



Trademark Owners Beware - Take a Closer Look at the "Official" Notice

by Katie Koch

kkoch@dbllaw.com

Registering a trademark or service mark with the United States Patent and Trademark Office requires a hefty investment of resources. On average, the registration process takes 18 months and the legal fees involved are anything but nominal. But like any good investment, the return can be great. Building strong brand recognition helps your products and services stand out among competitors and can add significant value on the sale of your business or the divestment of a product or service line.

Logically, when the investment is large and there is the potential for a great return, you take all necessary steps to protect the investment. So, when a client receives an "OFFICIAL LETTER" from, for example, the Trademark Registration and Maintenance Agency notifying her of a past due notice that requires the payment of fees, I am never surprised to learn of the swiftness at which she wrote the check.

But take a closer look. The United States Patent and Trademark Office is the governmental entity tasked with registering and maintaining trademarks, not the Trademark Registration and Maintenance Agency. In fact, this "OFFICIAL LETTER" is nothing more than a solicitation by a private company. What the client thought were required fees due the United States Patent and Trademark Office were actually, well, not.

There are numerous companies that send similar correspondence to trademark owners in an attempt to convince the owners that fees are due in connection with their registered marks. These companies use names that sound very similar to the United States Patent and Trademark Office and use all of the relevant information contained in the trademark registration. Citations are made to applicable United States statutes and the letters are designed to look like official government correspondence. Most of these types of correspondence can only be described as intentionally deceptive.

So before writing that check, take a closer look at that "OFFICIAL LETTER" and call your attorney. We may be able to save you some money.