

Spooky Season at the USPTO: Trademark Filings from Beyond the Grave Found in a Crackdown Against Fraud

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In a recent [Show Cause Order](#), the United States Patent and Trademark Office took on the ghost of trademark attorneys past or rather it took aim at a scary level of fraud. The USPTO has threatened sanctions against Shenzhen Haiyi Enterprise Management Co. and its affiliates (collectively, “Haiyi”) for allegedly coopting the good name of deceased attorney Jeffrey Firestone and using the fake name “Jackson George” for other submissions.

In recent years, the USPTO has tightened restrictions by requiring that all foreign

applicants are represented by a licensed U.S. attorney. It also now requires that all filings are submitted using USPTO.gov accounts, which must be registered to individuals and are not to be shared among multiple people. Reports from the USPTO show an uptick in fraudulent filings presumably due, at least in part, to attempts to circumvent the USPTO's requirement that registrants must eventually show use of their mark in the U.S.

Haiyi, an intellectual property consulting firm based in China, allegedly helped applicants and registrants circumvent the rules by filing documents in the names of Mr. Jackson and Mr. George. As detailed in the order, Haiyi filed over 300 submission, "personally" signed by Mr. Jackson, after his death. There are over 2,500 records associated with the fictitious Mr. George, some filed at a suspiciously impossible rate. Two applications were filed at the exact same time from two different computers. Thirteen new applications were filed in a single hour from three different computers. Haiyi also has multiple USPTO.gov accounts registered in Mr. George's name. The USPTO's order also detailed how Haiyi filed fraudulent specimens of use, showing mock product lists on dubious websites and fabricated invoices listing vacant lots as shipping addresses.

This paranormal activity was sniffed by cross-referencing emails, time stamps, signatures, trademark owners, computer networks, and credit cards used for fee payments. The USPTO's sleuthing may shed new light on the more robust inquiries sent from Examining Attorneys reviewing trademark filings. If Haiyi cannot provide reasonable explanations for the alleged fraud, the USPTO has threatened to scrub Haiyi's contact information from all the records, ignore submissions made by Haiyi, terminate proceedings involving Haiyi, delete Haiyi's UPSTO.gov accounts, and block payments from Haiyi's credit cards.

At the time of this post, the USPTO has not yet sanctioned Haiyi, but we will continue to monitor this developing case.