

Presented by

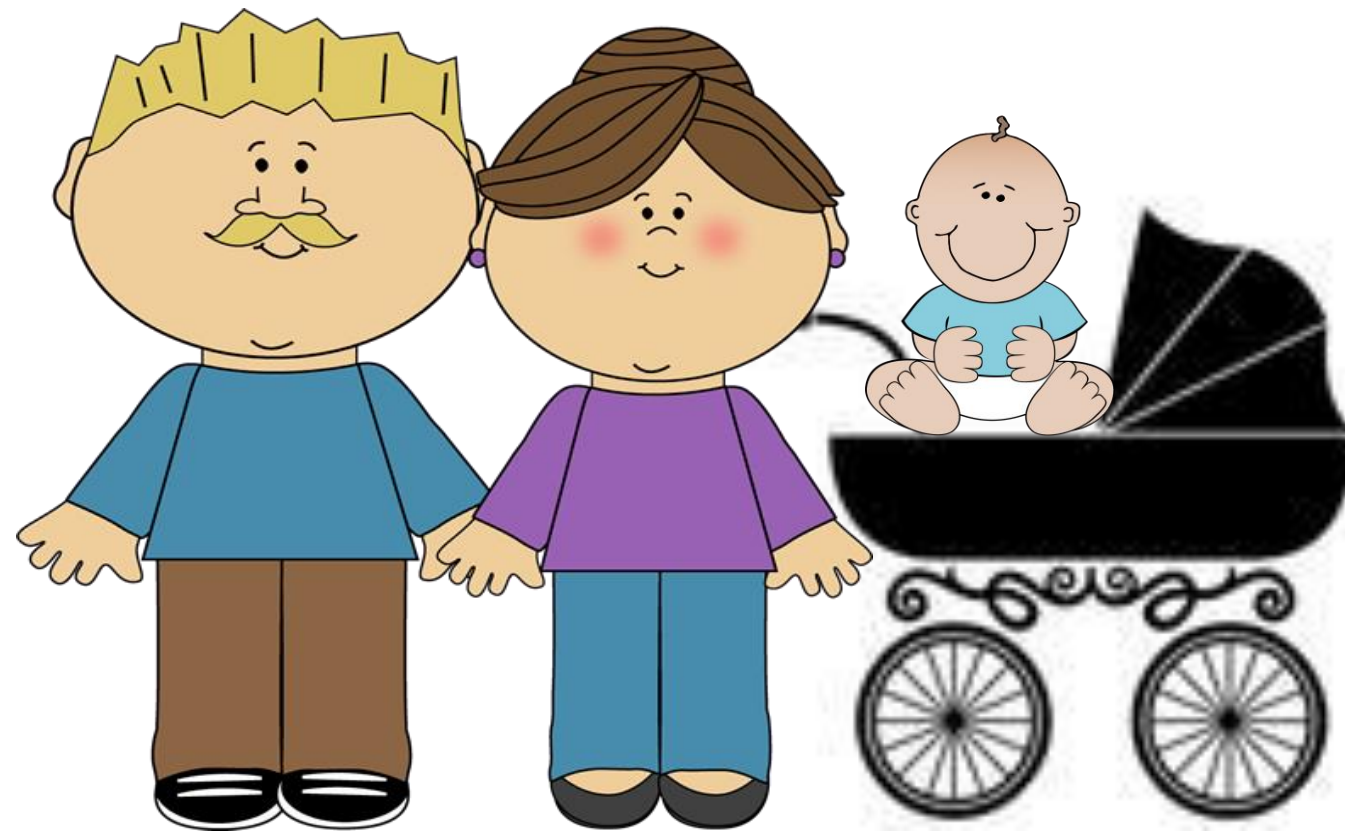


witmart.com
International Business Services

A vibrant, stylized city street scene at night, likely Times Square in New York City. The image is dominated by a color palette of deep blues, purples, and oranges. Numerous digital billboards and signs are visible, including "milestones CHILL + BAR", "WINNERS", "adidas", "CINE-LEX", and "WELCOME TO TIMES". Pedestrians are seen walking on the sidewalks, some holding umbrellas, and a silver taxi is visible in the foreground. The overall atmosphere is one of a busy, illuminated urban environment.

Trademark Rearing Life After U.S. Registration

How to be a *responsible* “parent”



First steps...

✓ Keep using your trademark!

