

## Trademarks

### Practices and Industries

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#### PRIMARY CONTACTS

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Haynes and Boone's Trademark Practice Group is honored to protect and enforce its clients' marks, which include some of the world's most famous brands. We would welcome the opportunity to add your name to that group of brand owners.

The 2019 edition of the World Trademark Review 1000 (*WTR 1000*) describes the practice group as "a go to for marquee brand owners in need of sophisticated 360-degree advice on brands. The ensemble never lets up in its quest for perfection and is continually honing its expertise in all facets of trademark practice [including] advertising, marketing and labelling" continuing on to recognize the "seamless collaboration between the 30-plus members of the group makes the firm a true force to be reckoned with."

Our skilled and experienced team provides clients with a full range of services, on a global scale, relating to trademarks, including:

- Clearance searches
- Registration and prosecution
- Trademark protection programs
- Oppositions and cancellations
- Trademark litigation
- Domain name disputes

Our trademark attorneys currently represent sophisticated brand owners in managing and optimizing their trademark portfolio and enforcement programs, including the following representative group:

- AT&T
- Galderma Laboratories
- Halliburton
- Krispy Kreme
- Mattress Firm
- Michaels Stores
- National Football League
- Outback Steakhouse
- Panda Restaurant Group
- Reddy Ice

- Tuesday Morning
- Wild Oats
- Yamaha Motors

## Clearance and Prosecution

For clients looking to establish new brands abroad, we plan, manage and conduct worldwide trademark clearance and availability searches, along with analyzing proposed marks' eligibility for registration and advising of relevant foreign trademark practices.

Our lawyers have handled thousands of trademark registrations and prosecutions with the U.S. Patent and Trademark Office (USPTO), as well as registrations in every state and nearly every foreign jurisdiction across the globe.

We use this extensive experience and longtime knowledge to anticipate and minimize potential problems our clients may face in developing and selecting new marks, as well as to shape our filing strategies for new trademark applications. Our clients benefit from fewer challenges and rejections of filings, as well as the corresponding lower cost of establishing and protecting their new brands.

## Trademark Protection Programs

Our team manages many large, global portfolios and performs gap analyses and provides suggestions for reducing portfolio size where appropriate. We help clients profit from their brands by structuring, negotiating, and recording trademark license, merchandising, and co-branding, and other agreements, both in the U.S. and abroad. We also conduct domestic and international trademark due diligence in connection with mergers and acquisitions, and we work with our litigators to handle investigations and discovery in pending or threatened IP litigation.

## Oppositions and Cancellations

Oppositions and cancellation proceedings before the Trademark Trial and Appeal Board at the USPTO can be incredibly useful tools, such as when a conflicting trademark is filed or when an earlier application or registration blocks a brand owner's own application. Our lawyers have guided clients through hundreds of successful cancellations and oppositions.

## Trademark Litigation

Few firms can boast the depth of trademark litigation experience at Haynes and Boone. Whether our clients seek preliminary injunctive relief, to protect their marks or trade dress from infringers, or are facing claims from a competitor trying to unfairly gain market advantage, we have the team, skill and track record to successfully resolve their dispute.

Our dedicated team of trademark litigators has successfully tried dozens of trademark and unfair competition cases in courts around the country, including recovering an \$8.5 million jury award against a global retail chain. We regularly handle unfair competition disputes of all types, including trademark, trade dress and service mark infringement, dilution, false advertising, misrepresentation and misappropriation claims, as well as other matters involving Internet commerce, advertising, mobile applications and social media.

Our litigators, all members of our nationally recognized brand management team, work closely with our trademark prosecution attorneys to deliver the best results possible for clients, every step of the way. We handle trademark disputes in a variety of venues, including at the USPTO, in federal and state trial and appeals courts, and before arbitration panels.

## **Domain Name Disputes**

Even before the Internet became an indispensable part of business, our lawyers have been successfully resolving domain name disputes both nationally and internationally, as well as acquiring for our clients domain names from squatters and competitors. We routinely litigate domain name disputes in state and federal court, including under the Anti-Cybersquatting Consumer Protection Act (ACPA). We also have a perfect track record of obtaining resolution of domain disputes under the Uniform Domain-Name Dispute Resolution Policy (UDRP).

When our clients either lack legal options for forcing a transfer or simply prefer a voluntary transfer, we often acquire currently owned domain names, through negotiation with or acquisition of a domain name owner. Additionally, we have handled numerous ancillary matters relating to domain names, including claims for breach of contract, fraud and pretexting.