

INTA Industry Overview Guidelines

Purpose

1. The goal of Industry Overviews is to provide an up-to-date summary of issues that affect trademark strategy in a particular industry.
2. Industry Overviews are meant for trademark practitioners who are familiar with trademark law generally but may not be familiar with the trademark issues and regulations or other considerations that are peculiar to a particular industry.
3. Industry Overviews are not intended to be an exhaustive resource, but rather as a summary of industry specific pointers with links to relevant information. The goal is to help trademark practitioners spot issues that will merit further review. An Industry Overview should be a maximum of two pages and brevity is encouraged. A suggested outline is below.
4. By their nature, Industry Overviews will tend to be jurisdiction specific. However, the Trademark Considerations (see below) will most likely be informative to practitioners in any jurisdiction looking to learn about the industry in general.

Regulatory Regime Overview

1. This section should include a **brief** summary of the regulatory regime that pertains to the industry and how it impacts trademarks, product names, labels, etc.
2. Include names of relevant regulatory bodies and provide links to any relevant guidance materials or updates, linking directly to the primary source (rather than any third-party summary).

Trademark Considerations

1. **Process and timing:** Are there regulatory regimes that impact the selection and adoption of a trademark or packaging? How does the process and timing work with trademark office prosecution timeline?
2. **Clearance:** Are there any special databases to be used in conducting the search? Are there any special considerations in determining likelihood of confusion with a prior mark?
3. **Registration:** Are there any special considerations for identifying goods and services? Showing use in commerce? Selecting acceptable specimens?
4. **Use:** Are there any special use considerations?
5. **Enforcement:** Are there any special considerations in determining likelihood of confusion?

6. **Licensing:** Are there any special considerations in negotiating license terms?
7. **Other:** Are there any other trademark considerations that are unique to this industry?
8. **International considerations:** Do any special considerations apply to the above considerations outside the subject jurisdiction