



How to submit and update a Proof of Use

Trademark Clearinghouse
September 2022

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1. Introduction

If you wish to opt in for the Sunrise services, an evidence of the use of your trademark is required. The Verification of Proof of Use (POU) by the Trademark Clearinghouse is required to qualify for participation in the Sunrise Domain Name Registration processes.

A submission for verification of Proof of Use must contain two specific elements:

- A signed Proof of Use declaration
- A single sample of Proof of Use

The signed Proof of Use Declaration is a template declaration that must be uploaded, along with a single sample of Proof of Use (see below), in the TMCH web user interface by the Trademark Holder or by a Trademark Agent on behalf of the Trademark Holder(s). Different declarations exist for Trademark Holders and Trademark Agents. You can easily download them on our website via the following links:

- [Declaration of Proof of Use - Trademark Holder](#)
- [Declaration of Proof of Use - Trademark Agent](#)

The single sample of Proof of Use is the concrete evidence that the Trademark Holder is actively using the related trademark. The sample should be explicit enough to evidence an effort, on behalf of the Trademark Holder, to communicate to a client about the products, services that they are offering and to distinguish them from another offering.

Accordingly, examples of acceptable evidence would include items from either of the following categories:

- Labels, tags, or containers from a product
- Advertising and marketing materials (including brochures, pamphlets, catalogues, product manuals, displays or signage, press releases, screen shots, or social media marketing materials)

An uploaded and verified Proof of Use file is valid for a period of 5 years.

This manual details the necessary steps to add and update your Proof of Use in the following scenarios:

1. [How to add Proof of Use](#) when you are submitting a new trademark record to the TMCH.
2. [How to add Proof of Use](#) after you have submitted a new trademark record to the TMCH.
3. How to update, manage or correct an already submitted Proof of Use:
 - a. From a verified trademark record, [with an 'incorrect' POU](#).
 - b. From a verified trademark record, [with a 'valid' POU](#).
 - c. From a verified trademark record, [with an 'expired' POU](#).

2. How to add a Proof of Use when submitting a new trademark record

When a Trademark record is submitted via the Trademark Clearinghouse, the Agent/Holder has the possibility to opt-in for Sunrise services (for more information on the Sunrise service please visit the Clearinghouse FAQ section: <http://www.trademark-clearinghouse.com/help/faq>). When opting-in for the Sunrise service, the Agent/Holder is obligated to add a Proof of Use (POU) including a 'Single sample'. If the Agent/Holder does not opt-in for the Sunrise service at the moment of submission in the TMCH, no Proof of Use is needed. The Agent/Holder can opt-in for the Sunrise service at a later point.

To submit a new trademark record, first connect to the TMCH platform and arriving on the 'Mark overview' page, click 'Submit Mark' button.



The Agent/Holder will be redirected to a form with multiple fields to complete in order to finalize the relative order.


The Proof of Use can be added in the 'Label' section as indicated below.

Upload Attachments (PDF or JPEG)

ASSIGNEE DECLARATION No file chosen

LICENSEE DECLARATION No file chosen

OTHER No file chosen

Label 

UNICODE LABEL (U-LABEL)* marktest

UNICODE LABEL (U-LABEL)* mark-test

SUNRISE SERVICES

DECLARATION OF PROOF OF USE INCLUDING ONE SINGLE SAMPLE No file chosen
[Download 'Declaration of proof of use' template here](#)

PROOF OF USE - OTHER No file chosen

TM CLAIMS SERVICES

Variations:

Variations are labels that are non-exact matches with your mark. They will only be used for Ongoing Notifications.

[Which variations are allowed?](#)

[Add more variations before ordering](#)

[Trademark Holder/Trademark agent] hereby certifies that the information submitted to the Clearinghouse is, to the best of [Trademark holder/trademark agent] knowledge, complete and accurate, that the trademarks set forth in this submission are currently in use in the manner set forth in the accompanying specimen. In connection with the class of goods or services specified when this submission was made to the Clearinghouse; that this information is not being presented for any improper purpose; and that if, at any time, the information contained in this submission is no longer accurate, the [Trademark holder/Trademark agent] will notify the Clearinghouse within a reasonable time of that information which is no longer accurate, and to the extent necessary, provide that additional information necessary for the submission to be accurate. Furthermore, if any Clearinghouse-verified mark subsequently becomes abandoned by the Trademark Holder, the [Trademark Holder/Trademark agent] will notify the Clearinghouse within a reasonable time that the mark has been abandoned, or has been the subject of successful opposition, invalidation, cancellation, or rectification proceedings.

