

## International reports

### A rose by any other name?

**Baker Donelson - USA**

**Micheline Kelly Johnson**

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The business of sending solicitation 'roses' to trademark applicants and registrants is booming. Scammers are typically private companies without US Patent and Trademark Office (USPTO) endorsement. While many scammers simply pocket the money and run, others perform the advertised services, but charge extortionate fees (which are mistaken for USPTO charges). This is particularly common in large companies which simply process invoices with minimal review.

Scammers use trademark application and registration information from USPTO databases to mail or email trademark-related solicitations to applicants and registrants. While solicitations may contain accurate information relating to filing requirements, brand owners need not use these companies' services (eg, legal services and filing assistance). Some services may be legitimate (eg, assistance in responding to an office action), but others will not (eg, offering to record trademarks in a private registry).

All official correspondence regarding a trademark application or registration is issued by the USPTO (based in Alexandria, Virginia) and all emails are sent from an @uspto.gov email address. Mail recipients should not be misled by company names which sound like government agencies or offers that contain government data (eg, terms like 'United States Trademark Patent Registration Office' (or agency) and references to sections of the US Code).

On receipt of a misleading trademark offer or notice:

- the envelope (required to prove mail fraud) and the offer or notice should be retained; and
- a consumer complaint should be filed with the Federal Trade Commission immediately.

The USPTO is working closely with the Federal Trade Commission, the Department of Justice and the United States Postal Inspection Service to tackle this issue. The Federal Trade Commission initiates investigations and prosecutions based on the number of complaints it receives about a particular company. For example, in March 2017 the operators of a private company, the Trademark Compliance Centre, were convicted of money laundering in a trademark renewal scam.

State consumer protection authorities may also be contacted. Many (if not all) states are empowered to issue investigative subpoenas and file complaints against companies that are engaged in misleading practices which target state residents.

Among others, the following scammers are known to the USPTO and listed on its website:

- Brand Registration Office (Trademark Selection Edition) (Washington DC);
- GBO Inc, Trademark and Patent Dep (Miami, Florida);
- Intellectual Property Services USA Incorporated (Alexandria, Virginia);
- IOPR – Intellectual Office Property Register (Beaverton, Oregon);
- PTMA Patent and Trademark Association (New York, New York);
- Patent & Trademark Agency (New York, New York);
- Patent & Trademark Bureau (Philadelphia, Pennsylvania);
- Patent & Trademark Office (299 Park Avenue, New York, New York);
- Patent & Trademark Office (555 Madison Avenue, New York, New York);
- Patent & Trademark Office (Jersey City, New Jersey);
- Patent & Trademark Resource Center (Seattle, Woodinville and Bothell, Washington); and
- Patent and Trademark Organization (New York, New York).

### For further information please contact:

Micheline Kelly Johnson

Baker Donelson

[www.bakerdonelson.com](http://www.bakerdonelson.com)

Email: [mjohnson@bakerdonelson.com](mailto:mjohnson@bakerdonelson.com)

Tel: +1 423 756 2010



**Micheline Kelly Johnson**

**BAKER  
DONELSON**



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