

Intellectual Property Law Blog

Don't Fall For It! Trademark Scams and Misleading Notices

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Once you submit your application to register a trademark with the U.S. Patent & Trademark Office (USPTO), the application becomes part of a public record. That means your name and contact information can be accessed by anyone searching the records of the USPTO. You can check out your own record here: <http://tsdr.uspto.gov/>.

There are several private entities that have made a business out of gathering that contact information and sending out fake or misleading invoices and notices relating to your trademark application or registration. These entities adopt official sounding names, such as “Trademark Compliance Center” or “World

Organization for Trademarks” or “International Patent & Trademark Agency.” The notices may warn you that there is an urgent upcoming deadline and that you must send them money right away in order to maintain your trademark rights (which is misleading). Or, the notices may offer you the opportunity to record your trademark with a private registry if you send them money right away (which is a scam).

Don't fall for it! These are not government agencies and you are not required to send them money for any reason.

All official correspondence from the USPTO will say “United States Patent and Trademark Office,” and all emails will be from the domain “@uspto.gov.” If Panitch Schwarze is listed as the attorneys of record for your application or registration, then all official correspondence from the USPTO will come to our office and we will report it to you.

The notices from these private entities often reference a real upcoming deadline. The notices are generally scheduled so that they are delivered to you few weeks or months before you would receive a notice directly from the USPTO or your attorney at Panitch Schwarze. While you are welcome to work with these private entities, we strongly advise against it. The USPTO reports that in March 2017, the operators of a private company called the Trademark Compliance Center were convicted of money laundering in a trademark renewal scam.

The USPTO has also issued a warning about these private entities and a list of known troublemakers is available here: <https://www.uspto.gov/trademarks-getting-started/caution-misleading-notices>.

Panitch Schwarze takes certain steps to protect our clients from these fake or misleading invoices and notices. In most cases, we omit your personal email address and phone number from the trademark application so that it is more difficult for these private entities to contact you directly. This prevents these notices from being delivered to you via email; it also explains why most of these notices are delivered via US Mail.

If you receive an email, phone call, or letter from anyone other than the USPTO or Panitch Schwarze asking you to send money in order to maintain your trademark rights, we strongly encourage you to bring it to our attention. In most cases, we will simply tell you to ignore it. In more egregious cases – for instance, if you are repeatedly targeted by a particular private entity – then we may recommend submitting a complaint to the USPTO and/or the Federal Trade Commission.

If you have any questions regarding your trademark application, contact one of the trademark attorneys at Panitch Schwarze at

888.291.5676.

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