

Military OneSource Podcast — Entrepreneurship Resources Part 2: A Deep Dive Into Patents and Trademarks

Episode transcript

Intro voiceover:

Welcome to the Military OneSource Podcast. Military OneSource is an official program of the Defense Department with tools, information, and resources to help families navigate all aspects of military life. For more information, visit militaryonesource.mil.

Bruce Moody:

Welcome to the podcast, I'm Bruce Moody. We are excited to have a second episode with the United States Patent and Trademark Office. In our first episode, we spoke with Kathy Vidal to learn about the Patent and Trademark Office and trademarks. I should note Kathy Vidal is undersecretary of commerce for intellectual property.

We're going to talk more about this, we're going to dive into the specifics. We're going to do that with our guest. Let's welcome Jason Lott. He is a managing attorney at the Trademarks Customer Outreach Office, again with United States Patent and Trademark Office. Jason, welcome to the podcast.

Jason Lott:

Thank you very much. Happy to be here.

Bruce Moody:

All right, we are off and running. Let's begin by getting to know a little bit about you. Tell us a little bit about you and your background.

Jason Lott:

Sure. Let me say this, I grew up in this little town in the middle of nowhere in Ohio, and when I was growing up, I didn't really know that there was this thing called ... I mean, I knew there was the federal government, but I didn't really have a good concept of what it was or what it did, aside from stuff like the military and the IRS and all those other things you hear about with the federal government. And I certainly didn't understand

anything about trademarks and what the impact that they would have on a person's life or on entrepreneurship.

And it wasn't until I got to law school where I discovered what trademarks were and how crucial they are if you are going to start a business, if you're going to grow a business, expand a business, continue a business and pass it down to your kids and your grandkids and so on. And so it wasn't until law school when I really discovered that I wanted to do trademark law as my actual career. When I was graduating from law school, that was 2000. Bruce, you might remember that was the internet boom, yes?

Bruce Moody:

Mm-hmm. I do remember.

Jason Lott:

Yeah.

Bruce Moody:

Before the bust.

Jason Lott:

Exactly, before the bust. Everything that was happening was everything was like internet, internet, internet, dot.com, dot.com, dot.com. And there was this huge increase in terms of entrepreneurship. And so I was coming out of law school at that time, and so the internet was booming. I was learning about trademarks.

And so what I did for an independent study was I decided, you know what? I want to be able to help people who don't necessarily understand trademarks, who might not understand the internet yet as a way to help them understand how those two things can work together.

In this independent study, one of the things I did was put together this booklet that was essentially like, "How can I help my parents understand trademarks and the internet?" And so that book is one of the things that I did in law school, and it's really hard to believe that 20 years+ later, I'm still doing that exact same thing because a lot of what my job is is helping entrepreneurs understand what trademarks are and how they can help them grow a business. It's not necessarily all internet focused anymore because we focus on all sorts of things, but it's really interesting to see how someone's life and career is sometimes affected by what happens early on.

Bruce Moody:

So interesting. Obviously we're speaking to the right person and entrepreneurs, they're a special kind of person. They have a lot of ideas, but they need to channel them. They need to know what to do, how to turn those ideas into a business. Let's jump into that. What I'd like to do is to ask you to name the top three things that someone needs to know about a business and a trademark before beginning the application process.

Jason Lott:

That is a great question. I think the top three things I would say is first of all, you need to know what it is that you want to protect. Is it the brand name for your product or the brand name of your services? Or maybe you have a slogan or a tagline that you use. Maybe you have a logo that is just a design or it's a combination of wording and a design, maybe have all of those sorts of things. Sometimes you use them alone, sometimes you use them together.

And so I think it's really important for businesses to clarify what exactly it is that they have and what they want to protect because that is going to influence the steps that you take when you're applying for federal trademark registration.

One thing you want to think about as a business, especially if you're just starting out, you don't have a whole lot of money set aside in your checking account to go towards federal trademark registration, you might want to think about what is the most important thing that I have? What is the thing that's going to give me the broadest scope of protection when it comes to my trademark? That would be the first thing is what is it that you actually want to protect?

And the other thing that goes along with it is what are the products or services that I use with my trademark? Because one of the things that a lot of times people don't understand is that trademarks are always tied to very specific goods and services. When I say the word Coca-Cola, Bruce, what do you think of?

Bruce Moody:

Well, I think of the specific product versus the other products. That specific brand.

