

New Trademark Complexity

Design Search Codes at the USPTO

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Furman Seminar – 9/19/24

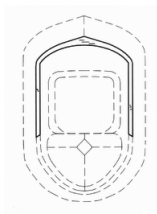


- 01.01.10 - Stars, three or more; Three or more stars
- 01.01.13 - Stars - multiple stars with five points
- 01.05.01 - Sun, rising or setting (partially exposed or partially obstructed); Sunrise
- 01.15.18 - More than one drop including teardrops or raindrops; Raindrops (more than a single drop); Teardrops (more than a single drop); multiple drops (rain, tear, etc.)
- 03.07.01 - Bulls; Calf; Calves; Cattle; Cows; Oxen; Steers
- 03.07.21 - Stylized cows, buffalo, and other bovines
- 03.15.19 - Birds in flight or with outspread wings
- 03.15.24 - Stylized birds
- 03.15.25 - Blackbirds; Cardinals; Crows; Jays; Other birds not categorized elsewhere; Ravens; Robins; Woodpeckers
- 03.19.24 - Stylized small fish, such as common fish and seahorses
- 03.19.25 - Angelfish; Bass fish; Catfish; Clown fish; Eels; Fish (common fish or not categorized elsewhere); Goldfish; Piranhas; Salmon; Tuna
- 05.01.02 - Maple tree; Trees or bushes with a generally rounded shape, including deciduous trees
- 05.01.10 - More than one tree or bush; thicket; group of trees; Thicket
- 05.05.25 - Daffodils; Iris (flower); Other flowers
- 05.13.03 - Grasses
- 06.03.03 - Ocean; Ripples (multiple waves); Waves, open sea (multiple waves)
- 06.03.04 - Lakes; Ponds
- 06.03.07 - Waterfalls
- 07.11.11 - Highways without lines or dividers; Roads without lines or dividers; Streets without lines or dividers; intersections (roads) without lines or dividers
- 26.07.01 - Diamonds with plain multiple line border; Diamonds with plain single line border
- 26.07.21 - Diamonds that are completely or partially shaded
- 26.09.20 - Squares inside one another
- 26.09.21 - Squares that are completely or partially shaded
- 26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders
- 26.17.03 - Dotted line(s); Lines, dotted
- 26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)
- 26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal
- 26.17.12 - Angles (geometric); Chevrons
- 26.17.25 - Other lines, bands or bars

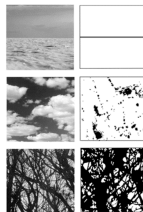
(29 design search codes)

