

CLIENT ALERT

Expect Increased Scrutiny from the USPTO Regarding Trademark Use Claims

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Trademark applicants and registrants may experience increased scrutiny of their trademark use claims in light of the results of a recent Pilot Program, conducted by the United States Patent and Trademark Office (USPTO), showing that *fifty percent (50%) of approximately 500 randomly selected registrants could not support the claims made in previously filed Declarations of Use*. See USPTO [Report](#). Each selected registrant had been asked to submit specimens showing use for two additional goods or services per class in addition to the specimen already submitted with the Declaration.

The USPTO is continuing to study the matter and it is unclear what formal actions it ultimately will take. It is clear the USPTO believes this is a problem that needs to be addressed. The USPTO has stated it may conduct other similar audits and there is nothing to prevent it from auditing applications as well. Trademark owners should exercise extra care to insure that a mark is in use for all goods and services listed in an application or registration before filing a Declaration of Use or Statement of Use.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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