



This article presents general guidelines for Georgia nonprofit organizations and should not be construed as legal advice. Always consult an attorney to address your particular situation.

Beware of Trademark Scams

Applying for a trademark is a crucial step in solidifying and protecting your organization's hard work and reputation. However, when applying for a trademark, your address, email address, and other details of your registration are added to the public domain. This gives unethical companies the opportunity to flood your mailbox and your email with deceiving notices in an attempt to get you to pay for private trademark renewal services you do not need. **Please be aware that you are not required to pay for services through these private companies to renew a trademark registration.**

Here are some items you should be aware of when you are examining a notice that appears to be requesting a fee for renewing a trademark:

- **Official-looking Notices:** Companies send out official-looking notices, often with a combination of the words "U.S." "Patent" "Trademark" or "Agency" to trick consumers into thinking that the notice is from an official authority. If you are in doubt as to whether or not a notice is official, you should seek legal counsel prior to paying fees that may not actually be required.
- **Including Accurate Information:** In another attempt to hook the consumer, these notices often include accurate information, such as the fact that an upcoming renewal is required to maintain your active trademark. However, other information throughout the solicitation may be inaccurate.

You can check the true status of your trademark and any associated fees or deadlines yourself on the U.S. Patent and Trademark Office (USPTO) website at <http://tsdr.uspto.gov>.

Why is checking the status of my trademark important?

In addition to avoiding scams and paying unnecessary fees, there are other important reasons consistently to check your official trademark status. If you have a pending application, you should check the status of that application *at least* every six months. After your trademark has been registered, you should again check the status of your registration at least every six months after filing any post-registration documents. This is a simple step to confirm that your documentation has been received and assigned for processing.

How do I know what notifications *not* to ignore?

Any legitimate notices will either be mailed from the USPTO in Alexandria, Virginia or will come from the "@uspto.gov" domain. All other pieces of mail or emails are from private companies and you do not have to comply with them. The same issues arise with international trademarks as well. Visit www.wipo.int/pct/en/warning for more information and warning signs if you have filed for an international trademark.

Dated: 7/19/2018

www.pbpatl.org

© 2018 Pro Bono Partnership of Atlanta, Inc. All rights reserved.

What do I do if I receive one of these scams?

If after checking the status of your trademark on the USPTO website you are still unsure as to whether or not action is truly required, seek legal counsel prior to paying additional fees or signing up for services that are likely unnecessary.

In addition, if you receive a notice that believe to be a scam, you may choose file a complaint with the Federal Trade Commission (“FTC”) or the state consumer protection authority.

State consumer protection authorities may be able to take steps to help you with your individual situation, by issuing subpoenas or filing complaints against companies targeting state residents. To file a complaint with the Georgia Department of Law Consumer Protection Unit, follow the steps provided here: <http://consumer.georgia.gov/consumer-services/filing-a-complaint>.

Although the FTC will not be able to assist in resolving your individual case, if they receive multiple complaints about the same organization, they will be able to investigate the organization on a larger scale. Complaints can be filed at www.ftc.gov/complaint.

Trademark Scam Checklist:

- Official notices regarding your trademark will be sent from the U.S. Patent and Trademark Office in Alexandria, Virginia, or from the “@uspto.gov” domain.
- If you are unsure whether or not a notice you have received is legitimate, you can check all information pertaining to your trademark at <http://tsdr.uspto.gov>.
- Additionally, if you are unsure if a notice truly requires action or payment, contact your PBPA attorney for guidance before paying a potentially unnecessary fee.

Dated: 7/19/2018

www.pbpatl.org

© 2018 Pro Bono Partnership of Atlanta, Inc. All rights reserved.