

Problems Solved & Avoided

How to Best Maintain Your Valuable Trademark Rights

Once you've developed your brand, steps must be taken to maintain your valuable trademark rights. Trademarks can be lost, or the value of your trademark rights can be diminished, if minimum steps are not followed.

First, make certain that everyone in your organization uses your trademarks correctly. Trademarks are adjectives, not nouns or verbs. Here are some examples to illustrate this point:

Improper: Make me a Xerox®.
 Xerox® this for me.

Proper: The Xerox® machine needs paper.

When trademarks are mis-used, over time the rights to enforce the trademarks against infringement by others can be lost.

Second, make certain that you register your important trademarks with the U.S. Patent and Trademark Office. Registration affords significant benefit – as your trademark rights will be presumed valid throughout the entire United States. And, after a trademark has been registered for five or more years, it can attain incontestable status, making your rights in the trademark even more secure.

Third, make certain that you police your important trademarks. Are your competitors using your trademarks without your permission to sell their competing products? Are your customers using your trademarks without your permission? Are your trademarks being used by others in a manner that will harm your company or the product's reputation? Have others tried to register trademarks that are confusingly similar or just too close to yours? If you permit others to use your trademarks without your authorization, you risk losing, or diminishing the value of, your trademarks.

Let Panitch Schwarze intellectual property attorneys help you develop strong brands, register and maintain your trademark rights and implement a watch for your important trademarks.

To learn more about how Panitch Schwarze Belisario & Nadel LLP intellectual property lawyers can help you, [contact us](#).