
INTEROFFICE MEMORANDUM

To: Professor Scott

From: Allison Hendrix

Re: Kennedy Smith Intellectual Property Research

Date: March 12, 2026

Below is my preliminary research on trademark registration for Kennedy Smith's "Travel Made Easy" business. Broadly, I see two paths, depending on the client's preference: (i) Kennedy wants to use her first choice name, attempt a trademark, and would like us to simply take care of filing; or (ii) Kennedy would like more insight into the likelihood of trademark application approval as well as long-term legal defensibility of her business name and that trademark. For either path, there are a number of questions that will need answering before we can proceed. Please let me know if you'd like me to schedule a meeting with Kennedy or if there is a better next step.

SHORT ANSWER

Based on an initial search of the USPTO database, global records, and social media, the wordmark "Travel Made Easy" is currently available with no direct federal conflicts, but registration could face significant obstacles. Several third parties currently use the name under common law, which may limit the ability to enforce the mark, depending on geographical use. The name is also likely to face application refusal under Section 2(d) "likelihood of confusion," Section 2(e)(1) "descriptiveness" or "commonly used phrase."

Kennedy could explore common law use only, discussing risk/benefit of Supplemental versus Primary Register, and/or mitigating refusal risk by considering a more distinctive name or incorporating unique design elements (e.g., logo/font). If filing under any name, I'd recommend a tiered USPTO class strategy with an immediate focus on services over goods, to file at the earliest possible date while also managing the cost of application fees.

DETAILED ASSESSMENT

1. USPTO and COMMON LAW NAME AVAILABILITY:

Common Law Trademark: There are a number of companies using the "Travel Made Easy" business name, though as of my initial research, none in the Chicago area. This could allow Kennedy to simply use the business name without registering a trademark. Common law rights are geographical, but if any other company using the name has national reach, that company might have priority. Defending common law use is less certain than

defending a USPTO registration, but we could offer recommendations to make the use as strong as possible. Because there are a number of companies in other geographical regions using the name, it may be harder for Kennedy's application to be approved, or to avoid any disputes. (example: [this nearly identical business operating in GA and Miami](#)).

Business Name for USPTO Trademark: Kennedy's three preferred names, "Travel Made Easy," "Traveling Made Easy," and "Get Up and Go" are all available for registration. There are live variations, but any exact matches are dead or abandoned. Points to consider include:

- (a) Live TM variations on "[insert word] Travel Made Easy" (ex: Airport Travel Made Easy). This is a "crowded field," which could mean the name is more difficult to approve due to existing variations, and if approved, the scope of protection would be narrow. Need more research into whether adding a specific identifier would strengthen the application (ex, "Chicago Travel Made Easy").
- (b) "Travel Made Easy" has active trademarks in use in Australia and Canada. Assuming Kennedy plans to keep this business local or at least US-based, not likely a conflict.
- (c) "Traveling Made Easy" has no conflicting TMs.
- (d) "Get Up and Go" is available, but there are live variations that are phonetically almost identical (ex: "get up 'n go"), and the number of dead "Get Up and Go" TMs implies this is a common name for application/registration. This reduces likelihood of approval and may be more work to track or defend in the future.
- (e) Precise Name and Spacing: The intake form comments state that Kennedy has been using "TravelMadeEasy" letterhead, written *with no spaces between words*. Need to confirm her preference (and/or if this just a typing error). A standard wordmark would protect these words regardless of spacing or font, but the "compressed" mark has a small possibility of refuting the claim of "mere descriptiveness."

2. TYPE OF APPLICATION/USE: Common law, Use in Commerce, or Intent to Use

Common law: See #1 above, option as substitute for trademark, or as an intermediate step before trademark application.

USPTO Section 1(a) Use in Commerce versus Section 1(b) Intent to Use:

Filing under Intent to Use is likely Kennedy's best choice. Unless she's used the "TravelMadeEasy" letterhead and email address for documented sales, an Intent to Use application is safer as it only requires showing a bona fide intent to start commerce within the next three to four years. The application must provide a specimen of the trademark in use: a specimen for services (the housing and car rentals) could include an active website, advertisement or promotional materials, even a service vehicle showing the trademark (we would want to confirm stickers or decals on Kennedy's proposed rental cars would meet

this requirement). A specimen for goods would need to show the trademark actually in use, such as a label or tag attached to the goods, product containers or packaging, or a website displaying the trademark where such goods are being sold.