✗ **NEGLECT** and **NO PROOF** ↪

Evidence of
Abandonment





- Protect your trademark from *revocation*
- Cancelled for reasons it could have failed to register initially

WHY would it register in the first place?

Make sure your application is as **solid** as possible



After your *fifth* birthday, the grounds for cancellation are:



- 01 Your mark has become generic
- 02 Your mark is functional
- 03 Your trademark hasn't been used for a long time



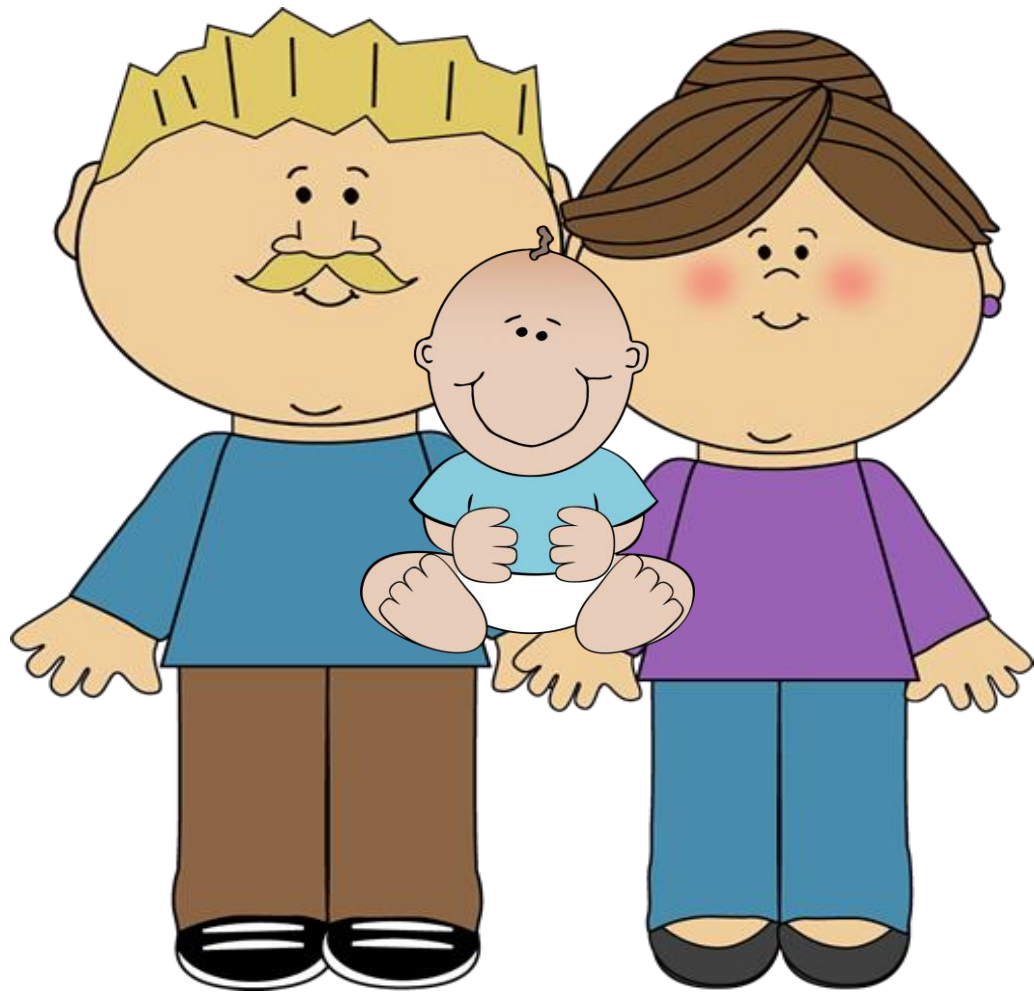
Your application was *fraudulent, deceptive, immoral, comprises of a name*

