



# IP NEWS QUARTERLY



IP Attorneys Group, LLC

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## IP Law Update: Certification Marks

As a follow up to IP Attorneys Group, LLC's Summer 2014 IP News Quarterly regarding Geographical Indications, we would like to discuss Certification Marks. As set forth by the United States Patent and Trademark Office, a Certification Mark is any word, phrase, symbol or design, or a combination thereof owned by one party who certifies goods and services of others when they meet certain standards. <http://www.uspto.gov/ip/global/geographical/protection/>

The owner of the mark exercises control over the use of the mark; however, because the sole purpose of a Certification Mark is to indicate that certain standards have been met, the use of the mark is by others. <http://www.uspto.gov/ip/global/geographical/protection/> If a producer meets the standards, the Certification Mark owner cannot discriminately refuse to certify the producer's goods. This provides fairness in the system so that the owner cannot favor some producers over others and everyone in the region can benefit from the use of the mark. However, goods need to go through the owner's certification process in order to get permission to use the mark. This is analogous to a licensing situation, depending on how the certifier has set up the certification process. The owner/certifier has an affirmative duty to monitor the use of the mark and to verify that the goods meet the standards for use of the mark. *Id.*

A Certification Mark can be used to certify more than one characteristic of the goods/ services in more than one certification category; for example, the mark ROQUEFORT (U.S. Registration No. 571,798) is used to indicate cheese that has been manufactured from sheep's milk and cured in the caves of the Community of Roquefort (France), a long established method and process. <http://www.uspto.gov/ip/global/geographical/protection/>

*Please contact this office with any questions you may have regarding Certification Marks.*

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## Did you know?

Every Tuesday the USPTO issues the Trademark Official Gazette (TMOG), a publication containing depiction of the mark, identification of goods and/or services, and owner information for: (1) marks published for opposition on the Principal Register; (2) marks registered on the Principal Register under 15 U.S.C. §1051(d); (3) marks registered on the Supplemental Register on the date of the particular issue in which the marks appear; and (4) updated registration certificates. <http://www.uspto.gov/ip/>

## **U.S. Customs & Border Protection**

U.S. Customs & Border Protection (CBP), a bureau of the Department of Homeland Security, enforces Intellectual Property Rights (IPR) by seizing products that infringe IPR such as trademarks, by keeping a trademark database for marks registered at the USPTO. Rights holders whose marks are registered on the Principal Register may have them recorded with CBP by using CBP's web-based tool, *e-Recordation*, to record their trademarks. This can greatly assist CBP in its efforts to prevent the importation of goods that infringe on registered marks. The database includes information regarding all recorded marks, including images of these marks. CBP officers monitor imports to prevent the importation of goods bearing infringing marks, and can access the recordation database throughout the United States at each of the ports of entry.

**[http://www.cbp.gov/sites/default/files/documents/ipr\\_fact\\_sheet.pdf](http://www.cbp.gov/sites/default/files/documents/ipr_fact_sheet.pdf)**

*Please contact this office with any questions you may have regarding U.S. Customs & Border Protection.*



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[www.ipattorneysgroup.com](http://www.ipattorneysgroup.com)



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