

What is a 'proof of use'?

Question

What is a "proof of use" (PoU)?

Answer

Apart from the existence of a trademark, the trademark owner also has to prove that he actively uses the trademark in the class(es) it is registered. This prevents domain brokers from harvesting large numbers of domains.

The proof of use consists of a **signed declaration** and a **sample of proof of use**. This sample is defined as "an item that evidences an effort on behalf of the Trademark Holder to communicate to a consumer so that the consumer can distinguish the products or services of one from those of another."

Accepted samples of use include labels, tags, or containers from a product; or advertising and marketing materials (including brochures, pamphlets, catalogues, product manuals, displays or signage, press releases, screen shots, or social media marketing materials). Also a screenshot of a website that clearly shows the trademark is accepted.

Not accepted samples of use include inclusion of a trademark in a domain name; e-mail messages; licenses to use a trademark or applications for business licenses that include the trademark as part of the business name; or business cards.

Please refer to the [TMCH Guidelines](#) section 2.2.3 for detailed descriptions of these data elements.

During the process of a Trademark Clearinghouse order we will provide you with more information about those documents.

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