

A Winthrop & Weinstine blog dedicated to bridging the gap between legal & marketing types.

[Numbers for Thought & The "Trademark Bully" Debate](#)

Posted on April 7, 2011 by [Steve Baird](#)

"Trademark law is a complex, specialized area of law," according to the International Trademark Association (INTA), as set forth in a [recent communication to the USPTO](#).

So, I must ask, does substantial experience or the lack of substantial experience in handling trademark matters impact the current [trademark bullying](#) debate? And, if so, how?

Here are some interesting numbers for thought, numbers that I teased out of the survey results that the Intellectual Property Law Section of the American Bar Association (ABA-IPL) [recently provided to the USPTO](#) (h/t to Eric Pelton of [IPelton Blog](#)) in response to the USPTO's survey regarding "[Aggressive Trademark Litigation Tactics](#)" (formerly the "[Trademark Bullying](#)" Survey).

In response to Question 3 ("Approximately how much of your individual practice is dedicated to trademark litigation, prosecution, or counseling?"), over half of the respondents said they spend less than half their time on trademark matters, and over a third said they spend less than a quarter of their time on trademark matters. Apparently there were no questions asking respondents how long they have been practicing in the trademark law field.

Are these numbers part of the problem, to the extent there is a problem? What I do know is that having competent and experienced trademark counsel on the other side of a trademark dispute often can expedite bringing these complex matters to conclusion without the need for awkward, frustrating, and ill-timed education regarding the merits or lack of merits of a trademark claim.

So, was [Dilbert's previous dig](#) against "trademark infringement lawyers" consistent with these numbers?

Last, what has me back on this topic is this: Yesterday was [Strafford's webinar](#) on "[Trademark Bullying: Emerging Legal Threat](#)," so if you attended this active discussion on "[trademark bullying](#)" and have feedback, one way or the other, please post it here.

