



Your Trademark Could Be a False Advertisement

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Intellectual Property associate Michael Justus authored this article on how trademarks and trade names can be challenged as false or misleading in various scenarios. He lists examples of cases addressing whether marks are false or misleading before federal courts under the Lanham Act and similar state statutes, before the National Advertising Division (NAD), and in Federal Trade Commission (FTC) actions. Michael also notes the Lanham Act prohibits registration of marks that are "deceptive," "deceptively misdescriptive" and/or "geographically deceptive" and lists examples of marks refused by the Patent and Trademark Office (PTO) on such grounds. Michael concludes by noting that trademarks could be considered false advertising if they deceive consumers regarding the qualities or characteristics of the product or service, and that perceptive counsel can step in to prevent unnecessary headaches. ("[Your Trademark Could Be a False Advertisement](#)," June 2, 2015)