Please note that when a user has not opted-in for Sunrise services when submitting its trademark record, no 'Declaration of Proof of Use' or sample is requested. By submitting a Proof of Use at a later stage (after the trademark record is verified), the user can opt-in to the Sunrise service as soon as the Proof of Use is validated by the TMCH.

Once the documentation has been uploaded and all other information is provided, the Agent/Holder can click on 'Submit' at the bottom of the page to place his order. The documentation will be verified by the TMCH.

3. How to add a Proof of Use to a verified trademark record with no Proof of Use

Select the trademark record for where a ‘Declaration of Proof of use including one single sample’ needs to be added. Note here that the status of the Proof of Use is ‘NOT SET’ since no Proof of Use was ever uploaded.



Click on the trademark record and you will be redirected to the ‘Mark details’ page. Once the page is opened, navigate to the Proof of Use details by clicking on the expand/collapse button highlighted below in the red box.



The Agent/Holder will see that the status of the Proof of Use is 'NOT SET'. Click on 'Add proof of use' to add a Proof of Use.



You will be redirected to the 'Edit' page of the Proof of Use of the trademark record. You can upload the 'Declaration of Proof of use including one single sample' and 'Proof of use – other' document by clicking on the 'Choose File' buttons.



After the selected documents have been uploaded, click on the ‘Update’ button to finalize the upload of the Proof of Use. In case the documentation is insufficient, the user can upload a new document¹.



A pop-up message will appear asking your confirmation to submit the POU documents.

Press ‘OK’ (only if the correct documentation is uploaded) to upload the POU documents. Note that after clicking ‘OK’ you can no longer upload POU documents².



The Proof of Use status of the trademark record will be changed into ‘CORRECTED’.

¹ If you choose to click on ‘Return to mark’, you will go back to the ‘Mark Overview’ page. No POU will be uploaded.

² If you click on ‘Cancel’, you will cancel the submission of the extra POU documents. No changes will be made.



MARKS SERVICES CASES

Mark overview

1 to 10 of 12 rows

Mark	Status	POU	Expiry	Markholder
Mark Ten & Eleven	VERIFIED	VALID	2020-11-01	TREx Protected
Mark One	VERIFIED	VALID	2023-11-01	TREx Protected
Mark Five & Six	VERIFIED	VALID	2018-11-01	TREx Protected
Mark Seven	VERIFIED	CORRECTED	2020-11-01	TREx Protected
Mark Twelve & Thirteen	NEW	NEW	2020-11-01	TREx Protected
Mark Eight	VERIFIED	NEW	2020-11-01	TREx Protected
Mark Nine	NEW	NEW	2020-11-01	TREx Protected
Mark Two	VERIFIED	VALID	2018-11-01	TREx Protected

View: How To submit a mark record video

TOTAL: 12

SEARCHED: None

FILTERED: Any status

SORTED:

SORT: Latest status change

FILTER BY STATUS:

- How
- Corrected
- Verified
- Incorrect
- Inactive
- Deactivated

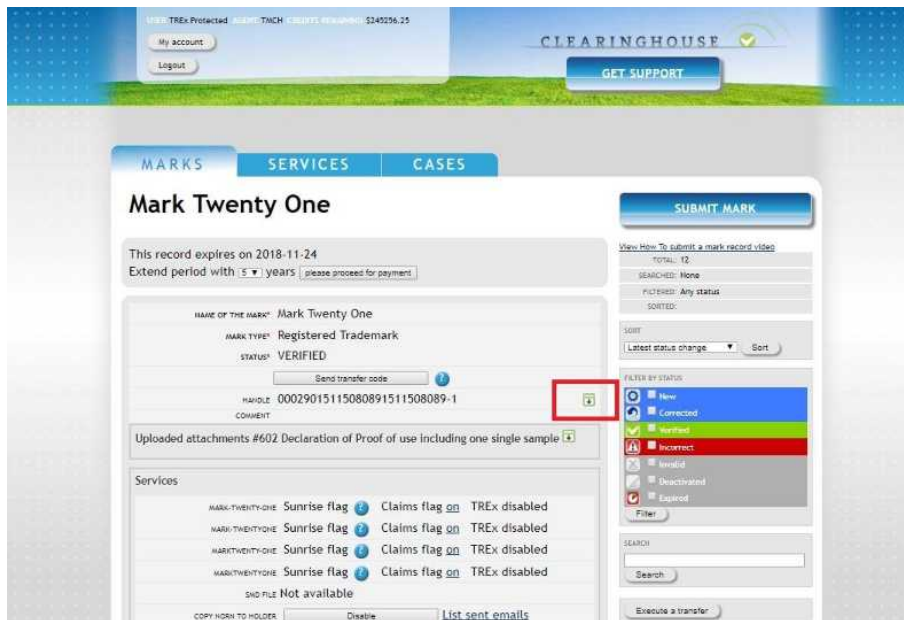
The uploaded Proof of Use will be sent to the Trademark Clearinghouse for Proof of Use verification.

