

# THIS WAY FORWARD

## SMALL BUSINESS SOLUTIONS



### Beware of Trademark Notice Scams

>>> *Watch out for companies offering services – and demanding money – related to trademark application or registration.*

*By Joseph Agostino*

Scams are everywhere. They are prevalent online, including in seemingly reputable looking e-mails and on social media. As such, business's trademark properties are not immune to scams.

One of the most common scams that trademark owners face is the receipt of misleading notices from private companies offering trademark services relating to the owner's trademark application or registration filed with the United States Patent and Trademark Office. Applications and registrations are obtainable online, and these private companies collect and use this information to generate notices that are sent by traditional mail or e-mail.

For example, these companies' names look and sound like government agencies, and include official sounding terms such as "United States" or "U.S.," "World," "Data-

base," "Office," "Agency," or "Trademark." These terms mislead trademark owners into thinking these are official government notices, but are not. All official correspondence about a trademark application or registration will be addressed from the "United States Patent and Trademark Office." Official government e-mail communications will include the top level domain "@uspto.gov." If you use outside trademark counsel to prosecute your trademarks, then it typically receives all official notices and should relay them directly to you.

Another way to tell if a notice is a scam is that the notice seemingly

> If you receive one of these notices, **do not pay the fee!**

originates from a foreign address. It may also include bank wire instructions for making payments to a foreign bank. This should tip you off that the notice is, in all likelihood, a scam and that your money will disappear if you pay. Finally, the cost and payment amount listed in these notices are very high, usually at least a couple thousand dollars. In most circumstances, government fees are typically not that costly for conducting routine maintenance of your trademarks.

Finally, the scam notices will include information and upcoming deadlines about your trademark property. This information may or may not be accurate, so you are urged to not trust it. To ensure accuracy, you may check the United States Patent and Trademark Office online database directly or with your legal counsel.

If you receive one of these notices, do not pay the fee! You are not required to utilize the company's services. It is likely that such services are non-existent. If you are confident that your trademark properties are properly maintained, you may toss or delete these notices. If questions or doubts remain, check with competent trademark counsel, contact the Federal Trade Commission or your state's consumer protection agency. The United States Patent and Trademark Office maintains a list of examples of potentially misleading offers or notices at [www.uspto.gov](http://www.uspto.gov), for reference. **NJB**

#### About the Author

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