, 2017
Owner	(APPLICANT) Canadian Fish Exporters, Inc. CORPORATION MASSACHUSETTS 134 Rumford Avenue Suite 202 Auburndale MASSACHUSETTS 024661377
Attorney of Record	Sean D. Detweiler
Description of Mark	The color(s) white and blue is/are claimed as a feature of the mark. The mark consists of the wording "CFE" in white uppercase lettering inside a blue rectangle having a white rectangle outline
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

Marcas Registradas

- ¿Quieren saber de más CFEs en los Estados Unidos?

Marcas Registradas

- Pues aquí están las Certified Female Entertainers (CFEs)



Marcas Registradas

- **Marca Colectiva:** Una marca colectiva es cualquier marca (según la definición previa), que sea utilizada por el conjunto de miembros de asociación de productores, comerciales o prestadores de servicios.

Marcas Registradas

- **Marca Colectiva (de servicio):** Usada por los dueños para identificar servicios (actividades lucrativas o no lucrativas)



Marcas Registradas

- Otras marcas colectivas:
 - Marcas de certificación
 - Marcas de servicios colectivos
 - Marcas colectivas de membresía



Marcas Registradas

- **Aviso Comercial:** Son avisos comerciales, las frases y oraciones que sirvan para anunciar productos, servicios o establecimientos, para que el público los distinga fácilmente de otros de su misma especie.

Marcas Registradas



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Sears
— Step into 1992 —


Old Spice
SMELL LIKE GRANDPA.

Linked 

Connect with people
for no reason at all.

Krispy Kreme
DOUGHNUTS®

S E R I O U S L Y
do not tell your mother about this.

Marcas Registradas

- **Vigencia de las marcas:** La vigencia exclusiva del uso de una marca es de 10 años a partir de la fecha de solicitud de registro, a excepción de la renovación (solo para el poseedor) que podrá ser por tiempo indefinido

Marcas Registradas

- **Porque conseguir una marca:**
 - Uso exclusivo a nivel nacional del nombre o símbolo
 - Evidencia de propiedad de la marca
 - Se puede ir a juicio en caso de controversias
 - Un registro nacional puede usarse como base para el registro en otros países
 - El registro evita que se importen artículos que infrinjan la marca debido a leyes aduanales

Marcas Registradas

- ¿Como consigo una marca registrada en EUA?:
 - Ir a la página de la oficina de Marcas y Patentes de los Estados Unidos de América (www.uspto.gov)

The screenshot shows the USPTO website interface. On the left is a sidebar with 'Tools & links' including 'Apply online (TEAS)', 'Check application status (TSDR)', 'Trademark fees', 'Trademark Trial and Appeal Board', and 'More tools & links'. The main content area features an 'Important Notices' banner about trademark processing changes effective January 14, 2017. Below this is the 'Apply online' section, which includes a 'First timer?' tip and a table of trademark application forms. The table lists three options: TEAS Plus form, TEAS Reduced Fee form, and TEAS Regular form, with their respective filing fees per class of goods/services.

Tools & links

- Apply online (TEAS)
- Check application status (TSDR)
- Trademark fees
- Trademark Trial and Appeal Board
- More tools & links

Related

[Trademark fee changes](#)
See changes that went into effect Jan. 14, 2017.

After you file
After you submit an online form, read this page to learn about your duty to check your application registration status.

Important Notices

Trademark Processing, Madrid Protocol, and Service fee code changes effective January 14, 2017:
See our [Trademark fee changes](#) page for more information.

Apply online

First timer? [Get basic information before filing](#) to avoid mistakes that cost you time, money, and potentially your legal rights.

To apply for a trademark or servicemark, **select your form from the table heading below**. Once you select the form, you will be directed to our Trademark Electronic Application System (TEAS) where you can begin filing your application.

Need more help deciding which form to use or how to fill it out? [Watch the TEAS Nuts and Bolts video](#).

Trademark application forms (select one to start) --->	TEAS Plus form	TEAS Reduced Fee form	TEAS Regular form
Filing fee per class of goods/services	\$225	\$275	\$400

Marcas Registradas

■ ¿Como consigo una marca registrada en EUA?:

Trademark/Service Mark Application, Principal Register

TEAS Plus Application (Version 5.9)

NOTE: This identifies who owns the mark, not necessarily who is filing the application. For an instructional video focusing on what is meant by the term "applicant," [click here](#).

NOTE: For an instructional video explaining how to fill out the Applicant Information page, [click here](#).