Jason Lott:

Yes, exactly. Right, so you're thinking of the Coca-Cola branded soft drink and not a Pepsi and not a Dr. Pepper and not an RC Cola and not a Fanta.

Bruce Moody:

Because I'm not from the South. People from the South say, "Give me a Coke," and they may mean something else, but yeah, yeah.

Jason Lott:

They mean, "Give me a Sprite." Yeah.

Bruce Moody:

Right. When you and I say Coke, we are thinking of that can with that logo on it, that font that says Coca-Cola. We have a very, very specific thing in mind.

Jason Lott:

Yes, absolutely. And that connection between the trademark and underlying specific product, that is key, because without that connection, it isn't actually a trademark, it's just a word or it's just a phrase or it's just a pretty picture. Unless it is indicating the source of that particular product or service, it's not a trademark.

For business owners, one of the things they need to think about is, "OK, what is the product or service that I provide under this trademark?" Might be multiples, that's totally fine. But it's key to understand that connection because when you're applying to federally register your trademark, you're going to have to tell us what those products or services happen to be, because it's not just blanket registration of a trademark. You have to identify those specific things.

I think for small business owners, those top two things to do anyway would be understand what is the most important brand name, slogan, logo you have, how are you using it? And also, jot down a little list of the goods and services that you provide as part of your business.

And I think the third thing would be to do research, and I think that's something that oftentimes people don't do. And you need to do some research to make sure that you're not going to trample on somebody else's trademark rights.

There's other research you can do to figure out the strength of your trademark to make sure it's not too weak, to make sure it's something that is actually federally registrable and legally protectable. And that's a lot of work that we do in the Trademarks Customer Outreach Office is helping entrepreneurs understand those two concepts to make sure that they can actually register their trademark, and once it is registered, that they can actually protect it.

Bruce Moody:

So interesting. All right, this is a whole world unto itself. What would be some of the common misperceptions about trademarks?

Jason Lott:

Probably one of the biggest misconceptions is that people confuse trademarks and patents and copyrights. And we get this question all the time. I'll get one like, "Hey, Jason, can I patent the copyright on my trademark?" or "I want to trademark the patent on my copyright." They confuse them all together, which makes sense because ...

Bruce Moody:

And it hurts your brain.

Jason Lott:

Yes, exactly. Exactly.

So, they're combining all three of these things into one giant pot, not really understanding that they're actually three different things. And so for small business owners, understanding the difference between a trademark, a patent and a copyright is going to be one of the biggest things they need to understand because they're actually different types of intellectual property, and the way that you go about protecting each of them is going to be different.

I think sometimes people think, "Oh, all I have to do is apply somewhere one time and boom, all of a sudden I'm protected for all my stuff all around the world." Not true. That is not how it happens. That would be the big thing anyway.

And the other one I think is probably that people think that if they quote, trademark something, it means that they own it. Somebody thinks if they have a word that they use as their trademark, that means that they own that word and no one else out there can use it.

And that is a really big misconception because trademarks are not necessarily about ownership of a word or ownership of a phrase. What it is is something that's giving you the exclusive to use that word or that phrase to indicate the source of your specific products and services. Let me just give you a quick example. I think probably, Bruce, you've heard of Apple as a trademark, correct?

Bruce Moody:

Of course.

Jason Lott:

Yes. OK, great. Let's say that if we followed that misperception that a trademark means ownership of a word, that would mean if Apple had a trademark for Apple for their various products, they would own the word Apple.

But we know that's not actually true because, Bruce, you and I can say the word apple as much as we want to, and we are not going to get in trouble from Apple. We can eat an apple. I mean the fruit, not the phone, hopefully.

Bruce Moody:

I can write a recipe book about apple pies, and they're not going to sue me.

Jason Lott:

That's right. That's right. But if Bruce, you and I work together to create a new smartphone, and we wanted to call ours an Apple phone, that's going to be a problem, right?

Bruce Moody:

OK.

Jason Lott:

That's one of the things that I think people sometimes get wrong is they think, "Oh, if I have a trademark," they think that that means they own it, no one else can use it. And that isn't exactly true.

Bruce Moody:

We're talking a lot about intellectual property, like words. What is considered intellectual property, and why is it important for entrepreneurs or small business owners to understand?

Jason Lott:

Yeah, that's a great question. I think probably the way in is to think about all the different sorts of property that we already know about. Real property, for example, that's going to be stuff like land or a house, maybe a building, that big chunky sorts of stuff that you will walk on and live in and things like that. That's real property.