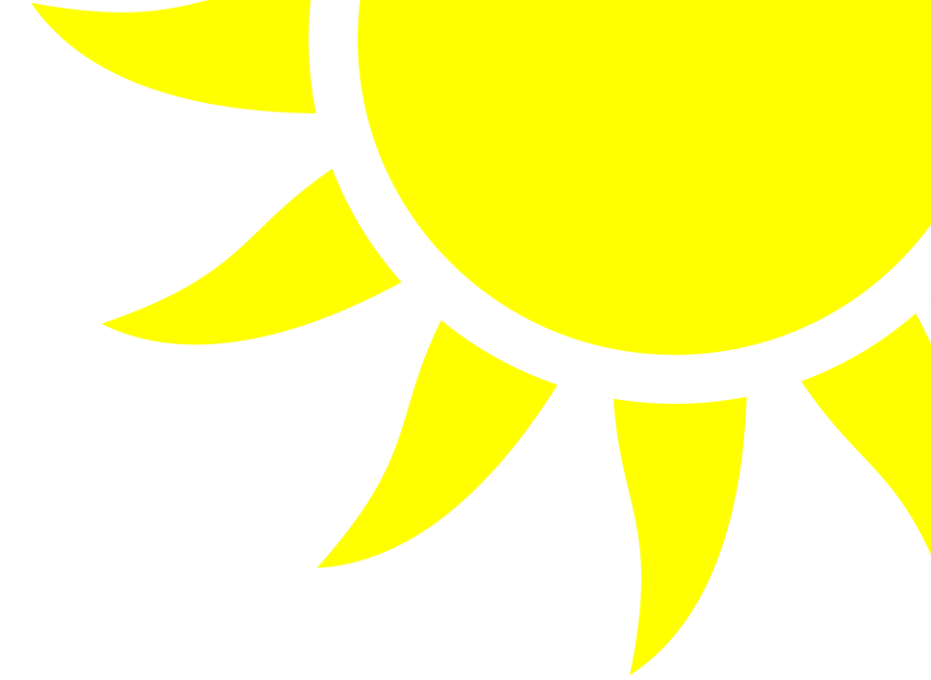
If there is an *issue*:

- The other party will file a petition for cancellation with the TTAB
- Must be signed by petitioner or legal representation
- Must send a fair notice of filing



Your trademark has been **CANCELLED**





You have **60 days** from the time of cancellation to appeal the decision

The other party has **20 days** to get the decision reexamined



Make sure you work with **Witmart** in the first place



Protect your trademark



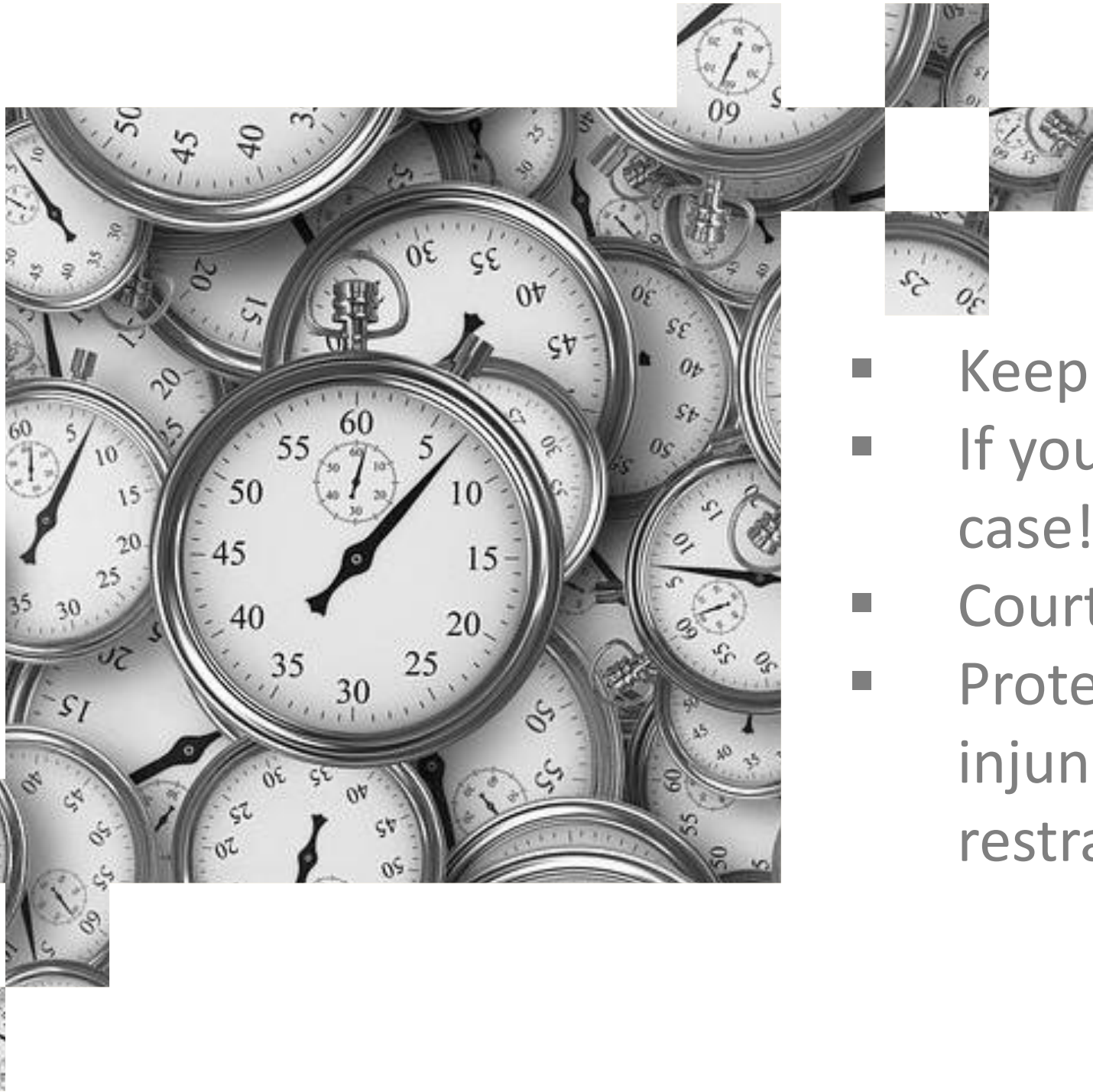
Prove that:

