

Annual Brand Review Checklist for Trademark Counsel and TMAs

A companion to "The Annual Brand Review: Keeping Trademark Files Aligned with the Business"

Prepared by Suzi Hixon Bledsoe | Hixon Law PLLC | hixonlaw.com

Use this checklist to guide a periodic issue-spotting review of a client's trademark portfolio. Check each item once reviewed and record any issue or follow-up in Section 10. Tailor the review to the agreed scope, marks, jurisdictions, and records identified below.

Client	
Reviewer	
Review date	
Marks reviewed (or attached schedule)	
Jurisdictions	
Records reviewed	
Agreed scope or exclusions	

1. Client and Business Updates

- ☐ Has the client's legal name, entity type, or state of formation changed?
- ☐ Has ownership or corporate structure changed through a sale, merger, restructuring, or new holding company?
- ☐ Has the client's address of record or contact information changed?
- ☐ Have product or service lines expanded, narrowed, or been discontinued?
- ☐ Have sales channels changed, including wholesale, direct-to-consumer, marketplaces, or new retail or distribution partners, and do those changes affect specimens, third-party use, monitoring, distribution arrangements, or geographic expansion?
- ☐ Has the client rebranded, refreshed its logo, or introduced new brand elements?
- ☐ Are there completed or planned financings, acquisitions, restructurings, licensing arrangements, or co-branding projects that may affect the marks?

2. Trademark Use

- ☐ Which registered marks are currently in use? Confirm each one.

- ☐ Are any registered marks no longer in use? If so, since when, is the nonuse temporary, and is there an intent to resume?
- ☐ Are any new marks, product names, slogans, or logos in use without clearance or filing?
- ☐ Are the marks being used consistently in their approved forms, including wording, stylization, capitalization, and design elements?
- ☐ Are trademark symbols (® and ™) being used correctly and consistently?
- ☐ Are the marks being used as adjectives, rather than as nouns or verbs, in client materials?
- ☐ Are dated records available to substantiate each claimed first-use date?

3. Registrations and Applications

- ☐ For each registration, which listed goods and services remain in current use?
- ☐ For any listed goods or services not currently in use, could excusable nonuse apply?
- ☐ Should any unsupported goods or services be deleted before the next maintenance filing or in response to a post-registration audit?
- ☐ Are there current offerings not covered by any registration or application?
- ☐ Do design-mark registrations still reflect the logos or designs in current use?
- ☐ If a design or stylization has changed, does the current form create the same overall commercial impression as the registered design, and should a new filing be considered?
- ☐ Are pending applications accurate as to filing basis, goods and services, and, for intent-to-use applications, continuing bona fide intent?
- ☐ Are any registrations being maintained that should be allowed to lapse or voluntarily surrendered in whole or in part?

4. Ownership and Chain of Title

- ☐ Does the owner of record match the entity actually using and controlling each mark?
- ☐ Are there unrecorded assignments from past transactions?
- ☐ If a claimed first-use date predates the current owner's formation, are the predecessor's use and the chain of title to the current owner properly documented?
- ☐ If affiliates, subsidiaries, or related entities use the marks, are ownership and control properly structured and documented?
- ☐ Within the agreed scope, do the records reviewed disclose any security interests or liens affecting the marks that may require attention?

5. Evidence and Specimens

- ☐ Is there current, dated evidence of use for each mark in use?
- ☐ For each registration, is evidence available for every claimed category of goods or services?
- ☐ Are specimens being preserved as products, packaging, labels, and web pages change?
- ☐ Are screenshots of product pages and marketing materials being archived with capture dates and source information?
- ☐ Would the current specimens satisfy USPTO requirements if a maintenance filing were due tomorrow?
- ☐ If a registration were selected for a USPTO post-registration audit, could the client produce acceptable evidence for additional listed goods or services?

6. Maintenance and Deadlines

- ☐ What Section 8 declarations are due in the next 12 to 24 months?
- ☐ What Section 9 renewals are due in the next 12 to 24 months?
- ☐ What Section 71 declarations are due in the next 12 to 24 months?
- ☐ Does actual, current use support each upcoming maintenance filing, and have deletion or excusable-nonuse issues been evaluated?
- ☐ For eligible registrations, would filing a Section 15 declaration of incontestability serve the client's strategy?
- ☐ Is the docket complete and accurate, including foreign deadlines within the agreed scope?

7. Monitoring and Enforcement

- ☐ Is a watch service or other monitoring in place, and who receives the notices?
- ☐ Is the monitoring coverage, if any, still aligned with current marks, jurisdictions, goods and services, sales channels, and expansion plans?
- ☐ Have watch notices or potential conflicts been reviewed, documented, or escalated?
- ☐ Are there known third-party uses that were flagged but never addressed?
- ☐ Is there a record of past enforcement actions, demand letters, coexistence arrangements, or other resolutions?
- ☐ Is evidence of potentially infringing uses being preserved?

8. Licensing and Third-Party Use

- ☐ Are any third parties, including licensees, distributors, franchisees, or collaborators, using the marks?
- ☐ Are those uses governed by written agreements with appropriate quality-control provisions?
- ☐ Is the trademark owner actually exercising and documenting quality control over licensed use?
- ☐ Who approves new third-party uses, and is that process documented?
- ☐ Are there informal or legacy permissions that should be documented in writing?

9. International

- ☐ Is the client selling, manufacturing, or planning expansion outside the United States?
- ☐ Do current foreign filings match the actual international footprint?
- ☐ Are there markets where filing should be considered before entry?
- ☐ Are foreign registrations subject to local use, maintenance, or ownership-record requirements that need attention?

10. Findings and Next Steps

Record each issue that requires attention. Recommended action may include documenting a decision, preserving evidence, correcting ownership, updating the docket, filing, maintaining, monitoring, enforcing, or conducting a deeper review.

Issue	Affected mark	Recommended action	Responsible person	Priority	Target date

Closeout confirmation

- ☐ The working portfolio reference has been updated to reflect each mark's status, approved logo versions, and authorized users.

- ☐ Responsibility has been assigned for sending future business changes and current specimens to counsel.
- ☐ The review conclusions and action items have been communicated within the agreed scope.
- ☐ The next annual review date has been scheduled or docketed.

This checklist is intended as an issue-spotting tool and does not replace a full legal analysis of any specific trademark file, jurisdiction, dispute, or enforcement question. The scope of any annual brand review should be defined in writing between counsel and client.