Personal property is going to be stuff like your clothes or your phone or your boat or whatever it happens to be that you own. Maybe it's a truck. The personal stuff you have about your house in your business and things like that.

And then there's this other stuff that's called intellectual property, which is really hard to define. It's stuff that you can't touch necessarily, but you can still own it.

To break it down in terms of the big buckets, there are things that are called patents, which is essentially something that provides protection for an invention or a new process or a way of doing something. It gives you the right to exclude others from being able to make, sell and use that new thing that you have invented.

And so think about, for example, you invented a new vacuum cleaner, that's some sort of new technology no one's ever seen before. You're using nuclear whatever in order to power your vacuum cleaner. I don't know. You might protect the new technology that way, but you might have a brand name that you use for that new vacuum cleaner. Well, that would be a trademark, and so that is going to be the brand name or maybe the slogan, maybe logo, something like that. That would be the second type of intellectual property that's going to be protection for the brand that you use when you're trying to sell your new vacuum cleaner.

And then the other would be copyrights, which are protection for original artistic works. Think about songs and movies and books and paintings and sculptures and things like that. And you might have copyright protection for, for example, a commercial that you use to sell your new vacuum cleaner.

Making sure the business owners understand the difference between all those three I think is going to be incredibly important, because that is going to drive your business in some ways. What is it that you want to protect or do you want to license technology from somebody else and then put your own brand name on it once you have permission? You have to work out all of those sorts of things.

Bruce Moody:

I'm listening to you talk about all this, and if you don't mind, I'd like to ask you about a specific example of trademark. This is the gentleman who created the smiley face, but he never applied for a trademark, and as a result, the smiley face that we see everywhere, he earned 45 bucks for his efforts. Is that an example of the importance of knowing the property that you have and protecting it?

Jason Lott:

Yes, absolutely. I mean, I don't know all the specifics of the smiley face case, but that certainly goes to thinking from the perspective of a business owner, from the perspective of a brand owner. If that smiley face, you are using it to indicate the source

of a particular product or a particular service, then that is probably going to be a trademark, and so that would be something that you'd want to protect.

Now, the other side of that might be copyright protection. It might be, I don't know, I can't speak to how quote, artistic a smiley face happens to be, but it might be that if this is some original artistic work that you have created, that might trigger copyright protection, which under federal law is something that you have a copyright in your original artistic work as soon as you have a fixed that into a tangible medium.

You can then take the additional step of federal registration of that copyright if you want to. But that could be something, and so long as you're putting some artistic oomph behind it, could be something that you protect by copyright.

So, for you as a business owner, you need to figure out is this something that gets copyright protection or is this something that gets trademark protection? Because you're absolutely right. If you don't protect it, you might lose out on your rights.

Bruce Moody:

That's a good point. Let's get into that. Why would somebody apply to federally register their trademark?

Jason Lott:

Yeah, it's a great question. The one thing to think about is how trademark rights are created in the United States. The way that we do trademarks is a little bit different than other countries, but here in the United States, trademark rights are based upon use. In order to have rights in your trademark, you have to be using it.

For some folks, they might be running a small business in their town, and you know what? I'm fine. I got my single car wash here. I'm good to go. I have my trademark rights. And they're basing those on what are called common law trademark rights, and so they're going to have protection for their trademark in perhaps the geographic area in which they're operating.

But if you think about the way that most businesses work these days, everybody's online, you're probably working in multiple states. If you're somebody who perhaps is a military entrepreneur, maybe you're a military spouse, maybe you're bouncing around from base to base, maybe you still have contacts wherever you happen to be, you might be running your business in a whole lot of different places, and you want to make sure that you have nationwide protection for your trademark.

That's why folks would want to apply to federally register their trademark is because they want to have that nationwide protection. And it's not a requirement. You never have to federally register your trademark. It's an option, but it's oftentimes going to be a

great option because it means that you are going to be able to avail yourself of a whole big bundle of rights that are created through federal trademark registration.

Bruce Moody:

Yes. You talk about the rights. Let's get into how a federal trademark registration protects its owner.

Jason Lott:

One of the great things about federal trademark registration is that it is kind of creating both a sword and a shield. With federal trademark registration, you can use it to block other people from registering a trademark that is confusingly similar to yours. You can also use it to go after people who are starting to use a trademark that is confusingly similar to yours.