Applicant Information

Note: If there is more than one owner of the mark, complete the information for the first owner, and then click on the "Add Owner" button at the bottom of this page. Repeat, as necessary, for the appropriate listing of all owners. **Warning:** It is important to determine whether, in fact, the applicants are [joint applicants](#), or some other entity type listed below.

* Owner of Mark	<input type="text"/> <small>[If an individual, use the following format: Last Name, First Name Middle Initial or Name, if applicable]</small>
<input type="checkbox"/> DBA (doing business as) <input type="checkbox"/> AKA (also known as) <input type="checkbox"/> TA (trading as) <input type="checkbox"/> Formerly	<input type="text"/>
* Entity Type <input type="radio"/> Individual <input type="radio"/> Corporation <input type="radio"/> Limited Liability Company <input type="radio"/> Partnership <input type="radio"/> Limited Partnership <input type="radio"/> Joint Venture <input type="radio"/> Sole Proprietorship <input type="radio"/> Trust	<p><== Click the appropriate circle on the left to indicate the applicant's entity type. The form will then display the field(s) for entering information corresponding to that specific entity type. If your entity type is not one of the options displayed directly to the left, you must click on "Other" and then select the appropriate entry from the relevant pull-down box.</p>

Marcas Registradas

■ ¿Como consigo una marca registrada en EUA?:

<input type="radio"/> <u>Estate</u> <input type="radio"/> <u>Other</u>	
<u>Internal Address</u>	<input type="text"/>
* <u>Street Address</u>	<input type="text"/> <small>NOTE: You must limit your entry here, and for all remaining fields within this overall section (except City, see <i>below</i>), to no more than 40 characters (the storage limit for the USPTO database). You may need to abbreviate some words, e.g., St. instead of Street. Failure to do so may result in an undeliverable address, due to truncation at the 40 character limit.</small>
* <u>City</u>	<input type="text"/> <small>NOTE: You must limit your entry here to no more than 22 characters.</small>
* <u>State</u> (Required for U.S. applicants)	Select State <input type="button" value="v"/> <small>NOTE: You must include as part of the "City" entry any information related to geographical regions (e.g., provinces) not found in the dropdown lists for "States" or "Countries." Enter the city and then the geographical region, separated by a comma (e.g., Toronto, Ontario). In most instances, you will then also have to select the country within which the region is found, below.</small>
* <u>Country or U.S. Territory</u>	Select Country or U.S. Territory <input type="button" value="v"/>
* <u>Zip/Postal Code</u> (Required for U.S. applicants)	<input type="text"/>
<u>Phone Number</u>	<input type="text"/>
<u>Fax Number</u>	<input type="text"/>
* <u>Internet E-mail Address</u>	<input type="text"/>  <small>Only one e-mail address may be used for correspondence, in accordance with USPTO policy. The applicant must keep this address current in the USPTO's records.</small> <input type="checkbox"/> Check here to authorize the USPTO to communicate with the applicant via e-mail. <small>NOTE: By checking this box, the applicant acknowledges that it is solely responsible for receipt of USPTO documents sent via e-mail. The applicant should periodically check the status of its application through the TSDR system, to see if the assigned examining attorney has e-mailed an Office action. If an action has been sent to the provided e-mail address, the USPTO is not responsible for any e-mail not received due to the applicant's, the applicant's appointed attorney's, or the applicant's domestic representative's security or anti-spam software, or any problems within the applicant's, the applicant's appointed attorney's, or the applicant's domestic representative's e-mail system. All sent actions can be viewed on-line, via the TSDR system.</small>
<u>Website address</u>	<input type="text"/>

Marcas Registradas

- ¿Qué necesito en mi solicitud de Marca Registrada?:
 - Solicitud completa ya sea en forma electrónica o en papel
 - Pagar la cuota de la solicitud
 - Un dibujo de la marca a ser registrada, esto se hace aún si la marca no está estilizada
 - Ejemplos del uso de marca o aviso comercial (slogan) aplicado en forma comercial

Marcas Registradas

- ¿Qué necesito en mi solicitud de Marca Registrada?:
 - Las solicitudes de papel y cualquier otro documento, comunicación o materiales relacionadas con la solicitud de marca registrada se envían a:
 - Commissioner for Trademarks.
P.O. Box 1451
Alexandria, Virginia 22313-1451

