

Trademark Search Tools

Analysis Paper

Vendors Evaluated

CT Corsearch
CSC
Markify
USPTO
Thomson CompuMark
Trademarkia

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Executive Summary

Study Overview

In this white paper, ipPerformance evaluated the accuracy of the major trademark search technologies that are used by trademark professionals and end-users. The vendors tools assessed are CT Corsearch, Corporate Services Company (CSC), Thomson CompuMark Saegis, Markify, Trademarkia, and USPTO.

The research found that each vendor offered unique and valuable user experiences and capabilities. On average, most of the vendors had very similar results with the exception of Markify, where the results were significantly superior. These results were based on searching 1000 word marks.

These findings are based on a trademark search analysis measurement framework developed by ipPerformance Group, working under the direction of Robert Williamson, president.

Background

Trademark protection is critical to a corporation's branding strategy and as such trademark clearance search is a core activity that is routinely conducted to gain confidence that a proposed mark would be cleared and registered in a target jurisdiction. Tools that enable a user to quickly check among existing marks if the proposed mark, within the proposed class, would be considered confusingly similar to a registered mark can be imperative with the tight marketing rollout timelines that most companies operate with.

The most pervasive practice by trademark professionals (e.g. trademark attorney, company attorney or internal legal support staff) is to conduct a preliminary or "knock out" search internally and have the subsequent comprehensive search completed by a service provider. Individuals and entrepreneurs use the screening tools as a method to determine which mark they will pursue. Conducting the preliminary search not only saves the company significant money, but also reduces the time of identifying or validating the best mark and initiating the registration process. If you do not catch the obvious confusing marks, a trademark application will ensue, which will result in wasted time and unnecessary costs. The knockout phase is a critical phase regardless of your size and purpose.

The backgrounds of the people that conduct the preliminary searches vary widely. From expert search people and qualified attorneys that use search tools on a regular basis to entrepreneurs and individuals that are conducting a search on their first search or conduct searches infrequently.

The trademark clearance process is heavily reliant on service providers. There are self-service trademark search tools, most also offer full service options. Self-service searches are limited in databases and search tool capabilities.

A couple factors bubbled up as we gathered information on the vendors; some vendors have separate search engines for comprehensive searches

Most of the vendors that provide tools for conducting the "knock-out" search provide a full search service. The full search service not only is positioned a fuller search, but also a more comprehensive search in terms of more databases. Many of the databases are not available in the "self-service".

ipPerformance identified 5 major vendors and the government agency (USPTO) that provide a "self-service" search capability. There are three distinct business models available. There are free search services, which allow users to search and retrieve detailed trademark information, this model is provided by government agencies such as USPTO. There are freemium/free search services (Markify, Trademarkia), this model allows users to do a full search and retrieve detailed trademark information for limited number of databases and have premium service options. The

third business model is the licensee subscription model (Thomson CompuMark, CT CorSearch and CSC), these search services require users to establish a subscription (annual subscription and cost per detail record), these services require users to pay a fee for detailed trademark information.

Purpose

ipPerformance Group, as part of its benchmark of corporate trademark practices at leading companies, developed this study to investigate and evaluate the accuracy of the leading trademark search tools that provide “self service” or search screen capabilities. The tools are commonly used by trademark professionals, our purpose was to evaluate the tools from the perspective of simple searching by novice end-users.

Methodology & Approach

ipPerformance conducted this study by developing a database based of rejected applicant marks and cited marks from the USPTO TTAB federal database.

The methodology included the following steps:

Step 1. Select a group of 1000* conflicting names (pairs) – one registered trademark (cited) and one new trademark application – where the new application was refused by the USPTO because of “likelihood of confusion”, a 2(d) refusal.

Step 2. With each name a search is performed in the vendor’s system that is to be tested. The result for every name should produce a list of trademarks and their serial numbers or default report generated by the system.

Step 3: Identify the number of cited marks found on the search list.

Step 4: Conduct an accuracy assessment. Calculate the recall and precision of the searches.

Approach

The searches approach was consistent with all tools. We did not modify or construct any Boolean logic or use any scripting to improve test results.

Accuracy Assessment

Analysis of results. Measuring recall and precision / signal and noise = Accuracy

Recall: How many of the 1000 confusingly similar trademarks did the search results return? 0-100% - Example: 950/1000. “The system finds 95 percent of all possible conflicts.”