4. How to update the current Proof of Use from a verified trademark record with an incorrect Proof of Use

Select the trademark record in the 'Mark overview' with Proof of Use (POU) status 'INCORRECT'.



After selecting the trademark record you will be directed to the Mark details page. You can then, navigate to the Proof of Use section by clicking on the expand/collapse button highlighted below in the red box.



The Agent/Holder will see that the status of the Proof of Use is set to 'INCORRECT'.



Mark Twenty One

This record expires on 2018-11-24
Extend period with years | please proceed for payment.

NAME OF THE MARK: Mark Twenty One
MARK TYPE: Registered Trademark
STATUS: VERIFIED
Send transfer code

HANDLE: 00029015115080891511508089-1
CHANGED: 2017-11-24
LAST RENEWAL: 2017-11-24
REGISTRATION NUMBER: 123456789
REGISTRATION DATE: 2017-11-24
APPLICATION NUMBER
APPLICATION DATE
JURISDICTION: United States of America
EXPIRATION DATE
DESCRIPTION OF GOODS AND SERVICES CLASS: 20
DETAILED DESCRIPTION OF GOODS AND SERVICES: Mark Twenty One
PROOF OF USE: INCORRECT [Add proof of use](#)
[View How To add POU video](#)

STATUS OF THE HOLDER: Owner
ORGANIZATION: TREX Protected
FULL NAME: TREX Protected
EMAIL: trexprotected@gmail.com
STREET: TREX Lane 1
STREET(2)
STREET(3)
POSTAL CODE: 1000
CITY: Brussel
STATE/REGION
COUNTRY: Belgium

SUBMIT MARK

View how to submit a mark record video
TOTAL: 14
SEARCHED: None
FILTERED: Any status
SORTED:
SORT: Latest status change | Sort
FILTER BY STATUS: New, Corrected, Verified, Incorrect, Invalid, Deactivated, Expired

Click on 'Add proof of use' to correct the Proof of Use. You will be redirected to the 'Edit' page of the POU of the trademark record.



#431 Mark Twenty One

Provide additional proof of use

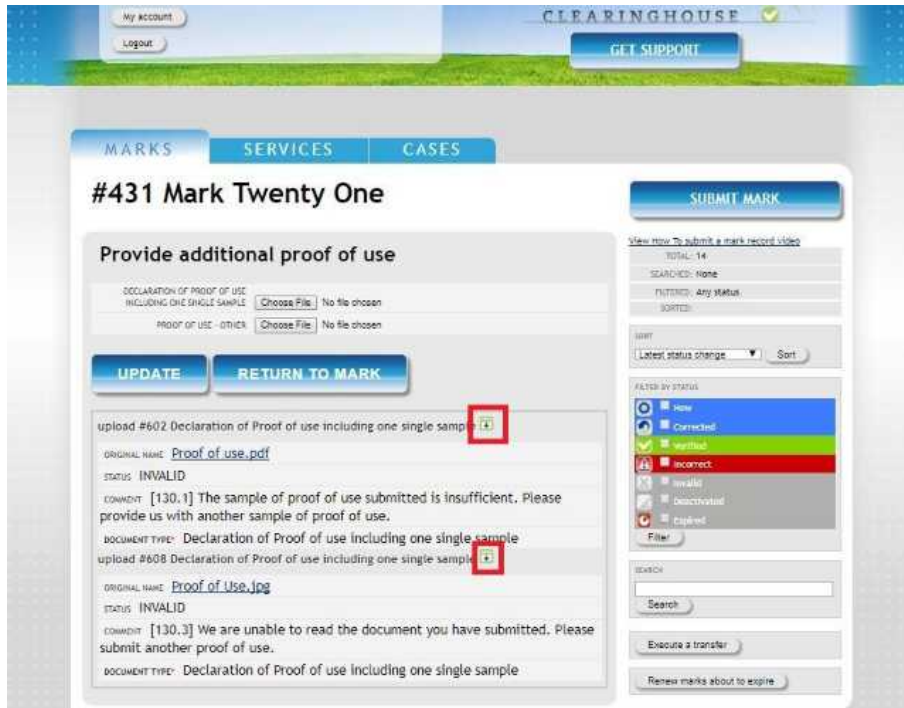
DECLARATION OF PROOF OF USE INCLUDING ONE SINGLE SAMPLE No file chosen
PROOF OF USE - OTHER No file chosen

upload #602 Declaration of Proof of use including one single sample
upload #608 Declaration of Proof of use including one single sample

SUBMIT MARK

View how to submit a mark record video
TOTAL: 14
SEARCHED: None
FILTERED: Any status
SORTED:
SORT: Latest status change | Sort
FILTER BY STATUS: New, Corrected, Verified, Incorrect, Invalid, Deactivated

By clicking on the expand/collapse button highlighted below in the red box, the Agent/Holder will be able to see comments on why the Proof of Use status was set to 'INCORRECT'.