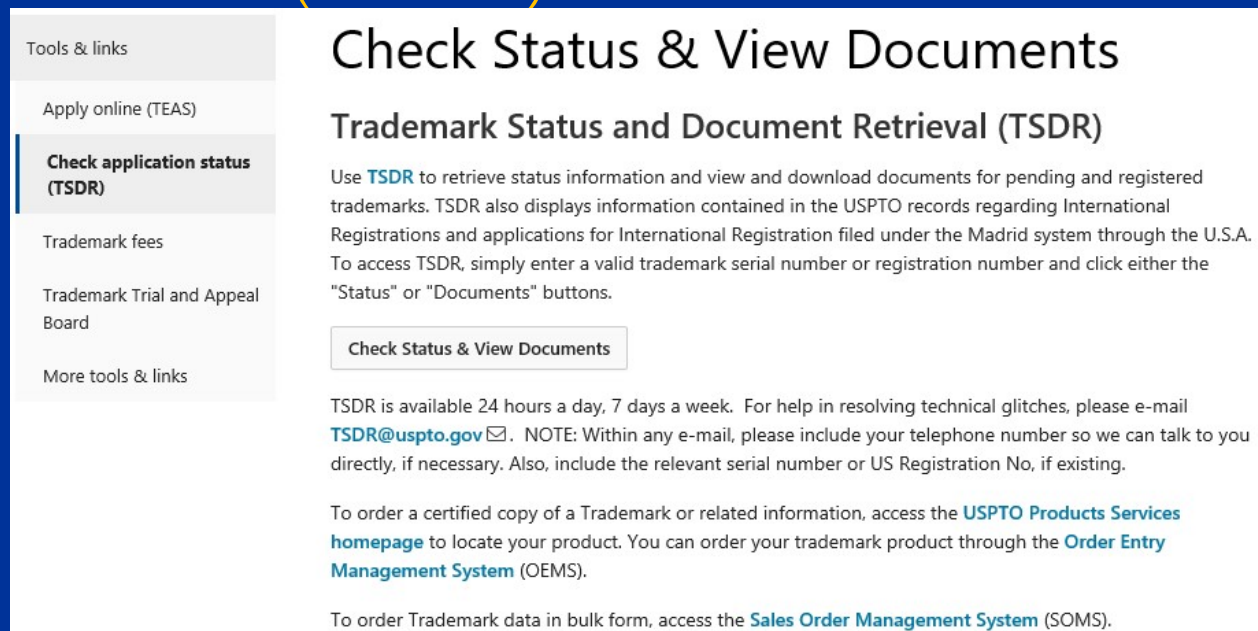
Marcas Registradas

- Cuotas por solicitud de marcas:
 - Solicitud electrónica a través del Trademark Electronic Application System (TEAS): \$225 a \$275 por registro
 - Solicitud en papel: \$400 por registro

<http://www.uspto.gov/web/offices/ac/qs/ope/fee092611.htm>

Marcas Registradas

- Revisión de cómo va el proceso de registro de marcas ir a Trademark Status and Document Retrieval (TSDR) :



The screenshot shows the USPTO TSDR website. On the left is a navigation menu with the following items: 'Tools & links', 'Apply online (TEAS)', 'Check application status (TSDR)' (highlighted), 'Trademark fees', 'Trademark Trial and Appeal Board', and 'More tools & links'. The main content area is titled 'Check Status & View Documents' and 'Trademark Status and Document Retrieval (TSDR)'. It contains the following text: 'Use TSDR to retrieve status information and view and download documents for pending and registered trademarks. TSDR also displays information contained in the USPTO records regarding International Registrations and applications for International Registration filed under the Madrid system through the U.S.A. To access TSDR, simply enter a valid trademark serial number or registration number and click either the "Status" or "Documents" buttons.' Below this text is a button labeled 'Check Status & View Documents'. Further down, it states: 'TSDR is available 24 hours a day, 7 days a week. For help in resolving technical glitches, please e-mail TSDR@uspto.gov. NOTE: Within any e-mail, please include your telephone number so we can talk to you directly, if necessary. Also, include the relevant serial number or US Registration No, if existing.' The next paragraph says: 'To order a certified copy of a Trademark or related information, access the USPTO Products Services homepage to locate your product. You can order your trademark product through the Order Entry Management System (OEMS).' The final paragraph says: 'To order Trademark data in bulk form, access the Sales Order Management System (SOMS).'

<https://www.uspto.gov/trademarks-application-process/check-status-view-documents>

Marcas Registradas

■ Recomendación:

- Obtener una marca registrada en los países donde se desea operar, de ser posible
- En los EUA el obtener una marca registrada solo toma una búsqueda simple y \$275 dólares (aproximadamente 2 horas en el proceso y de 2 a 3 semanas para la revisión)
- Si se consigue la marca registrada primero en los EUA, usar el tratado de Madrid para obtener la marca registrada en México

¿Preguntas?

<http://www.chgearvard.org/category/sustainable-technologies-and-health>

Dr. Ramon Sanchez. E-mail: rsanchez@hsph.harvard.edu



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