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Official-Appearing IP Notices Raise Warning Flags

By Michael M. Ratoza

Don't be fooled – protect your IP

Periodically, some of our clients have reported receiving official-appearing notices that raise concerns about their IP. One type of notice purports to come from a registrar of Asian country code domain names (TLDs), including .cn and .hk. These notices suggest that a third party has applied to the Asian domain registrar to register a domain containing our client's trademark.

The notices seek to create a sense of urgency and concern, and may imply that our client could lose trademark rights unless it first registers – for a fee – Asian TLDs based on its trademark. Usually, these notices originate from a fee-based domain name registration service, and not from an official domain name registrar. Often, these notices are nothing but marketing devices employing fear to drive fee-based domain name registration.

A second type of notice relates to our clients' U.S. trademark maintenance. Some clients receive an official-appearing trademark notice raising a concern about upcoming trademark maintenance filings. The notice offers trademark monitoring and filing services for a fee. These trademark maintenance notices have created such a stir around the country that the U.S. Patent & Trademark Office has posted a warning on its website concerning these notices. The PTO advises that it does not provide fee-based trademark monitoring and maintenance filing services, and that these official-appearing notices do not originate from the PTO.

Should you receive a notice relating to domain name services or trademark monitoring and filing services, contact the IP Group of Bullivant Houser Bailey for assistance. Protect your IP and do not become a victim.