Make sure to consider these comments when uploading a new Proof of Use documents. Click on the 'Choose File' button to upload the new POU documents.



After the new documentats are selected, click on ‘Update’³.



A pop-up message will appear asking confirmation for resubmitting the extra POU documents.



Press ‘OK’ (only if the correct documentation is uploaded) to upload the POU documents. Note that after clicking ‘OK’ you can no longer upload POU documents⁴.

³ You can choose to click on ‘Return to mark’, where you will go back to the ‘Mark Overview’ page. No POU will be uploaded.

⁴ If you click on ‘Cancel’, you will cancel the submission of the extra POU documents. No changes will be made.

The Proof of Use status of the trademark record will be changed into 'CORRECTED'.



Mark	Status	POU	Expiry	Markholder
Mark Ten & Eleven	VERIFIED	VALID	2020-11-01	TREx Protected
Mark One	VERIFIED	VALID	2023-11-01	TREx Protected
Mark Five & Six	VERIFIED	VALID	2018-11-01	TREx Protected
Mark Seven	VERIFIED	CORRECTED	2018-11-01	TREx Protected
Mark Twelve & Thirteen	NEW	NEW	2020-11-01	TREx Protected
Mark Eight	VERIFIED	NEW	2020-11-01	TREx Protected
Mark Nine	NEW	NEW	2020-11-01	TREx Protected
Mark Two	VERIFIED	VALID	2018-11-01	TREx Protected
Mark Twenty Two	INCORRECT	NEW	2018-11-01	TREx Protected
Mark Twenty One	VERIFIED	CORRECTED	2018-11-24	TREx Protected

The uploaded Proof of Use will be sent to the Trademark Clearinghouse for Proof of Use verification.

5. How to update the current Proof of Use from a verified trademark record with a valid Proof of Use

In case the current POU documents submitted no longer reflect the validity of the trademark, Trademark Holders/Agents can update their current POU documentation by following the next steps.

Note that only POU documents should be uploaded via the below explained functionality.

Select the trademark record in the 'Mark overview' with Proof of Use (POU) status 'VALID'.



After selecting the trademark record you will be directed to the Mark details page. You can then, navigate to the Proof of Use section by clicking on the expand/collapse button highlighted below in the red box.



Once extended, you can change the status of the Proof of Use from 'VALID' to 'INCORRECT' by clicking on the button 'Change POU status to incorrect', available under the status of the POU. Changing the POU status of your entry to 'INCORRECT' allows you to (re)submit documents demonstrating correct Proof of Use.

