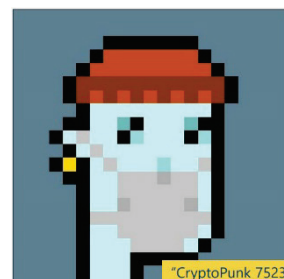


Registering trademarks for newer technologies: NFTs, blockchain, cryptocurrency, and virtual goods

Non-fungible tokens (NFTs)

What is an NFT?

- A piece of data locked to one specific digital or physical item
- Exists on, and is tracked on, a blockchain
- Similar to a certificate of authenticity or ownership
- Not a good or service



Examples of acceptable identifications involving NFTs

- “Downloadable image files containing trading cards authenticated by non-fungible tokens (NFTs),” in Class 9
- “Digital collectibles in the nature of downloadable multimedia files containing artwork in the field of Native American culture authenticated by non-fungible tokens (NFTs),” in Class 9
- “Sneakers authenticated by non-fungible tokens (NFTs),” in Class 25
- “Provision of an online marketplace for buyers and sellers of downloadable digital art images authenticated by non-fungible tokens (NFTs),” in Class 35

Practice tips

- An ID must specify the nature of the goods being authenticated by the NFTs, or the services involving NFTs, using wording that is definite and limited to a single class.
- For more information on electronic point-of-sale displays as specimens, see [TMEP §904.03\(i\)](#).

Blockchain

What is a blockchain?

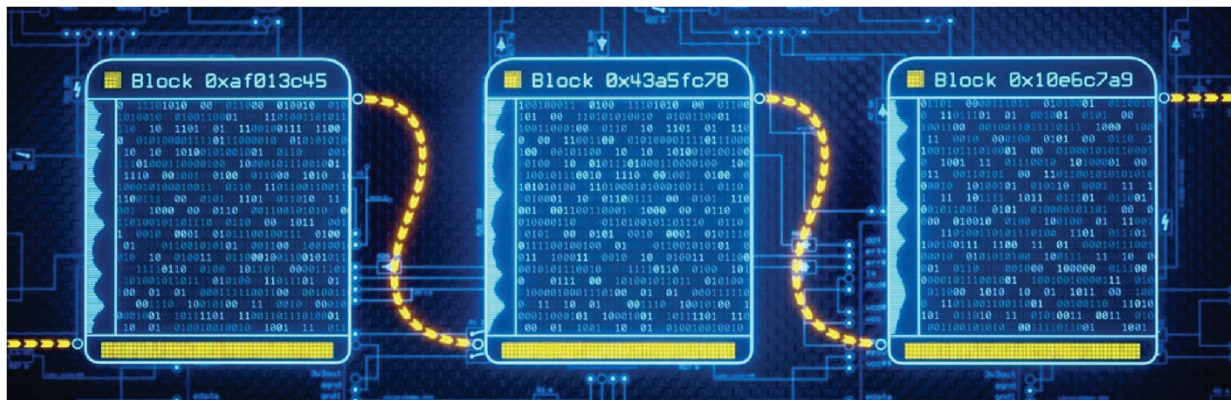
- A ledger of transactions that is digital, distributed, and encrypted
- Not a good or service
- Typically, a feature of goods or services, or the means of rendering services

Examples of acceptable identifications including blockchain

- “Downloadable software for blockchain-based inventory management,” in Class 9
- “Maintaining patient medical records using blockchain technology,” in Class 35
- “Blockchain-based payment verification services,” in Class 36
- “Providing user authentication services using blockchain-based software technology for cryptocurrency transactions,” in Class 42

Practice tips

- Blockchain can be mentioned in the field or subject matter of otherwise definite services.
- Blockchain can be mentioned when describing the function of software goods or services, i.e., the action that the software performs.
- For more information on specimens of use for service marks, see [TMEP § 1301.04](#).



Cryptocurrency

What is cryptocurrency?

- A fungible, digital medium of exchange that exists on, and is tracked on, a blockchain
- Not a good or service

Examples of acceptable identifications involving cryptocurrency

- “Cryptocurrency hardware wallets,” in Class 9
- “Cryptocurrency exchange services,” in Class 36
- “Rental of computer hardware for cryptocurrency mining,” in Class 42
- “Electronic storage of cryptocurrency for others,” in Class 42
- “Providing legal information in the field of cryptocurrency,” in Class 45



Practice tips

- Cryptocurrency can be mentioned as part of the field or subject matter of otherwise definite services.
- Cryptocurrency can be mentioned when describing the function of software goods or services, i.e., the action that the software performs.
- Financial services involving cryptocurrency must be definite and limited to Class 36.

Virtual goods and online retail store services featuring virtual goods

What are virtual goods?

- Digital objects for use in online virtual worlds, especially by avatars

Examples of acceptable identifications involving virtual goods

- “Downloadable virtual goods in the nature of image files of sunglasses, jewelry, and handbags for use in online virtual worlds,” in Class 9
- “Online retail store services rendered in a virtual environment featuring virtual goods, namely, furniture for use in online virtual worlds,” in Class 35
- “Entertainment services, namely, providing online, non-downloadable virtual boats and airplanes for use in virtual environments created for entertainment purposes,” in Class 41
- “Computer programming of virtual goods for use in virtual worlds,” in Class 42

Practice tips

- “Virtual goods” may be specified, for example, as downloadable image files in Class 9, or provision of online non-downloadable virtual goods in Class 41, if accurate, for classification purposes.
- Descriptions of virtual goods must indicate the type of goods.
- In describing any good or service involving virtual goods, be careful to avoid the common indefinite term “accessories.”
- Likelihood-of-confusion refusals for real versus virtual goods are based on evidence of commercial relatedness between the real and virtual goods, along with similarity of the marks.



RTFKT X Nike Dunk Genesis Cryptokicks sneaker

Image courtesy of fibre2fashion.com