

NIESAR & VESTAL LLP

Law Alert

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United States Patent and Trademark Office Issues Scam Alert

The United States Patent and Trademark Office (USPTO) previously issued an alert warning the public about trademark-related scams. Because these scams have increased exponentially in the time since the USPTO's original warning, we thought it would be worthwhile to circulate a reminder. The crux of these scams is simple, even if the tactics may be advanced: scammers are misrepresenting themselves as private companies or government agencies and requesting fees from trademark applicants and registrants.

While many legitimate private companies offer services to trademark applicants and registrants, scammers are employing the language and formatting aesthetic of these companies, in addition to that of the USPTO itself, making it difficult to distinguish between legitimate services and scams. The USPTO emphasizes that it is never necessary to use these outside services, whether legitimate or illegitimate. Also, please be aware that the USPTO never requires fees in advance as part of its trademark processes.

Scammers are mining USPTO databases for material to include in solicitations. With access to these databases, scammers are able to include real information about a particular trademark or registration. For example, trademark owners with impending renewal filings make for prime targets. The alert offers numerous examples of what these fraudulent solicitations look like, including examples from both within the U.S. and received from overseas.

If you suspect a solicitation is a scam, the USPTO recommends filing a consumer complaint with the FTC as soon as possible. It also suggests contacting your state's consumer protection authorities; most states have the authority to issue investigative subpoenas and file complaints against companies in response to the illegitimate solicitation of trademark services.

We advise our clients that a good rule of thumb is that if the communication does not come from us, you should assume it is a scam. Do not respond to the solicitation. Just send a copy to us to check.

If you have any questions about this type of scam or the USPTO alert, please contact Jay Begler at Jbegler@nvlawllp.com.

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