

The May issue of Sterne Kessler's **MarkIt to Market™** newsletter contains a warning on trademark and domain name scams, recommendations for setting up successful promotions and contests, a practice tip for trademark owners operating in very specialized markets, and an updated list of the Sunrise periods currently open for new gTLDs.

Sterne Kessler's Trademark, Advertising, and Anti-Counterfeiting **practice** is designed to help meet the intellectual property needs of companies interested in developing and maintaining strong brands around the world. For more information, please contact **Monica Riva Talley** or **Tracy-Gene G. Durkin**.



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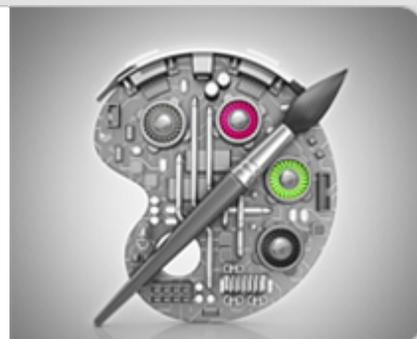


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Scammers Still Be...Scamming

Based on the volume of scam letters and email sent to us by our clients, trademark and domain name scams continue unabated in 2014. In fact, if anything, these scams have increased in volume and creativity. Remember to look with a critical eye at any official-looking notices that claim to originate from governmental trademark offices or "registries", claiming that you must pay fees in order to obtain or maintain trademark rights in various jurisdictions. These notices from third parties are almost always scams seeking payment for unnecessary services.

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Understand the Rules for Contests

Contests can be a great way to engage consumers and create publicity for your business, and social media makes it easier than ever to promote a contest to a broad audience. However, there is more to setting up a successful promotion than brainstorming a creative competition and selecting an enticing prize. Before inviting anyone to enter a contest, understand that contests (and, to an even greater degree, sweepstakes) are governed by federal and state laws that control how contests are advertised and administered, participants can be engaged, winners selected, and how consumer information is treated.

Be sure to check applicable regulations before offering any contest, even one offering a prize of only small or nominal value. If you have any questions about contest rules and administration, **Sterne Kessler's advertising practice** advises clients on how to administer and promote your contest so as to comply with applicable rules and regulations.



Catalogs as Specimens Showing Use in Commerce

As U.S. trademark owners know, the U.S. is unique among jurisdictions in that those who wish to federally register their marks are required to show that they are using a mark "in commerce" in connection with the goods/services covered by an application or registration in order to register a mark and, later, maintain that registration. The Trademark Trial and Appeal Board (TTAB) recently reaffirmed its position with respect to situations in which catalogs can be used to satisfy this use requirement.

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Generic Top Level Domains - Current Sunrise Periods Open

As first reported in our December 2013 newsletter, the first new generic top-level domains (gTLDs, the group of letters after the "dot" in a domain name) have launched their "Sunrise" registration periods. Please see our **December 2013 newsletter** for information as to what the Sunrise Period is, and how to become eligible to register a domain name under one of the new gTLDs during this period.

► [Read more to see the list of Sunrise Periods currently open](#)

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