Precision: Divide the number of found confusingly similar trademarks with how many results the 1000 searches produced totally. - Example: 950/250 000 (250 hits per search). “The system has a precision of 0,38%.”

Findings

The final scores represent the statistics completed from the search results. The average find represents the percentage number of cited marks that were found in the download. This allows us to evaluate the accuracy of the search tool. The precision level is a calculated value to ascertain volume of data downloaded and required to navigate to identify the mark

A higher score indicates a higher business productivity impact or perceived strength of capability.

All the search tools were tested with plurals and phonetics turned on to allow us to achieve the highest find rate.

There were limitations exposed in some of the tools that affect the results. Markify retrieval does not have a total hit limit, which resulted in significantly lower precision level, although this tool provides a list based on relevance and the cited mark list position was median of six. Conversely, Thomson, CT Coresearch and CSC search results have listing limits, Thomson (2000 limit), CSC (1000 limit) and CT Coresearch (2000 limit). These limits reduce the noise by capping the download of records, which resulted in a smaller percentage of marks to be not found.

Trademarkia was significantly slower in retrieving results.

Thomson, CT Coresearch and CSC allow the user to customize the search (operators) using logic (e.g. Boolean, wildcards, etc.) to target the search. Whereas, Markify and Trademarkia provide list relevance and marks found are listed near the top. As noted above, the Markify cited marks that was used for the hit test was listed near the top, the median list position was 6th mark.

Search results varied between tools; CSC list results in order of class or status, CT list results in alphabetical order; Markify's list order is by relevance (proximity to exact match).

Table 1

Tool	Average find	Precision Level
CT Corsearch (1)	34.6%	.43%
CSC (2)	31.8%	.55%
Markify (3)	99.7%	.02%
Trademarkia	32.5%	.75%
Thomson CompuMark (4)	45.5%	.21%
USPTO	34.2%	.31%

Note:

(1) limits search results to 2000

(2) limits search results to 1000

(3) search results unlimited, results position median 6.

(4) limits search results to 2000

Conclusion

Overall, we found that Markify provides the most impressive find rate. This result was significantly better (99.7 %) than the other tools in the test. All the tools search screens were easy to use and the selection options were easy to navigate. Each of the tools varied in the number of databases provided and user interface design. The tool with the most limited database is the USPTO Trademark Electronic Search System (TESS), only providing US Federal database, whereas the tool with the largest database support is Thomson CompuMark Saegis. Markify has a very straightforward search screen approach, very Google-like in its simplicity. CT Corsearch was more screen intensive to navigate, but provided many user control options. CSC allowed the user to make selections to screen marks.

Noteworthy Comments

Following are noteworthy comments based on our use of the tools for the testing period.

CT Corsearch

- Limited to 2000 results
- Sort is alphabetical
- Flexible operators

Corporate Service Company (CSC) Active IP - Screening

- Operators do not allow for full search without freeform (scripting)
- Limited to 1000 results
- List results organized by IPC or Status
- List includes stylized marks
- Lists include brief description
 - o Provides owner link, link to Canadian database and State

Thomson CompuMark - Serion SAEGIS

- Search results are not shown immediately after a search is performed, another page must be navigated.
- Search results all shown on single page by default, up to 1000 entries.
- Gives the count of the number of results
- Provides options for match type, database, additional search criteria, goods/services.

Markify

- Wildcards (*) seem to have no effect
- Gives the count of the number of results (similar and very similar)
- Searches only live trademarks
- Allows choice of markets and goods/services

Trademarkia

- Much slower than the others
- Fewer results and fewer finds than others
- Strange behavior with *
 - o With * after, either fewer results or same number
 - o With * before, fewer results
- Only 5 results per page, slows down searches
- No count of number of results given
- Allows choice of searching live only, dead only, live and dead trademarks
- No choice of match type (exact, phonetic, etc.) or database or goods/services

About ipPerformance Group

ipPerformance Group, Inc. (www.ipperform.com) is the leading intellectual property management best practices advisory and research firm. Drawing on the knowledge of over 350 intellectual property management benchmarks of the Global 1000 companies, we help our clients solve complex intellectual property business problems and measurably enhance their ability to **build value**, **manage risk** and **improve performance** in an intellectual property–driven world.

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