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Insights

USPTO Cracks Down on Unauthorized Trademark Filing Services: What Trademark Owners Need to Know

Article
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The U.S. Patent and Trademark Office (USPTO) is issuing show cause orders against non-attorney filing services that prepare and submit trademark documents for others. One recent order targeted two companies, Patent & Trademark Office LLC ("PTO-US") and Patent and Trademark Resource Center, LLC ("PTRC"). Despite their names, neither is part of the USPTO.

The USPTO found that they filed more than 3,128 application and maintenance documents for at least 2,800 trademark owners, even though no one involved was a U.S.-licensed attorney. According to the order, owners received invoices from an entity calling itself "Patent & Trademark Office" warning that their registrations were about to expire, often long before any filing was due. Owners who paid then had filings submitted in their names, and the companies typed in the owners' signatures themselves.

How Unauthorized Filings Can Put Registrations at Risk

The filings put the trademark owners' registrations at risk. Only U.S.-licensed attorneys may represent others before the USPTO in trademark matters, and every declaration must be personally signed by the person named as the signer. The USPTO's position is that it cannot rely on filings signed by someone else, and that these defects cannot be fixed after the fact.

As a result, the USPTO may reverse its decision to grant or maintain an affected registration and reopen the proceeding. That reopened proceeding may then be terminated, and if the original registration decision is reversed, the registration is cancelled.

Owners who believe their registration was listed by mistake must file a Petition to Director with evidence and a detailed explanation by the deadline in the order. In the recent order, that deadline was 30 days from issuance, or December 18, 2026. All responses become part of the public record.

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What Trademark Owners Should Do

If you have received a USPTO show cause order or notice, or a renewal invoice from a company you don't recognize, contact us promptly. Our trademark attorneys can check your registration's filing history, collect the records the USPTO will expect, prepare and file a timely petition, and work to preserve your rights in your mark.

Please do not pay any further invoices from these services. Contact Lowndes at 407.843.4600 to discuss your situation.