

Trademark Scams

This year I went through the process of filing trademark applications for my law firm's trademarks. Soon after I filed the applications, I started receiving all kinds of scam mail from companies claiming to publish international catalogues of trademarks and provide global trademark protection. I realized that all of my clients are receiving these scam mailings every time a new trademark application is filed with the United States Patent and Trademark Office.

So below is a list of scam mail that business owners have received and brought to my attention:

WTMR Catalogue 2018 (World Trademark Register) from Washington, D.C. These people claim there is a due date to pay a "registration fee of \$980. There is a warning buried in the verbiage stating, "THIS IS NOT A BILL. THIS IS A SOLICITATION. YOU ARE UNDER NO OBLIGATION TO PAY THE AMOUNT STATED ABOVE, UNLESS YOU ACCEPT THIS OFFER."

TM-Edition International Catalogue of Trademarks -2018 from Hungary demands \$2450 for registration costs and they only accept payment via a bank transfer. No checks accepted.

GloTrade s.r.o. Global Trademarks Protection from New York. These people want \$2890. This solicitation letter also states in very small writing "This offer is not an invoice but a solicitation without obligation to pay, unless our offer is accepted."

Trademark Edition International Catalogue of Trademarks 2018 from Hungary demands \$2050. No checks accepted. Payment only via bank transfer.

U.S. Trademark Compliance Office from Wilimington, Delaware demands \$495 to file with the US Customs and Border Protection but at the very bottom is very fine print it

states, "We are not affiliated with the United States Patent and Trademark Office(USPTO) and U.S. Customs and Border Protection (CBP) office."

Patent and Trademark Bureau in Philadelphia, PA. They reminded the trademark owner that the trademark was going to expire if the owner did not renew the trademark and wanted a \$925 filing fee plus an additional \$325 fee for each additional class of registration.

If you or a client receives any mail from these entities you should immediately throw them away. They do not provide any legitimate service that will benefit your trademark registrations or your business. The United States Patent and Trademark Office sends warnings with all of their Certificates of Registration that state: **Beware of potentially misleading offers and notices.**

All official correspondence about your registration will be from the "United States Patent and Trademark Office" in Alexandria, VA, and, if by email, from the domain "@uspto.gov." Our email reminders will direct you to make the necessary filings and pay the associated fees online through TEAS and will not request any fees by mail.

Private companies not associated with the USPTO often use trademark application and registration information from our databases to mail or email trademark-related offers and notices. These offers and notices may include legal services, trademark monitoring services, recording trademarks with U.S. Customs and Border Protection, and "registering" trademarks in a private registry. Most companies require "fees" to be paid.

These companies may have names similar to the USPTO. Their names may include the terms "United States," "U.S.," "Trademark," "Patent," "Registration," "Office," or "Agency." Some

companies attempt to make their offers and notices look like official government documents by using official government data publicly available from USPTO records.

SOME TIPS ON HOW TO IDENTIFY A TRADEMARK SCAM:

- Is the mail from a foreign country?
- Read the fine print does it state "this is not an invoice but a solicitation without an obligation to pay"?
- Does the mailing claim to be from or for an international publication?
- Are they claiming that there is an upcoming filing deadline and offering to provide a filing service for a fee?
- Is the mailing from someone other than the United States Patent and Trademark Office in Alexandria, Virginia?

I recommend you take a look at the USPTO website that lists the names of companies that scam trademark owners at www.uspto.gov/trademarks-getting-started/caution-misleading-notices. There is also a video on that webpage that offers great information on these types of scams and how to avoid them.

Scams are a good reason to have trademarks applications filed and managed by an experienced trademark lawyer who can screen out these types of fraudulent mailings. Often, I receive phone calls and/or emails from clients who have received questionable mailings relating to their trademark applications or registrations. I review the mailing and advise the client on the validity of the mailing. Usually the client claims they thought it was a scam but they wanted to make sure before they sent in payment. I wonder how many trademark owners fall for these scams and send in a payment. Don't get caught in the scam web! Be careful!



Marks Gray P.A. shareholder Crystal Broughan's practice focuses primarily on intellectual property matters such as trademarks, trade secrets, copyright infringement cases and domain name disputes. She prepares and files trademark and copyright applications, licensing agreements, non-compete and non-disclosure agreements for a wide variety of clients. In addition, she represents clients before the Trademark Trials and Appeals Board on trademark disputes and the World Intellectual Property Organization on domain name disputes. She can be reached at (904) 807-2180 or marksgray.com.