

**FUNDAMENTALLY IP**

# TRADEMARKS & BRAND PROTECTION

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Trademarked assets are frequently the core of your brand and an essential means of creating value for your company or organization.

Marks and brands are irreplaceable commercial assets that reflect your image, reputation, and company identity – the essence and very meaning of your business.

Establishing and maintaining a comprehensive, well-designed brand identity, including trademarks, patents, design rights, color marks, and trade dress, is *imperative* to your growth and longevity. This is especially true in markets where change is relentless, competition is fierce, and counterfeiters, copyright pirates, and infringers are prevalent – and why so many of the world's top and emerging brands rely on JMIN.

We provide trademark counsel and brand strategy to start-ups and Fortune 500 companies alike by assisting them in establishing, prosecuting, and safeguarding their critical assets. For new and emerging businesses, we deliver creative, aggressive trademark protection advice designed to support and extend your emergent brand and reputation. Our tactical approach is global in scope, so your opportunities can cross industry segments, cultures, and borders.

JMIN's Trademark & Brand Protection practice is all-inclusive and spans the full life cycle of your venture. We guide individuals and businesses through the brand creation and development process, trademark registration, enforcement, and monetization initiatives. Few practitioners today can match our recognized depth and sophistication in trademark law, product design, packaging, advertising, copyrights, and other intangible assets inherent in your innovation and commercial objectives.

Every day, we work with clients to identify their key brand features, address potential brand-related legal issues, secure marks in the U.S. and globally, and work diligently to identify and shut down infringers seeking to violate your brand luster through imitation, copycatting, or any other activity that will dilute its value.

By vigilantly monitoring clients' trademarks, we have repeatedly demonstrated our ability to identify conflicting marks long before a conflict arises. Our experience includes:

- ◆ Searching, clearing, filing, and registering trademarks, service marks, and domain names domestically and abroad.
- ◆ Filing and defending trademark and service mark Oppositions and Cancellations before the Trademark Trial and Appeal Board (TTAB).

- ◆ Combatting online infringement against cybersquatters, typosquatters, and metataggers.
- ◆ Negotiating and drafting trademark licenses and franchise agreements.
- ◆ Safeguarding IP assets in mergers, acquisitions, investments, and due diligence projects.
- ◆ Creating trademark validity and infringement opinions.
- ◆ Pursuing global anti-counterfeit and Customs enforcement actions.

## **Trademark Selection and Search**

One of the most elemental stages in the life of a trademark is search and selection. Throughout this process, we analyze the potential mark to determine:

- ◆ The aspects of the mark, if any, that are protectable.
- ◆ The potential strengths of the mark.
- ◆ How the mark should be presented and used to realize the greatest scope of protection.
- ◆ The risks inherent in using the mark given potential third-party conflict.

Throughout this initial stage, we deliver practical legal advice that considers each client's future sales, marketing, and monetization imperatives. The cornerstone of the search and selection process is the search report. Our reports are clear, concise, and assess the risks and potential challenges that can arise over the mark's lifecycle.

JMIN advises on the full range of trademark needs on a global scale. Our wealth of experience in an array of industries, deep bench of veteran skill and perspective, and streamlined processes and protocols set us apart. Our services include:

- ◆ Clearance, searches, and brand selection.
- ◆ Obtaining (prosecution) and maintaining registrations.
- ◆ Large portfolio management.
- ◆ Bringing and defending oppositions and cancellations.
- ◆ Non-litigated dispute resolution.
- ◆ Initiating and defending enforcement actions to avoid litigation.

- ◆ Brand protection and e-commerce platform enforcement.
- ◆ Licensing, assignments, corporate transactions, and due diligence.
- ◆ Trade dress and nontraditional trademarks, such as motion and sound marks.
- ◆ Domain name policing and enforcement.
- ◆ Customs and licensing recordation.

## **Domestic and International Trademark Registration**

JMIN advises various clients at every step of the business lifecycle to devise, launch, and maintain premier global trademark strategies. Each day, we offer practical, strategic legal advice on every phase of the trademark registration process, from search and selection to maintaining, enforcing, and exploiting critical IP rights. We draft and file the appropriate domestic trademark registration applications and advise clients where they should seek trademark registration.

In the U.S., we advise on whether registration is the most advantageous option and, if so, the method of registration. JMIN handles all aspects of registration, including responding to office action objections of the U.S. Patent and Trademark Office (USPTO) and representing clients in opposition proceedings and TTAB appeals.

Internationally, we work closely with a global network of trademark specialists. Many clients have extensive trademark programs that we continuously evaluate and provide reports and action items as needed.

## **Trademark Maintenance**

Once your trademark registration is secured, many countries (including the U.S.) require additional filings on a periodic basis to maintain registration in full force and effect. We prepare those filings across a variety of deadlines and time zones. Through our global network, we coordinate maintenance initiatives in all applicable jurisdictions. We also advise on using and policing trademarks on an international scale to fortify asset vitality. Because our services are comprehensive, we add strategic value to each client's "bigger picture" trademark objectives and long- and short-term strategic planning.

## **Trademark Licensing and Counseling**

JMIN plays an integral role in counseling clients on maximizing the value of their trademark portfolios. Occasionally, our clients choose to pursue these markets via licensing their trademarks rather than selling products or services directly in a new territory. We have decades

of experience advising on, negotiating, and documenting licensing programs of all sizes, scales, and levels of complexity.

Our team has licensed an array of well-known trademarks for use in new industries and guided clients on merchandising and commercial tie-in arrangements for major brands and fast-growth trend-setters. Where licensing is not appropriate, we provide other advantageous legal solutions aimed at helping our clients exploit their rights through distribution, sales agency, and joint venture arrangements.

JMIN is also involved with the intellectual property aspects of major corporate transactions, including mergers and acquisitions. Nearly every business owns or controls IP rights or titles, or interests in trademarks. In many cases, these rights represent the most significant assets involved in the corporate transaction. JMIN delivers substantial due diligence review experience and assists with transfers of trademark interests, including the transfer of title and the perfection of security interests.