

## **International Trademark Association Statement on Fraudulent Solicitation Notices USPTO Roundtable - July 26, 2017**

Good afternoon. My name is Patrick Flaherty and I serve as Verizon's intellectual property counsel. I am appearing today on behalf of the International Trademark Association (INTA) in a volunteer capacity.

INTA is a global association of trademark owners from businesses of all sizes. We are dedicated to supporting trademarks and related intellectual property in order to protect consumers and to promote fair and effective commerce. INTA undertakes advocacy work throughout the world to advance trademarks and offers educational programs and informational resources. INTA members include more than 7,000 organizations from 190 different countries and more than 30,000 individual members worldwide. Our headquarters are in New York and we have offices in Brussels, Santiago, Shanghai, Singapore and Washington, D.C. in addition to representatives in Geneva and New Delhi. While INTA is global, the largest segment of our membership is from the US—more than 14,000 individual members and more than 3,000 organizations.

Trademark owners and their representatives around the world have been receiving an increasing number of fraudulent notices claiming to be from or sent on behalf of government trademark offices. These seemingly realistic letters demand unnecessary payment for services or to maintain registrations. The services they offer often are unnecessary or duplicate the services provided by the government trademark office. In other situations, the mailing may offer what might otherwise be a legitimate service (such as a trademark watch service), but under false pretenses (for example by using a name, such as "United States Trademark Office," that sounds like an official government agency). The mailings are often directed to business or accounting offices, rather than legal departments. Staff that receive them believe this is a bill that must be paid to keep the application in progress or to maintain their registration. It is only when they consult with their legal counsel that they understand that the bills are not legitimate. It would not be surprising, therefore, to know that small businesses without in-house trademark counsel pay these fraudulent notices.

Government Trademark offices are working to inform users of this trend and to help them avoid falling for such scams. INTA applauds the USPTO's effort to post clear warnings that include names of known perpetrating entities and examples of these fraudulent letters. However, this is not an exhaustive list, as the entities change their names from time to time and new entities emerge to engage in this practice. It is clear that additional action needs to be taken in order to combat these deceptive and illegal practices. We hope that the United States government agencies will work

together within their mandates and with their stakeholders to actively combat this problem. INTA would be interested in participating in any way to assist in these efforts.

INTA appreciates the opportunity to speak this afternoon about this very important issue that affects businesses and the consumers they serve. Thank you for organizing this timely roundtable discussion.