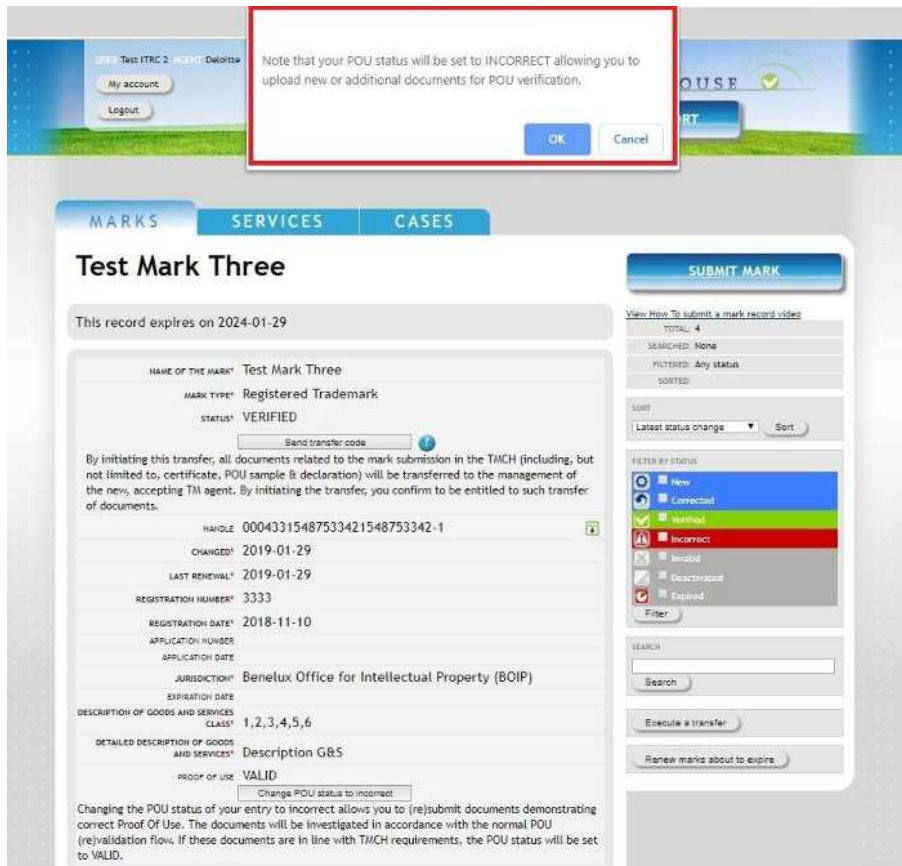


The screenshot shows the user interface for a trademark record. At the top, there is a navigation bar with 'MARKS', 'SERVICES', and 'CASES' tabs. The main heading is 'Test Mark Three'. Below this, there is a 'SUBMIT MARK' button. The record details include:

- NAME OF THE MARK: Test Mark Three
- MARK TYPE: Registered Trademark
- STATUS: VERIFIED
- HANDLE: 00043315487533421548753342-1
- CHANGED: 2019-01-29
- LAST RENEWAL: 2019-01-29
- REGISTRATION NUMBER: 3333
- REGISTRATION DATE: 2018-11-10
- JURISDICTION: Benelux Office for Intellectual Property (BOIP)
- DESCRIPTION OF GOODS AND SERVICES CLASS: 1,2,3,4,5,6
- DETAILED DESCRIPTION OF GOODS AND SERVICES: Description G&S
- PROOF OF USE: VALID

A red box highlights the 'PROOF OF USE' section, which contains the text: 'Changing the POU status of your entry to incorrect allows you to (re)submit documents demonstrating correct Proof Of Use. The documents will be investigated in accordance with the normal POU (re)validation flow. If these documents are in line with TMCH requirements, the POU status will be set to VALID.' Below this text is a button labeled 'Change POU status to incorrect'.

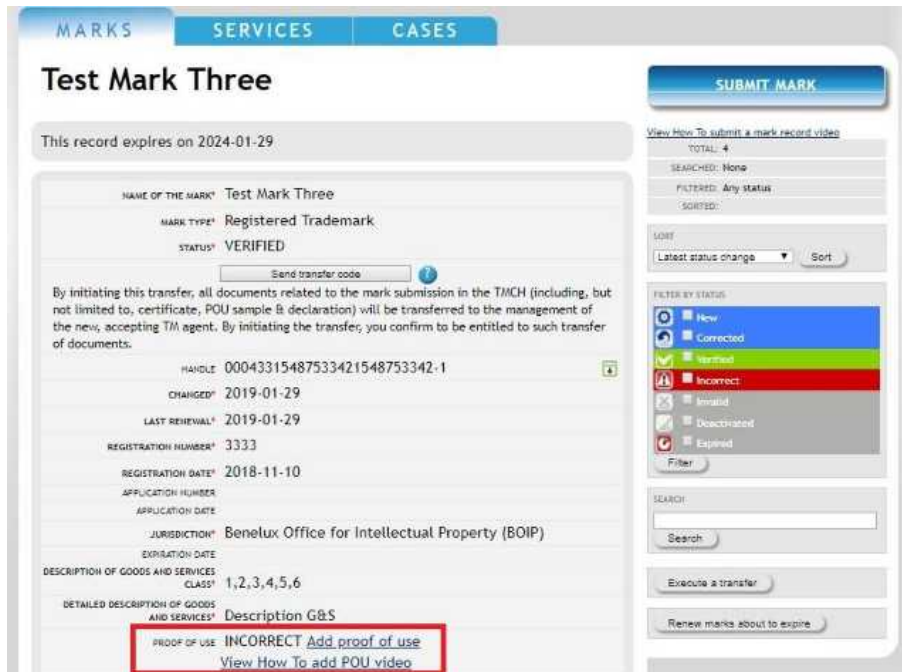
Click on 'Change POU status to incorrect'.



