

Is the Trademark Office a Rubber Stamp?

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Surprisingly, we still lack basic information concerning trademark application “grant rates” (i.e., the percentage of trademark applications that result in registration) at the U.S. Patent and Trademark Office. We thus lack data that is crucial to assessing, among much else, overall “trademark quality” at the PTO (i.e., the reliability of trademark registration status at the PTO as an indication of actual trademark validity). Working from a previously unstudied dataset covering all U.S. federal trademark applications since the mid-nineteenth century, this paper reports and analyzes U.S. federal trademark application grant rates along a variety of dimensions, including by year and basis of application, by industry category and goods and services classification, by type of mark, and by country of applicant. The paper focuses in particular on the 25-year period from 1981 to 2005, during which the PTO received some 2.7 million applications for trademark registration and with respect to which the dataset’s data appears to be especially reliable.