



# The Principal vs. Supplemental Trademark Registers

The United States Patent and Trademark Office (“USPTO”) maintains two trademark registers, the (1) Principal and the (2) Supplemental Registers. A “Register” is simply an official list or ledger of items, much like a property deed register. Sometimes the USPTO Registers are referred to as “Registries.”

It is easy to believe that the existence of two Registers means there are separate paths to trademark registration. That belief is not entirely correct, although you can file a trademark specifically designated for the Supplemental Register. In fact, a trademark applicant may not even consider which Register his or her trademark will be listed on until an Examining Attorney raises the issue in an Office Action. If it is not raised, the applicant may be oblivious to the issue. But it arises often enough that applicants should understand the implications of having one’s trademark listed on the Principal versus the Supplemental Register.

## THE TYPICAL SCENARIO

The Examining Attorney refuses registration, stating that the applied-for trademark is descriptive. Descriptive trademarks are considered weak trademarks because they are non-distinctive.