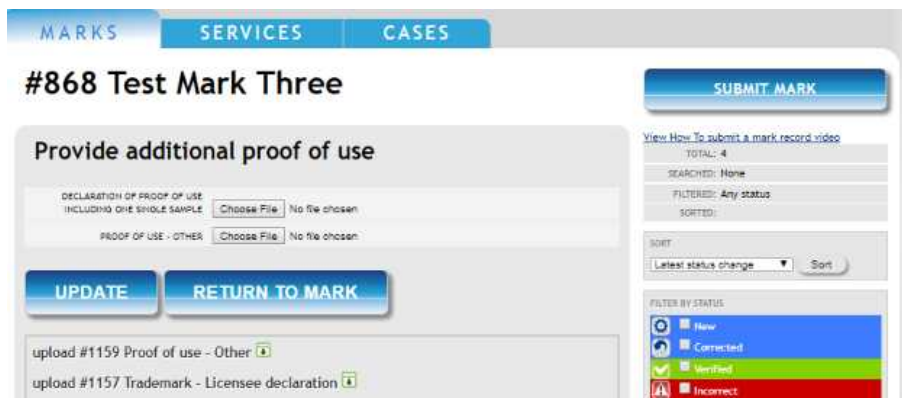
Press 'OK' to confirm the change of status⁵. The status of your POU has changed to 'INCORRECT'.

Navigate to the Proof of Use section by clicking on the expand/collapse button highlighted below in the red box. Click on 'Add proof of use' to correct the Proof of Use.

⁵ If you click on 'Cancel', you will cancel the operation. No changes will be made.



You will be redirected to the 'Edit' page of the POU of the trademark record.



Make sure to upload the correct documents. Click on the 'Choose File' button to upload the new POU documents.



After the new documents are selected, click on 'Update'⁶.



A pop-up message will appear asking confirmation for resubmitting the extra POU documents.



Press 'OK' (only if the correct documentation is uploaded) to upload the POU documents. Note that after clicking 'OK' you can no longer upload POU documents⁷.

⁶ You can choose to click on 'Return to mark', where you will go back to the 'Mark Overview' page. No POU will be uploaded.

⁷ If you click on 'Cancel', you will cancel the submission of the extra POU documents. No changes will be made.

The Proof of Use status of the trademark record will be changed into 'CORRECTED'.



The uploaded Proof of Use will be sent to the Trademark Clearinghouse for Proof of Use verification.

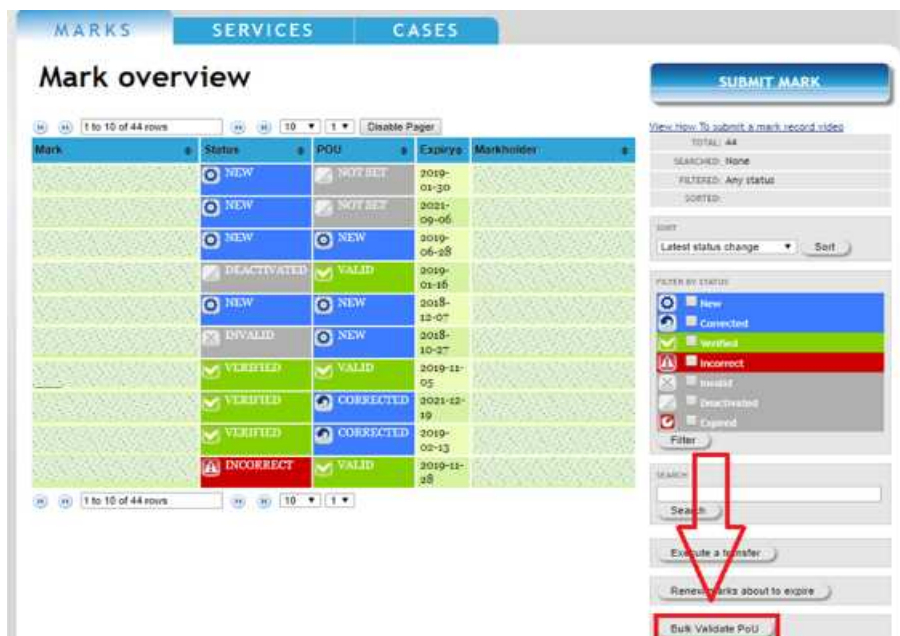
6. How to update the current Proof of Use from a verified trademark record with an expired Proof of Use

As per the ICANN requirements, an update on the POU documentation is required once every five years. Please note that if no action was taken 60 days after the POU expiry date, the POU status automatically changed to 'EXPIRED' and the associated SMD file was revoked. Therefore, the Sunrise services can no longer be used for this trademark until the Proof of Use is valid again.