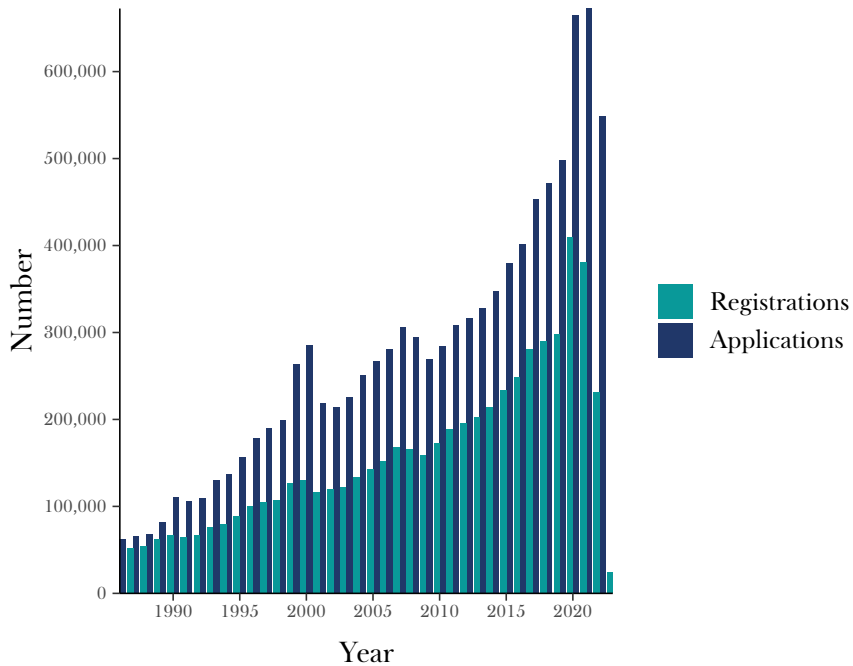


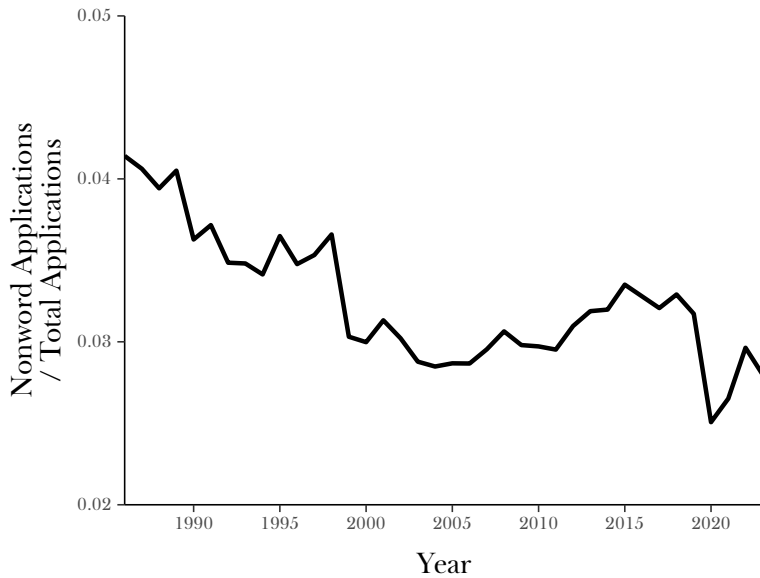
- 09.09.04 - Fasteners, snaps; Snaps (clothing)
- 14.11.08 - Locks; Locks and key holes; padlocks; combination locks; Locks, combination; Padlocks
- 19.01.25 - Bags, bowling; Bags, camera; Boot bags, ski; Bowling bags; Cosmetic cases; Doctor's bags; Hat boxes; Medical bags; Saddle bags; Tote bags
- 26.01.06 - Circles, semi; Semi-circles
- 26.01.18 - Circles, three or more concentric; Concentric circles, three or more; Three or more concentric circles
- 26.01.21 - Circles that are totally or partially shaded.
- 26.11.28 - Miscellaneous designs with overall rectangular shape; Rectangular shapes (miscellaneous overall shape)

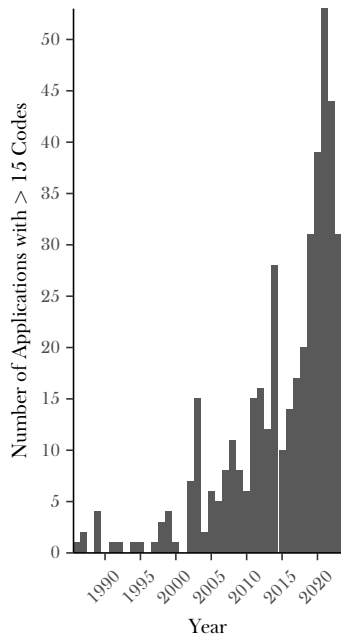
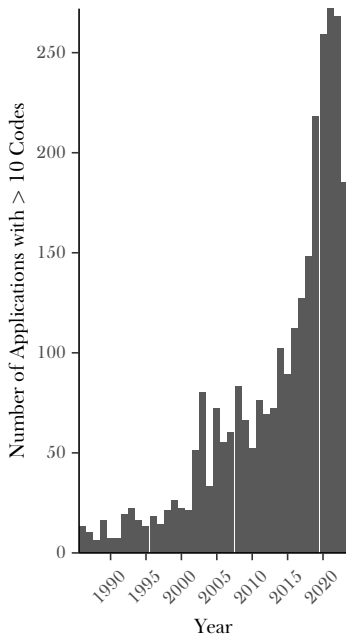
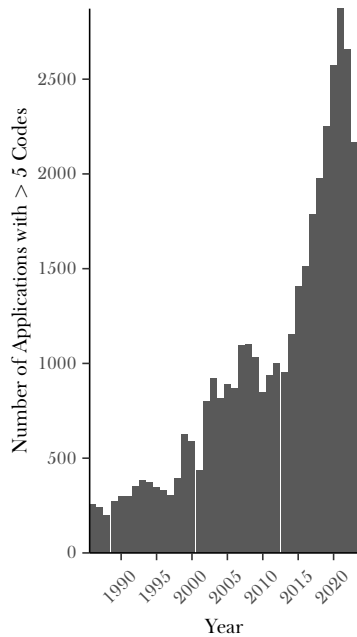


