

How to Resolve Trademark Disputes

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Many Types of Proceedings

- Lawsuits
 - Lanham Act
 - Anti-Cybersquatting Consumer Protection Act
- TTAB Actions
 - Cancellations
 - Oppositions
- Uniform Dispute Resolution Policy

Today's Focus?

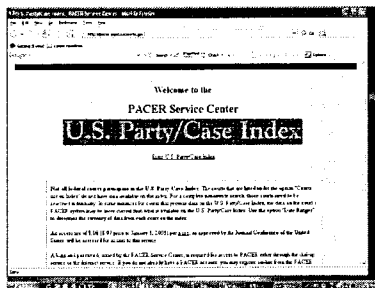
Resources

Litigation

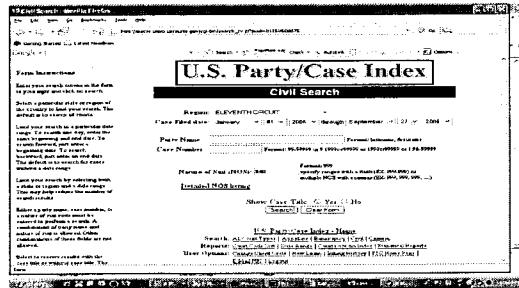
- Plain Vanilla Lawsuits
- TROs
- Preliminary Injunctions
- Seizures
- Jury Trials
- Damages

PACER

www.pacer.uspc.uscourts.gov



"840" Search 11th Cir. 2006



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Docket Report

Point

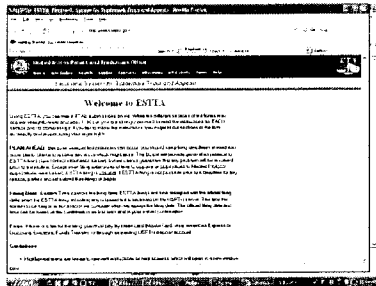
Use PACER as Resource

Cancellation/Opposition

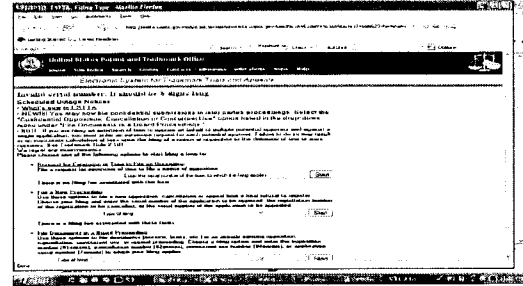
- Oppose Pending Applications
- Cancel Issued Registrations
- Generally Follows FRCP
- Testimony Period Instead Of Trial

USPTO Forms
www.uspto.gov

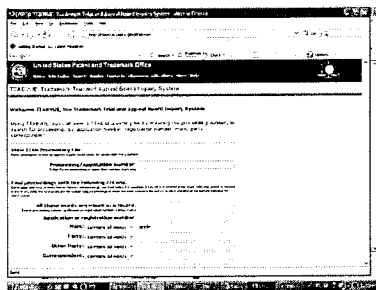
“TTAB Filings”



Online Opposition Form



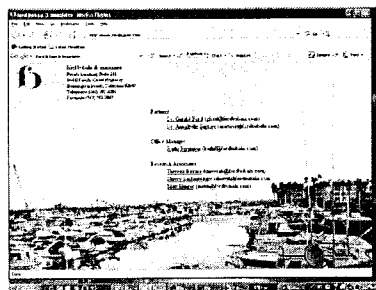
Search and View Other TTAB Proceedings



Surveys

Heart of Serious Trademark Disputes

Ford Bubala & Associates www.fordbubala.com



GSU-Kenneth Barnhardt

Barnhardt, Kenneth L.
Department of Marketing
J. Mack Robinson College of Business
University Plaza, Room 1328, RCB Building
Atlanta, Georgia 30303-3084
United States of America
Bus: (404) 651-4191 /2788
Home: mktkib@langate.gsu.edu
Bus Fax: (404) 651-4198
E-mail: mktkib@langate.gsu.edu

Domain Name Disputes

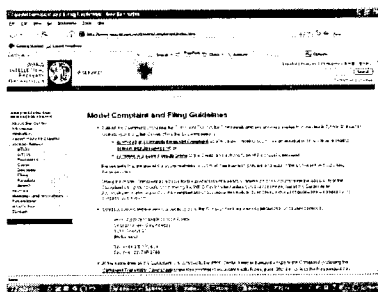
- ACPA
- UDRP

UDRP Panel Decision Criteria

- *Conditions* for obtaining remedies:
 - Trademark must be identical or confusingly similar to domain name; *and*
 - Registrant has no rights or legitimate interests in domain name; *and*
 - Domain name is registered and used in bad faith.

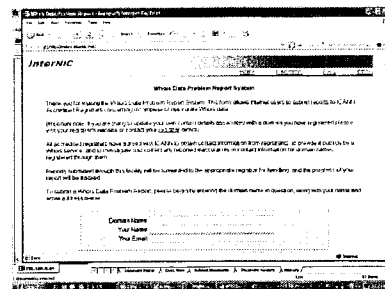
UDRP Resources

www.wipo.int/amc/en/domains/complainant/index.html



Whois Problem Report

www.wdprs.interNIC.net



Anti-Cybersquatting Consumer Protection Act-elements of claim

- Defendant registered, trafficked in or used a domain name;
- Which is identical to or confusingly similar to a mark owned by the plaintiff;
- The mark was distinctive at the time of the defendant's registration of the domain name;
- The defendant has committed the acts with a bad faith intent to profit from the plaintiff's mark.

Mediation

- What is it?
- Usually one Day
- Parties separated
- Mediator shuttles