1. You're the bona fide holder of your trademark
2. Other party uses the trademark in sale...
3. Their trademark can be confused with yours
4. Confusion/infringement is damaging to your business

If you are successful:

- You'll receive *injunctive* relief and
- Monetary relief:
 - Repayment of losses
 - Profit made by defendant using infringing mark
 - Court costs
 - Corrective advertising





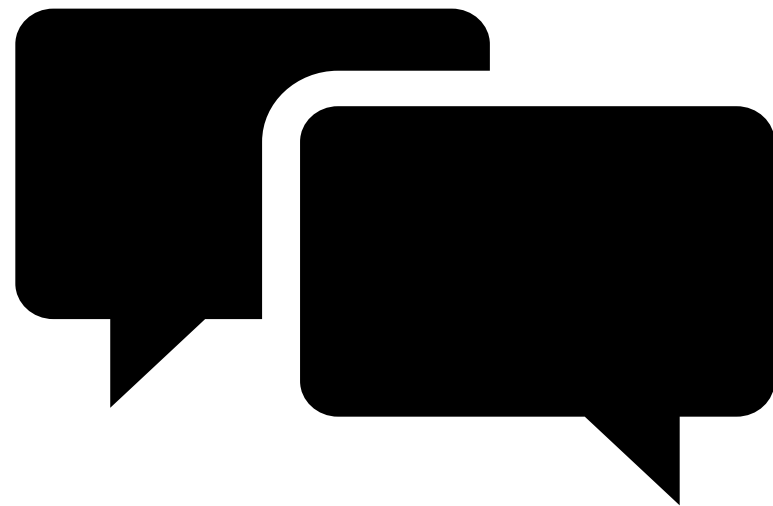
- Keep an eye on the timings!
- If you're guilty of laches, you could lose the case!
- Court proceedings are very time-consuming
- Protect yourself by filing for a preliminary injunction or in urgent situations, a temporary restraining order

Your defenses include...

- 01 Laches**
Unreasonable delay of the plaintiff in filing the lawsuit
- 02 Unclean hands**
Prove the plaintiff has acted inequitably or illegally
- 03 Fair use**
Plaintiff's trademarks are functional and descriptive
- 04 Amendment Free Speech**
Argue against likelihood of confusion if products are meant as a parody or self-expression

Raising your trademark is **exhausting**
but eventually it will **take** care of you

For More Insights



- About the world of intellectual property protection, visit our website at <https://tm.witmart.com>
- Contact Us
Witmart Inc., 500 - 34 King St E, Toronto, ON, M5C 2X8
1-877-948-6278

A top-down view of a desk with various items: a white laptop keyboard, a white tablet, a grey notebook with a black pen, white earbuds, and a spiral notebook with a pencil.

Up Next

Background and Basics of Trademark Law in China