

How to Trademark Clothing Brands in the U.S.

For makers of apparel, trademarking a new brand may be the single most important investment in the value of the business. Brands like CALVIN KLEIN, CHRISTIAN DIOR, LACOSTE and RALPH LAUREN are international fixtures.

Avoiding Ornamental Refusals: Unfortunately, for new designers, one of the most common mistakes is applying their brand improperly to their clothing line as ornamentation. Silk-screening your brand or logo onto the center of a clothing item will likely draw a rejection as mere ornamentation. Trademark examining attorneys at the U.S. Patent & Trademark Office (USPTO) will frequently note that consumers have been conditioned to recognize small designs or discrete wording as trademarks if placed, for example, on the pocket or breast area of a shirt; however, consumers typically do not perceive larger designs or slogans as trademarks, especially when such matter is displayed in a different location on the clothing.



Brand not used as a trademark.



Brand is used as a trademark.

Ideal Branding: The best place to affix a brand for apparel is on a tag at the collar or a string-connected labels to the clothing (see right).

Branding on a Budget: Another way to quickly satisfy the USPTO requirements is to print your trademark on a sheet of clear adhesive labels which can be purchased at any local office supply store. Stick these labels onto the shirts, pants, accessories, etc... This is what the Trademark Examining Attorney is looking for....a direct connection to associate your trademark with the goods you are selling under the brand name.

Customer Impressions: Remember to take every opportunity to expose your brand to the potential consumer. This helps



Top-flight brands consistently use sewn-in labels and tags to promote their trademarks.

solidify your trademark position and can increase the recognition of your brand. Remember that the quality of your tags, branding and promotion should be in alignment with the price-point of your apparel. Extremely high-end apparel requires high-end labeling.

Other Options: There are other options to affixing a brand to clothing so do not hesitate to contact our office with any questions. We maintain hundreds of federal trademarks and we enjoy helping grow the value of our clients' brands.