



Identity & Origin
Trademark

Trademark Priority

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Konemark
Most rights sharable

priority ...

Trademark Priority

- Two different firms can't both have the same trademark in the same market, because that would mean the mark doesn't indicate a particular commercial source.
- Between two rivals to the same mark, priority belongs to the first to use the mark in commerce in the relevant market (both product and geographical).
- Federal registration and geography:
 - Federal registration (on the principal register) provides constructive nationwide use.
 - Prior users get to carry on in their geographic market.
 - But constructive nationwide use gives the federal registrant priority everywhere else.

