

*An open letter to clients:*

A U.S. trademark registration is a valuable asset. Let me explain.

A trademark is used to help potential customers distinguish between you and your competition. You have a valuable trademark. A trademark is a word, logo, shape, sound, symbol, or other method to uniquely identify a product or service. Due to the trademark, potential customers and customers more easily remember your name and this creates new sales, repeat sales, and more profitable sales.

Why is it advisable to seek a U.S. federal trademark registration? Primarily to stop competitors from trying to look like you - by using your name and trade identifiers and thereby confusing potential and actual customers. This diverts sales from you.

Specifically, the benefits of registration are:

- You can stop infringers anywhere in the US; this is not true without a registration.
- You can use the ®.
- The registration acts as notice to potential copiers.
- You must have a registration to stop counterfeiters.
- You have additional rights for domain name protection only granted to a registration.
- Twitter and other online companies will take down conflicting trademarks but only if yours is registered.
- A registered trademark is presumed valid by law.
- The registration significantly strengthens your ability to stop imitators by giving you greater rights, enhanced damages and limiting the legal defenses of companies copying your mark. These rights scare off many copycats before they copy you.
- You are entitled to be paid up to triple the infringers' lost profits in the event of willful infringement.
- You are entitled to be paid your attorney's fees in the event of willful infringement.
- After 5 years of being registered, the trademark becomes "incontestable" under law. This is valuable and a great advantage.
- U.S. Customs and Border Protection will prevent importation of infringing goods from foreign countries – but only if you have a registration. However, we must record our mark with them.
- The registration is listed in the searchable worldwide and U.S. Patent and Trademark Office online databases.
- The federal registration triumphs over any conflicting, prior state registration.

You will be much more likely to stop a trademark infringer if you have a U.S. trademark registration. I have seen this time and again. After a trademark infringer is told of a federal registration they often give up quickly.

We wish you the best of luck with your business!

Cordially,



Charles B. Brown  
Principal