

Protecting Your Brand in 2021 and Beyond: Key Issues to Watch

July 2021

Brian J. Winterfeldt
Winterfeldt IP Group
Principal



Overview

- General Brand Protection Matters
- USPTO Matters
- Trademark Modernization Act and Other Legislative Updates
- Digital Brand Protection Matters
- Looking Ahead





General Brand Protection Matters

General Brand Protection Matters

- How has the COVID-19 pandemic affected your approach to brand development, trademark prosecution, and trademark enforcement?



General Brand Protection Matters

- Have you recently been encountering new types of misconduct that affect your enforcement efforts?





USPTO Matters

USPTO Matters

- Has the “Surge” of new USPTO filings and corresponding delays in examination affected practice?



USPTO Matters

- Is congestion on the register affecting your practice and planning around prosecution?



USPTO Matters

- Have you encountered problems or issues as a result of defective filings or fraudulent specimens of use?





Trademark Modernization Act and Other Legislative Updates

Trademark Modernization Act

- What kinds of shortened response periods are you hoping for?
- Does a three or four-month response period for “simple” refusals seem like a good idea for your practice?



Trademark Modernization Act

- Will you be taking steps to reevaluate your current portfolio or preempt possible *ex parte* claims before the TMA comes into effect?



SHOP SAFE Act

- How has your organization been engaging in advocacy around the SHOP SAFE Act?
- Is the accountability promised by the SHOP SAFE Act for ecommerce platforms and sellers an important priority for your brand enforcement program?





Digital Brand Protection Matters

Digital Brand Protection Matters

- How has the continued WHOIS blackout affected online enforcement efforts?
- Have you found any successful workarounds or solutions to securing domain name registrant information?



Digital Brand Protection Matters

- What changes have you noticed in the digital enforcement realm as a result of so much more commerce taking place online during the ongoing pandemic? How have you and your organization adjusted workflow and priorities to account for these changes?





Looking Ahead

Looking Ahead

- What changes or opportunities do you foresee in 2021 or in the next few years in the brand protection realm?





Top Tips

Thank You

Brian Winterfeldt

Principal

brian@winterfeldt.law

(202) 759-5833

For more information please visit us at www.winterfeldt.law



WINTERFELDT
IP GROUP