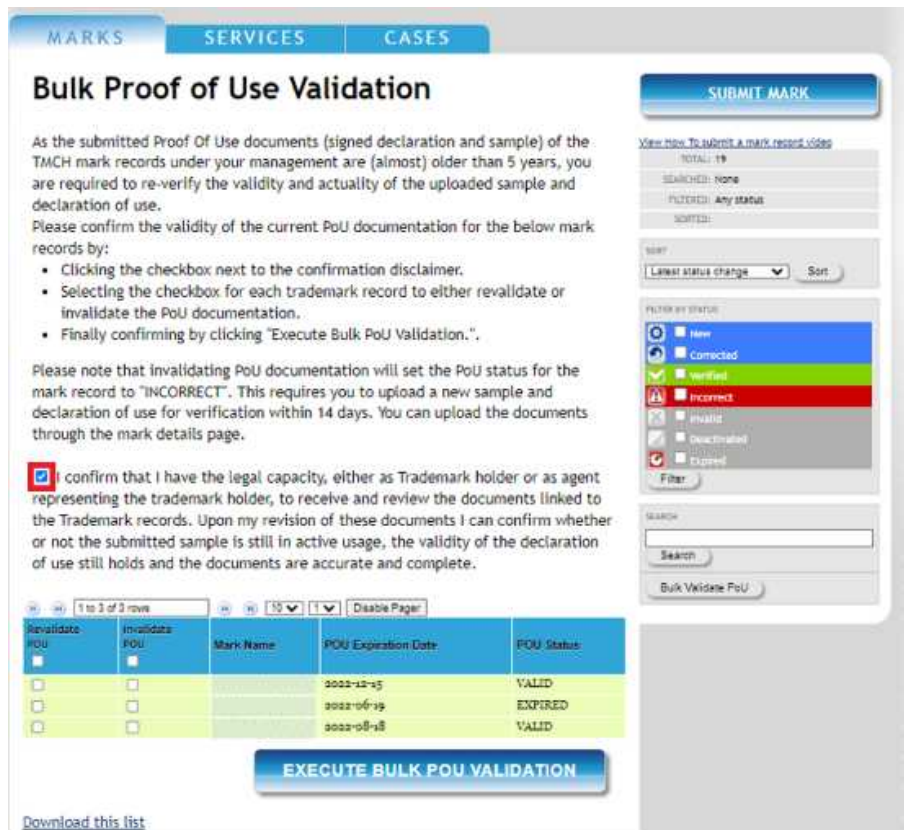
In case the current POU documents submitted no longer reflect the validity of the trademark, Trademark Holders/Agents can update their current POU documentation by following the next steps.

Invalidate the POU documentation via the 'bulk POU revalidation' page. Note that invalidating POU documentation will set the POU status for this trademark record to 'INCORRECT'. This requires you to upload a new sample and declaration of use for verification within 14 days after which the status of the mark will also be impacted.

When logged in to the TMCH web portal, you can access the 'bulk POU revalidation' page by clicking on the 'Bulk validate POU' button on the right pane of the 'Mark overview' page:



Accept the T&C.⁸



Bulk Proof of Use Validation

As the submitted Proof Of Use documents (signed declaration and sample) of the TMCH mark records under your management are (almost) older than 5 years, you are required to re-verify the validity and actuality of the uploaded sample and declaration of use.

Please confirm the validity of the current PoU documentation for the below mark records by:

- Clicking the checkbox next to the confirmation disclaimer.
- Selecting the checkbox for each trademark record to either revalidate or invalidate the PoU documentation.
- Finally confirming by clicking "Execute Bulk PoU Validation."

Please note that invalidating PoU documentation will set the PoU status for the mark record to "INCORRECT". This requires you to upload a new sample and declaration of use for verification within 14 days. You can upload the documents through the mark details page.

I confirm that I have the legal capacity, either as Trademark holder or as agent representing the trademark holder, to receive and review the documents linked to the Trademark records. Upon my revision of these documents I can confirm whether or not the submitted sample is still in active usage, the validity of the declaration of use still holds and the documents are accurate and complete.

Revalidate PoU	Invalidate PoU	Mark Name	POU Expiration Date	POU Status
<input type="checkbox"/>	<input type="checkbox"/>		2022-12-15	VALID
<input type="checkbox"/>	<input type="checkbox"/>		2022-06-19	EXPIRED
<input type="checkbox"/>	<input type="checkbox"/>		2022-08-18	VALID

EXECUTE BULK POU VALIDATION

[Download this list](#)

Select the checkbox related to the trademark record for which the POU documentation needs to be updated.