The federal trademark registration is about giving yourself the tools that you can use to help protect yourself. And the great thing about it is that as the brand owner, you are the person who is responsible for protecting your trademark. The USPTO is not an enforcement agency, so it is always up to the brand owner to do that protection, and the federal registration is a great way to go about it.

Bruce Moody:

OK. What would be some examples of trademarks that could or could not be federally registered?

Jason Lott:

Oh, I love this question, Bruce. I think the most popular sorts of trademarks that are federally registered are going to be things like brand names and slogans and logos. I refer to them as the big three. Those are the things that we typically see when we're shopping online or we're going to a grocery store, whatever it is, or we're walking through a mall.

Whatever it is, we're going to see all of these different brand name slogans and logos. But here's the fascinating thing about it, is that it's not just those things. It could be something like a color. Let me ask you this, Bruce, have you ever in your entire life seen pink fiberglass insulation?

Bruce Moody:

Yes, often. Yes.

Jason Lott:

Yes. Well, you, my friend, have been staring at a federally registered trademark.

Bruce Moody:

Whew. Good.

Jason Lott:

Owens Corning registered the color pink when used with fiberglass insulation. When you see pink fiberglass insulation, boom, you automatically know who that's coming from.

Bruce Moody:

OK.

Jason Lott:

Let me ask you one more. Have you ever looked outside your window and seen a brown panel truck and somebody popping out in a brown uniform ...

Bruce Moody:

Daily.

Jason Lott:

Mm-hmm. Yeah, right? You were looking again at a federally registered trademark. That's UPS. They've registered the color brown when used with their vehicles and their uniforms to indicate the source of their parcel delivery services. Now, that doesn't mean that Owens Corning owns pink or UPS owns brown. It just means they're the ones who have the exclusive right to use it in those specific circumstances to indicate the source of their products and services.

That's the cool thing about it, is it could be something like a color. It could be a sound like the NBC chimes, bum, bum, bum. It could be a scent. It could be a motion mark. You sometimes see those at the beginning of TV shows and movies. It could even be a three-dimensional configuration. I don't know if you've ever played slug bug with friends and family, but anytime you see a Volkswagen Beetle, you're looking at a federally registered trademark.

Bruce Moody:

I have.

Jason Lott:

You still have the bruises on your shoulder to show for it.

Bruce Moody:

Yes, yes, yes, because I do not pay attention, but after a few punches you do. We're looking at a lot of different types of things that can be registered. What is a typical applicant, or is there even such a thing as a typical applicant?

Jason Lott:

I don't think there really is a typical applicant. We see everything from everybody. We see stuff from a single business owner or perhaps a spouse or a couple spouses coming together around the kitchen table and starting a business. We'll see trademark applications from those folks all the way up to some sort of international conglomerate.

It really just depends on the business and what it is that they're doing and what it is that they want to protect. For example, we saw a huge influx of applications come in during the pandemic, and there's lots of different reasons for it. Some of it, people had stimulus money, sometimes people were no longer working the job that they had beforehand. Sometimes people were turning their side hustle into an actual hustle.

And so we saw this huge increase in the number of applications coming in, and these were oftentimes from just regular folks who said, "You know what? It is time for me to start my business. I'm going to get after it, and one of the first things I want to do is protect my brand name or my slogan or my logo."

There isn't really a, these are the sorts of people who always file. I mean, sure businesses do, but it's really a broad spectrum across the board. And it doesn't have to be businesses too. It could be a nonprofit, it could be a banking association, public library, charitable stuff. It could be all sorts of different things. Just really depends on what it is that people want to protect.

Bruce Moody:

All right. A military spouse, for example, should feel like, yeah, this is a world into which I can go. If a military spouse entrepreneur wants to get started with the application process, what would be the brief step-by-step? What do they need to know?

Jason Lott:

I would say, first of all, do your research. That is technically not part of the process, but we always recommend it. You always want to do a search of our database to make sure that nobody else has already applied for or registered a trademark that is confusingly similar to yours when used with related goods and services. Sorry, that was a really long sentence there, but that's what the test is. It's called Likelihood of Confusion, and it's a reason why you could be refused registration.

You'd want to do that sort of searching, not just in our database, but do what's called a comprehensive clearance search. Looking online, looking in other resources to see if other people are out there who might have trademark rights. You just don't want to run afoul of other people and start your business off using something as a trademark and all of a sudden somebody pops up and says, "Hey, hold on a second. We've been using that for a while. Our goods are related. Get out of here."