3. RISK ASSESSMENT: Registrability/Descriptiveness

This is our most complex area, should Kennedy prefer more detailed branding and long-term use guidance. In assessing USPTO [Possible Grounds for Refusal](#), the primary risks for "Travel Made Easy" as a wordmark are:

- (a) **Likelihood of Confusion, Section 2(d) (TMEP § 1207):** As noted in Section 1, there are a number of live third-party marks using variations of "Travel Made Easy," creating a crowded field. Even where no exact match exists, USPTO may refuse registration if the mark is likely to cause consumer confusion with an existing mark, considering factors including similarity of the marks, relatedness of the goods or services, and channels of trade.
- (b) **Mere Descriptiveness, Section 2(e)(1) (TMEP § 1209):** "Travel Made Easy" directly describes a feature or characteristic of Kennedy's services, that travel is made easy. USPTO may find the mark merely descriptive on its face, which would result in refusal of Primary Register placement. If deemed descriptive, the mark may be placed on the Supplemental Register, which would offer some protection but significantly less than Primary Register placement. Kennedy could also argue acquired distinctiveness over time, but this is a higher bar and would require evidence of long-term exclusive use.

Logo: Client intake states that a logo is being created. Adding a unique logo may strengthen her TM application and ability to defend the mark in the future. Ornamentation and subject-matter considerations under TMEP §1202 may also come into play here, particularly for the goods classes (tee shirts, mugs, bags) discussed below. Whether matter functions as a trademark rather than mere decoration depends on how it's displayed on the specimen (e.g., a small tag or label versus a large design printed across a shirt front), regardless of whether Kennedy ultimately files the wordmark alone or a composite mark with the logo. We should determine whether Kennedy would like to wait and trademark both the name and logo together. [More info on "drawings" here](#) (incl. how we would submit logo).

4. RECOMMENDED CLASSES & PRE-APPROVED DESCRIPTIONS:

As USPTO requires a base application fee per class, and Kennedy's ultimate business plan covers several classes, I'd recommend an application for services first with a later filing for goods. Because of the specimen requirement for both groups (see Section #2 above), she would need to show the trademark in use on actual goods at the time of application, but per intake she does not yet have those goods.

List of classes Kennedy has showed an intent to use:

SERVICE CLASSES:

- (a) CLASS 43—Hotels and restaurants: covers short-term housing rentals.
- (b) CLASS 39—Transportation and storage: covers short-term car rentals. The pre-approved ID manual listing should be checked carefully to make sure this class captures what model Kennedy ultimately uses here.
- (c) **(Not Recommended)** CLASS 35—Advertising and business: there could be argument for this class, if Kennedy plans to have an online store for her merch; however, USPTO seems to prefer this class for online marketplaces or boutiques, selling multiple brands. Best choice would likely be to cover the classes of the goods themselves and leave this out.

GOODS CLASSES:

- (d) CLASS 25—Clothing: covers tee shirts per intake, would cover other future apparel.
- (e) CLASS 21—Housewares and Glass: covers cups per intake, would cover other future items like branded mugs, water bottles, etc.
- (f) CLASS 18—Leather Goods: covers “travel bags” per intake; though listed as ‘leather goods,’ this is where printed bags, totes, backpacks, purses, etc, would fall.
- (g) CLASS 16—Paper Goods: covers stickers per intake, would cover future items like decals, notebooks, office supplies, pens, etc.

5. APPLICATION FEES: [FEE INFO PAGE](#) and [FEE SCHEDULE](#)

- **Base application fee, per class:** \$350.00, if using pre-approved [ID Manual descriptions](#) (if using free form text instead, additional \$200.00 charge per class).
- **Statement of Use:** If filing under Intent to Use, there will be a later fee of \$150.00 per class once the company has active commerce.

TOTAL: If using the ID Manual descriptions, application for the two services classes only (excluding Class 35) would be a base total of \$700.00. Application for the two services classes and four goods classes would be a base total of \$2,100.00 (if using pre-approved descriptions).

6. ILLINOIS TRADEMARK: Illinois registration is an option for a strictly local business, though likely insufficient given the interstate nature of travel and car rentals around Chicagoland. I’d recommend focusing on federal application unless budget is primary concern.

7. TIMELINE: Current USPTO wait times for an initial examining attorney [can be tracked here](#). As of their January 2026 update, the average is 4.5 months. This is important to note alongside an Intent to Use application, so that Kennedy can stake some claim in this approval line while actively building her business.