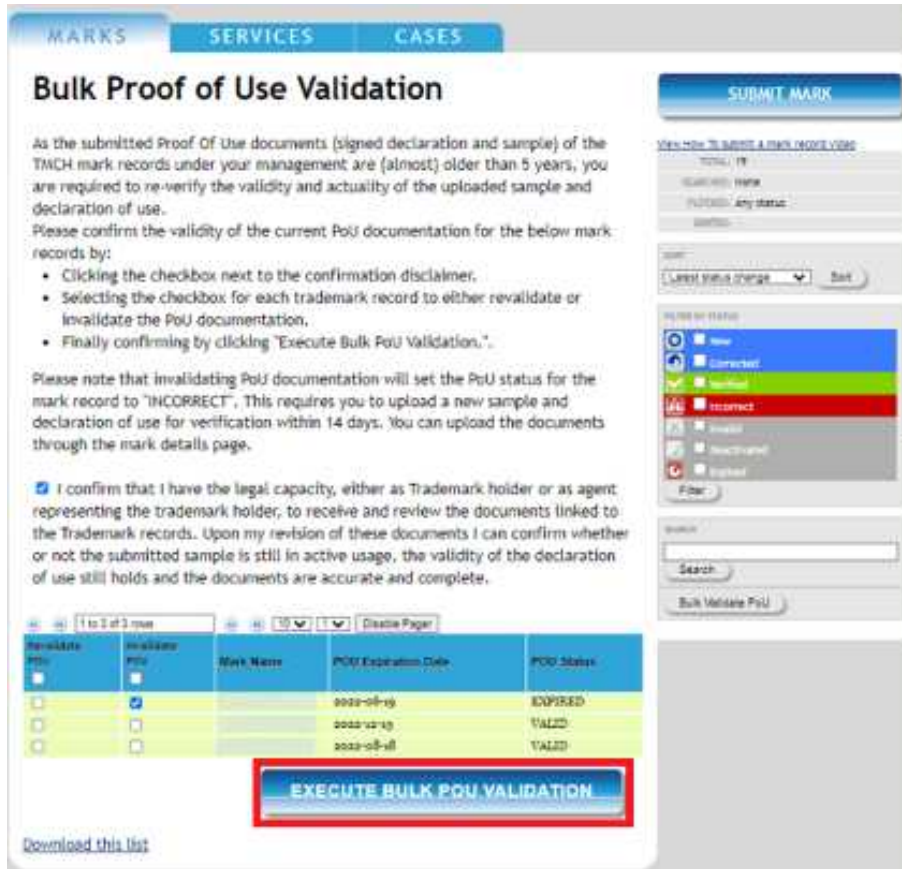
Revalidate PoU	Invalidate PoU	Mark Name	POU Expiration Date	POU Status
<input type="checkbox"/>	<input checked="" type="checkbox"/>		2022-06-19	EXPIRED
<input type="checkbox"/>	<input type="checkbox"/>		2022-12-15	VALID
<input type="checkbox"/>	<input type="checkbox"/>		2022-08-18	VALID

EXECUTE BULK POU VALIDATION

[Download this list](#)

⁸ In case you do not accept the T&C, the 'execute bulk POU validation' button will not be clickable and the POU process cannot be finalized.

Confirm by clicking the button "Execute Bulk POU Validation".



Bulk Proof of Use Validation

As the submitted Proof Of Use documents (signed declaration and sample) of the TMCH mark records under your management are (almost) older than 5 years, you are required to re-verify the validity and actuality of the uploaded sample and declaration of use.

Please confirm the validity of the current PoU documentation for the below mark records by:

- Clicking the checkbox next to the confirmation disclaimer.
- Selecting the checkbox for each trademark record to either revalidate or invalidate the PoU documentation.
- Finally confirming by clicking "Execute Bulk PoU Validation".

Please note that invalidating PoU documentation will set the PoU status for the mark record to "INCORRECT". This requires you to upload a new sample and declaration of use for verification within 14 days. You can upload the documents through the mark details page.

I confirm that I have the legal capacity, either as Trademark holder or as agent representing the trademark holder, to receive and review the documents linked to the Trademark records. Upon my revision of these documents I can confirm whether or not the submitted sample is still in active usage, the validity of the declaration of use still holds and the documents are accurate and complete.

Re-validate POU	Invalidate POU	Mark Name	POU Expiration Date	POU Status
<input type="checkbox"/>	<input checked="" type="checkbox"/>		2022-08-19	EXPIRED
<input type="checkbox"/>	<input type="checkbox"/>		2022-08-19	VALID
<input type="checkbox"/>	<input type="checkbox"/>		2022-08-18	VALID

EXECUTE BULK POU VALIDATION

[Download this list](#)

Once confirmed, you will be redirected to the 'Mark overview' page and the POU status of the trademark record is now set to 'INCORRECT' which allows you to update the POU documentation. To update the POU documentation, please follow the steps in section 4: [How to update the current Proof of Use from a verified trademark record with an incorrect Proof of Use](#)