Do that research, do some research into the strength of your trademark to see if it's going to be something that is going to be registrable, whether it's fanciful or arbitrary or suggestive compared to something that's going to be refused registration. Do that research and make sure that federal trademark registration is right for you.

If you just have a small business and you're just operating in one little place, maybe it doesn't make sense, or maybe this is just a temporary thing that you're doing for six months or a year during a deployment, you're not planning on making at a big, long-term thing, that's OK. Maybe federal trademark registration isn't right for you. Don't worry about spending the time and the money to go through the process because it might not matter.

You might also think about hiring an experienced trademark attorney to assist you. This would be a US licensed trademark attorney. Those folks know everything about the process. They can help you with the research, they can fill out the form, they can do all the communication with the office. If you're saying, "Hey, you know what? I want to focus on my business and have this person, this U.S. licensed attorney that I've hired handle all that stuff," cool. You can do that. That's something to think about.

For the most part, unless you're foreign domiciled, you don't have to have a U.S. licensed attorney represent you. For everybody who's listening to this podcast, that's probably going to be a situation where you don't have to have a U.S. licensed [attorney] represent you, and you can do it on your own.

Bruce Moody:

Maybe we spend a little bit more time on the aspect of hiring attorney, and we're talking mostly to military spouses, or we're talking to service members who are looking

to transition out of the military and start a business. Should an applicant hire an attorney to apply for a registered trademark?

Jason Lott:

We always recommend you work with an experienced U.S. licensed trademark attorney. Full stop. It is always our recommendation that you do so, and it's mostly because some parts of the process are very simple, but some of the choices that you're making, they're legal choices. They're legal decisions that you're making in your application, and sometimes those can get a little bit confusing. It's good to have someone on your side, who understands the law and understands the impact of the choices that you make.

Now, that being said, we know full well that there are lots of folks out there who say, "You know what? I am going to do it on my own. I don't have a problem doing research. I'm going to educate myself on this, and I'm going to go ahead and apply to register my trademark on my own." Totally fine. You can do that.

About 25% of our applicants choose to do that. We see it all the time, and that's one of the reasons we here in the Trademarks Customer Outreach Office, that's one of the reasons we do what we do, is to make sure that people have the information that they need. We have lots of resources that are available and things like that.

We always recommended it, yes, but I don't want to scare anyone off necessarily from the process because I'll tell you what, in my early days before I started doing outreach, I was an examining attorney for the office, and I would review applications when they came in the door. And sometimes I would get one from somebody who is not represented by an attorney, and it was perfect. They did an amazing job with the application. I could approve it, move it on towards publication, good to go.

Next one I pulled came from an attorney who had no clue what they were doing, and it was a disaster. You have to make sure that you're making good choices when you're hiring someone to represent you, but it is something that we always recommend.

Bruce Moody:

Let's talk a little bit about the help that your office can provide. When you have an active-duty family and they're relocating every couple of years, how can they leverage your office when they're dealing with a mobile lifestyle?

Jason Lott:

Here's the great thing about it. All of our systems are electronic. We have moved over from being a paper-based office to mandatory electronic filing. No matter where you happen to be in the world, so long as you can have access to the internet, you should be OK, because we do our communication with you via email. The biggest thing to keep in

mind is that you need to keep your email address in our system up to date. And of course, make sure that you check your email, OK? Don't just put it in there and then forget about it because you get busy doing other stuff. You want to make sure that you're keeping an eye on that, because that is how we will communicate with you.

As long as you keep that up to date, you're going to get the information that we send you, "Hey, you need to do this. You need to do that." You'll get your office action, or you might get an email from the assigned examining attorney saying, "Everything looks great. We just need to tweak this one little thing. Is that OK?" And you can say, "Yes, that looks great," and the examining attorney takes care of it for you.

And once you, provided you do get to registration, we will also send you courtesy email reminders for when some of your mandatory post-registration maintenance filings are due. Keeping your email up to date is the best way to go about it.

And also, a lot of our resources are available online. No matter where you are, so long as you have access to the internet, you can hop on to [USPTO.gov](https://www.uspto.gov), you can read [Trademark basics](#), you can watch some of our webinars. You can download our toolkit. Just take advantage of the various resources that we make available to people. It's all completely free. We want to educate you. We want you to know how to do this stuff, so you can protect yourself.