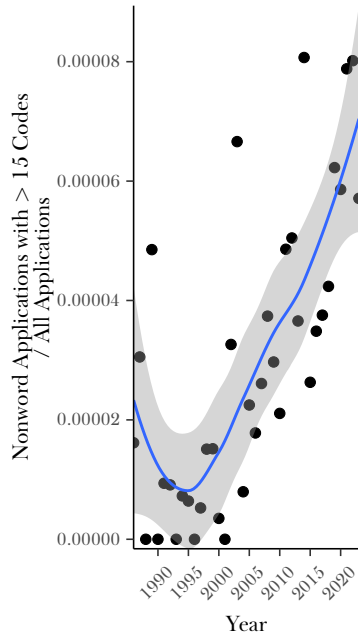
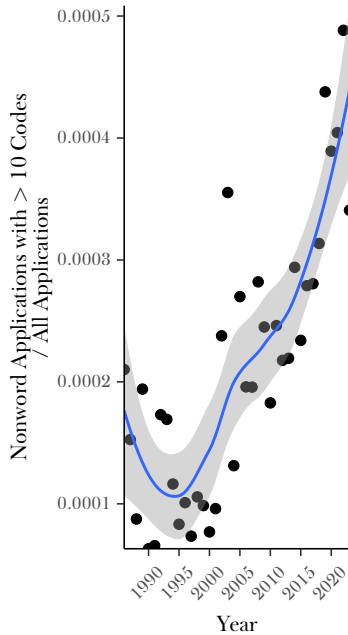
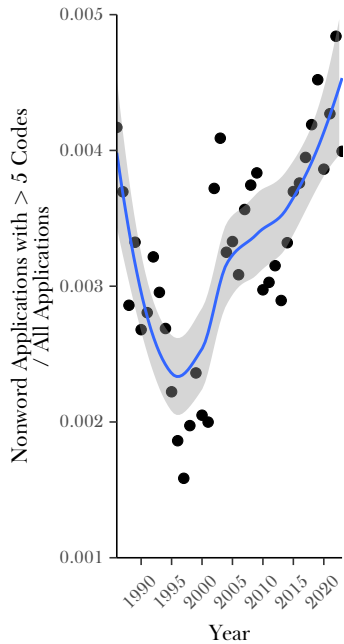
- USPTO 2024 trademark case files dataset
- ~ 12.7 million applications (1870 – 2024)
- 332,568 nonword applications (1986 – 2023)
- $\sim 12\%$ with > 5 codes (“high-code applications”)
 - ▶ design search codes as an indicator for complexity
 - ▶ more codes \approx more significant design elements











Seabrook test:

1. 'common' basic shape or design
2. unique or unusual in a particular field
3. mere refinement of a commonly-adopted and well-known form of ornamentation
4. capable of creating a commercial impression distinct from the accompanying words

	Estimate	Std. Error	z value	Pr(> z)
(Intercept)	0.3490	0.0249	13.9992	0.0000
n	0.0905	0.0028	32.8117	0.0000

Logistic regression output (n = number of codes)

$$\text{(i.e., } \log \frac{P}{1-P} = 0.3490 + 0.0905n + \dots)$$

