

Web-based Trademark Research: Meeting a Complex Challenge.

Since its creation by Internet innovators Tim Berners-Lee and Robert Cailliau in 1990, the World Wide Web has fundamentally impacted virtually every facet of modern life. The Web has changed how people access news and information, look for a job or a spouse, and buy and sell everything from clothing, cars and collectables to professional services.

Web-based trademark research is a critical element of any effective brand strategy.

In the process of changing personal, civic and commercial life as we know it, the Web has transformed the challenge of researching and protecting trademarks. Today, anyone can “publish” on the Web using your valuable trademark, brand or product—either intentionally or unintentionally.

This new reality changes the rules for trademark research. Today, Web-based trademark research is a critical element of any effective brand strategy. And this requires specialized knowledge, skills and tools as sophisticated and dynamic as the Web itself.

A NEW TRADEMARK LANDSCAPE

Searching trademark use in a common law country like the U.S. has always been challenging. Rather than requiring trademark registration, common law jurisdictions extend proprietary rights to the first user of a mark. Prior to the Web, researching such use required careful and extensive review of a wide range of published sources—from business directories, newspapers and magazines to telephone directories. While the list of sources has always been extensive, it was nevertheless finite and structured according to a recognized schema. And it was published on a regular, scheduled basis. In short, these traditional sources were well understood. For a trademark researcher with some experience, performing due diligence was a manageable task.

The Web explodes this model. Now, the universe of potential instances of trademark use is virtually infinite. It is estimated that the Web contains on the order of 200 billion pages of content. That’s just an estimate—no one really knows how large the Web is.

Unlike the static, printed directories and publications of yesteryear, content on the Web is unstructured. Because anyone can publish on the Web, information appears in a limitless variety of forms from a seemingly infinite number of sources around the world—from large corporations and Internet-based businesses to single individuals posting their thoughts in Weblogs or “blogs.”

Moreover, the Web is continuously changing. Much of the content appearing on the Web tomorrow will most assuredly be different than that appearing today.

The Web Has Met Its Match
Revolutionizing Web-based Trademark Research

THE SEARCH CHALLENGE

The Web's vast size, dynamic nature and limitless diversity of resources make searching for relevant trademark citations a daunting challenge. Anyone who has used a Web search engine to find references for, say, a particular brand and model of digital camera knows a simple search engine query is likely to provide a list of results like the following:

"1 – 10 of 69,350,000 for...XYZ Digital Camera"

No one has time to review millions of Web pages. Instead, the answer to effective trademark research lies in knowing how to use search engines to find the smallest number of the most relevant results in the shortest time. And that takes real expertise.

THREE KEYS TO WEB RESEARCH

Over years of perfecting our Web-based trademark research capabilities, Thomson CompuMark has identified three critical success factors—three "keys" to Web research. Effectively and efficiently identifying the most relevant results on the Web requires the right people using the right tools with the right techniques.

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1. The Right People

Anyone can search the Web. But it takes specialized knowledge and training to find a manageable number of the most relevant results. Web research must be guided by a thorough understanding both of trademarks and how to ferret out information distributed throughout the Web.

To meet this requirement, Thomson CompuMark has a team of specialists dedicated to Web-based trademark research.

This cross-functional team includes:

- **Research Analysts** entirely devoted to Web research. The majority of these accomplished professionals have Library and Information Science degrees, giving them a solid understanding of how information can be organized—and how to use computerized tools like search engines to find that information with precision.
- **Technologists** with in-depth understanding of Web and search engine technologies. These professionals study changes in search engine behavior and follow the industry to keep analysts abreast of changes and trained in how to fully leverage search engines.
- **Information Specialists** who understand what information is out there on the Web and how it is organized. Thomson CompuMark believes this expertise, rarely found in the trademark industry, is absolutely crucial to effective Web-based research.

These professionals work as a team to continuously develop and refine productive strategies and techniques for web-based trademark research.

2. The Right Tools

The Web would have little value if users did not have a way of finding the information they seek. Soon after the Web debuted, search engines emerged to fill this essential need. While there are a variety of public search engines, two search engines dominate the Web universe: Yahoo® and Google®.

Created in 1994 and 1998, respectively, Yahoo and Google are far more than just search engines. They are large commercial enterprises driving new business models for, among other things, online advertising, merchandising and retail sales.

Google and Yahoo also represent what is believed to be the two largest indexes of Web content accessible to Web users. In a recent patent filing, Google stated that they cover approximately 8 billion pages (out of an estimated 200 billion total); Yahoo is estimated to cover a roughly comparable number of pages. While there is much overlap in these indexes, there is also much content that does not overlap. While no one knows for certain, it is estimated that only 30 – 40% of Google's index is found on Yahoo's index.

For this reason, using just one search engine for trademark research is like tying one hand behind your back. To ensure the most complete search, Thomson CompuMark believes one must use both of the leading search engines. We continue to monitor the search engine landscape as it evolves, to identify potential new resources and tools that could enhance Web-based trademark research in the future.

3. The Right Techniques

Just as important as the search engines themselves are the techniques used when searching trademarks. Using the right query techniques has a tremendous impact on the precision of search results and the efficiency of the search process.

In developing query techniques, it is crucial to understand both trademark characteristics and how search engines work. It is important to note that each search engine has its own unique algorithms, requiring specific query techniques. Moreover, these algorithms are continually evolving as search engine technologists seek innovative, new ways to leverage content on the Web.

The Thomson CompuMark Web Research team is constantly evaluating search engine behavior and fine-tuning query techniques to achieve the most relevant, manageable trademark search results. Our Web technologists and information specialists understand the complex dynamics of search engine optimization and are continually developing and refining Boolean operators, wild cards and commands specific to each search engine used. They provide hands-on training to ensure analysts fully understand how to use these techniques to structure queries to find the right references, quickly and efficiently.

Evaluating query results also demands specialized techniques. Thomson CompuMark analysts have the specialized training, experience and techniques to narrow or broaden their search depending on result sets produced. In addition, analysts are both "trademark literate" and "information literate," trained in how to read web pages and sift through the information to rapidly and efficiently identify results relevant to a particular trademark.

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PUTTING IT ALL TOGETHER

In today's Web-driven marketplace, having all three of these critical elements is essential for successful online trademark research. The best results are produced when using the best tools available with the greatest skill.

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At Thomson CompuMark, we recognized both the challenge and the potential the Web represented for trademark research early on. We have led the industry in making the investments required to develop the most sophisticated Web-specific trademark research resources—including a highly experienced and trained team of Web research specialists using advanced Web searching techniques and tools. And those resources are constantly updated and refined to keep pace with the ever-changing dynamics of the Web.

Thomson CompuMark also provides the industry's most extensive Web-based trademark research offering. We complement our U.S. Availability Search with industry-specific Web Search Extensions that provide deep coverage of key, trademark-rich Websites for 14 target industries. And that's just the beginning—Thomson CompuMark continues to expand our Web-based trademark research offering to meet the evolving needs of our customers.

To learn more about Thomson CompuMark's industry-leading Web-based Trademark Research offering, contact us today at (800) 692-8833.



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