Bruce Moody:

Would a military move overseas affect a registered or pending U.S. trademark?

Jason Lott:

It shouldn't. As long as you're continuing to use your trademark in the United States, you should be fine. This is what is referred to as interstate commerce, and it's the reason that the trademark part of the USPTO exists is that Congress has the rights to regulate commerce between the states. That's called interstate commerce because trademarks are not part of the Constitution, unlike patents and copyrights.

So long as you are continuing to run your business in interstate commerce, that can be commerce between two states in the U.S., it could be between somebody in the U.S. and wherever you happen to be in another country or perhaps on a military base. So long as you're continuing to use your trademark, it shouldn't stop you at all. If you have to stop using it for some reason, then it can get a little bit tricky. But for the most part, so long as you're continuing to run your business, you should be OK even if you're overseas.

Bruce Moody:

What sort of resources does the Patent and Trade Office provide to help applicants with the registration process?

Jason Lott:

We provide as many resources as we possibly can. There's something called the Trademark Assistance Center. They're our customer service folks, and they are live people. These are not robots. These are live people, and they love to talk to you. You can give them a call or you can shoot them an email. They can't give legal advice because no one at the USPTO can, but you can contact the Trademark Assistance Center Monday through Friday, 8:30 a.m. to 8:00 p.m. Eastern. As I said, you can also shoot them an email. That's one resource. If you have questions, they can point you to information, point you to different things on the site.

We also have all the stuff that we do in the Trademarks Customer Outreach Office. There's lots of trademark basics on the website itself. We have our [Trademark Basics Registration Toolkit](#), which is a downloadable PDF, which takes you chronologically through the registration process. It has lots of different links in it and things like that.

If you download the registration toolkit, and you can keep it on your device, on your phone, on your wherever you want to keep it, you can read through it at your leisure and no matter where you are in a process, you are going to see links to resources that can help you out.

But one of the things I would really like to highlight is that we have our Trademark Basics Bootcamp, and this is a program we've now been running for 15 cycles now. We began it during the pandemic. We've educated probably over 10,000 people over the past couple of years. It is completely virtual, it's completely free. It's an eight-week course. It runs 90 minutes on Tuesdays at 2:00 p.m. Eastern, and we take you through the entire registration process. All the trademark basics, learning about an overview of what's going to happen. We take you through how to search in our database. We do a walkthrough of the filing form. We talk about all the stuff that happens after you apply. What happens in order to keep your registration alive. We do tons of Q&A throughout it.

In fact, the eighth module is 90 minutes of open Q&A. We have other trademark experts from the office hop on for it, and people can just ask any question they want about trademarks, and we do our best to answer it in 90 minutes. And we do that four times a year. It's usually during the first two months of each quarter, and happy to have people log on from wherever they are. And we have people across the world who log on for our Trademark Basics Bootcamp. We have lots of things that are available.

We're always trying to add new things. We're going to have some new videos that we're adding soon. We're always trying to do our best to make sure we're giving out information in the way that people need it. We want to meet people where they are.

We'll do in-person presentations. Actually, I have someone from my office who is heading to Tinker Air Force Base, is going to be doing some programming in Oklahoma. And so we have people from our team who pop up all over the country and provide trademark training, whether it's on military bases or in libraries, you name it. We're probably going to be there at some point and giving out free information.

Bruce Moody:

This is so cool. I hope military families, who have a member with entrepreneurship in their DNA, I hope they're feeling pretty pumped up by this conversation. I have a question, though. How can a prospective trademark applicant, who's unfamiliar with the process, protect themselves from being scammed?

Jason Lott:

I am so glad you asked that question. Scams are a huge problem. Scams obviously are a huge problem throughout every industry, but scammers have taken special interest in the trademark field, and there are lots of scammers who are operating. In many ways, the way that we often recommend you deal with scams is to think about it how you typically deal with them. And that is to take a deep breath and think it through, because oftentimes, your little spidey sense goes off and you realize, "Hey, hold on a second. This doesn't sound right. Why would the federal government be asking me to pay for something through PayPal or through Venmo or a wire transfer or in Euros?" And we have seen it where people have asked for that stuff, and unfortunately, sometimes people get sucked in by it.

But we are never going to do that. We are never going to call you up and say, "Hey, you got to pay this right now. Here's the wire transfer number. Go, go, go. You have 24 to 48 hours, otherwise you lose your stuff." Nope, that is not true. That is not how things work.

Anytime you do have to pay something, we're going to let you know, but you pay through an official U.S. government pay site. I think it's typically [pay.gov](https://www.pay.gov). It's all linked through our system. There's never any need for you to give us your social security number over the phone or a credit card number over the phone, none of that sort of stuff.

There's oftentimes the scammers are going to push this urgency behind it. "Hey, you have to do this. You have to attest to your trademark in 50 states, and it's \$15 a piece." Nope, not true. That is not something that we do. That is not something that you need to do, certainly not for federal trademark registration. There's all sorts of things that scammers push that sounds legit, but it's actually not.

That's one of the big things, is take a step, take a breath. You can contact the Trademark Assistance Center and double check stuff. You can always reach out to our people and

say, “Hey, is this real?” And our reps will let you know whether or not, “Oh, yes, this was something from our examining attorney” or “Nope, never heard of that.” That sort of thing.

The other thing I would say too is that scammers, they do their best to try and slip in and make you think that they are us when they're really not. We're the United States Patent and Trademark Office, and we're located in Alexandria, Virginia. Our email address is going to end in USPTO.gov, but what you end up seeing is that people will get a paper solicitation.

By the way, we're not sending you anything on paper, but you'll get a paper solicitation from the Patent and Trademark Bureau, or Patent and Trademark Renewal Service, or the Trademark Office Limited, something like that. That's not us. We're not going to send that to you. We're never going to send you an invoice, and we are not from Poland. If you get something from Poland, that ain't us, folks, OK.

The other thing is we have lots of information available on the website. I would just encourage folks to go check out all the resources that we have available. You can contact your attorney general in your state if you happen to get scammed. We would also recommend you contact the Federal Trade Commission, the FTC. They are starting to track more and more trademark scams.

This is one of the main problems, because sometimes the scams, yes, they can end up taking people for thousands and thousands of dollars, but they're oftentimes not huge, gigantic things where someone loses a huge amount, millions of dollars or whatever. They're smaller scams. And so it's harder sometimes for law enforcement to track all of those things and to put together a case.

One of the things the FTC is trying to do is have a better idea of these various scams that are happening, so that can raise the profile so they can hopefully devote more resources to taking down some of these scammers. Please, folks, just be vigilant, and you can always, always, always reach out to the Trademark Assistance Center at the USPTO and double check. If something sounds or feels hinky, it probably is, but you can always double check it with our folks.

Bruce Moody:

Fabulous. And to that note, we have a bunch of links in the program notes, and they all end in either .gov or .mail, so they're the real deals. But I would just welcome any final tips that you have for entrepreneurs who are in the military community.

Jason Lott:

I would say if federal trademark registration is right for you, go for it. The process might seem a little intimidating at first, but once you educate yourself on the topic, you learn the important things, you're going to be fine. Trust me.

I've been very lucky to meet with various folks throughout the military community. Over the years, I've able to meet with military entrepreneurs, military spouses, military families, and everyone that I've met, they've all been intelligent, inquisitive and courageous, which I think are the sorts of things that all entrepreneurs need to be. Use those, OK?

Use those as those traits, and do your research, and make sure you're not going to make any missteps before you file and lose out on your filing fee, because there are no refunds. Use those traits that you inherently have or have learned over the years and make them part of your approach to the process. Use our resources that are out there. Do that research. Find a way to suck in as much information as you possibly can in order to make your choices, and you can absolutely take it on.

Bruce Moody:

Jason Lott, thank you so much for joining us. And I should say for those who are listening to this, I hope you found this valuable, and for the entrepreneur in your life, I hope you share this with them. But again, I just want to say, Jason, thank you so much for joining us today.

Jason Lott:

You're welcome. Thank you for the invitation.

Bruce Moody:

Well, come on back because there's obviously a lot in this area to cover.

Jason Lott:

Done. What are you doing tomorrow, Bruce? I'm on.

Bruce Moody:

OK. All right. Good, good. All right, excellent. OK, wonderful. Want to remind everybody that Military OneSource is an official resource of the Defense Department. We always like to hear from you.

If you have a question or a comment about what you heard today or maybe an idea for a future episode, go in the program notes, there's a link. You can send us a note. Love to hear from you.

Be sure to subscribe to this podcast wherever you listen to your podcasts because we cover a wide range of topics to help military families navigate military life. I'm Bruce Moody. Thank you for listening. Take care. Bye-bye.