

# Trademark Infringement Cease and Desist Letter

by Practical Law Intellectual Property & Technology  
**Maintained** • USA (National/Federal)

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*A letter from (or on behalf of) a trademark owner requesting that the recipient cease and desist from engaging in infringing activities and demanding certain remedies and assurances from the alleged infringer. It includes optional language for alleging federal trademark dilution and cyberpiracy. It must be tailored to suit the facts and circumstances of the particular matter. This Standard Document has integrated notes with important explanations and drafting tips.*

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[TRADEMARK OWNER'S LETTERHEAD]

[DATE]

[METHOD OF DELIVERY]

[RECIPIENT'S NAME AND ADDRESS]

[Re: Infringement of Trademarks Owned by [TRADEMARK OWNER]]

To [RECIPIENT'S NAME]:

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I am an attorney for [TRADEMARK OWNER], a [GENERAL DESCRIPTION OF TRADEMARK OWNER'S BUSINESS OR ORGANIZATION]. It has come to our attention that [RECIPIENT] is infringing [TRADEMARK OWNER]'s [federally registered[ and incontestable][,/ and] [common law][, and] [state law]] trademark [INFRINGED TRADEMARK]. [TRADEMARK OWNER] therefore [demands/requests] that [RECIPIENT] immediately cease such infringing activity, desist from such infringing activity in the future, and comply with [TRADEMARK OWNER]'s other requirements set forth in this letter.

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[TRADEMARK OWNER] is the owner of the [INFRINGED TRADEMARK] mark in connection with [DESCRIPTION OF TRADEMARK OWNER'S GOODS AND SERVICES]. [TRADEMARK OWNER] has been using the [INFRINGED TRADEMARK] mark in connection with these [goods/services/goods and services] in the United States for more than [NUMBER] years. [During this time, [FACTS DEMONSTRATING SUCCESS AND RENOWN OF THE BRAND].] As a result of our client's [longstanding] use of the [INFRINGED MARK] mark [and the high quality of its [goods/services/goods and services]], the mark has become widely known [and famous] throughout the United States, is closely identified with [TRADEMARK OWNER], and represents substantial, valuable goodwill.

[[TRADEMARK OWNER] is also the owner of [Application Serial No. [USPTO APPLICATION SERIAL NUMBER]/U.S. Registration No[s]. [USPTO REGISTRATION NUMBER(S)]] [and] [[STATE(S) IN WHICH REGISTERED] Registration No. [STATE REGISTRATION NUMBER]] for the [INFRINGED TRADEMARK] mark in connection with

[DESCRIPTION OF TRADEMARK OWNER'S GOODS AND/OR SERVICES]][, which [is/are] in full force and effect]. [Further, Registration No[s]. [NUMBER(S)] are incontestable and serve[s] as conclusive evidence of [TRADEMARK OWNER]'s exclusive rights in the [INFRINGED TRADEMARK] mark.] [Copies of our client's [application for registration/registration[s]] are enclosed./The above federal [application/registration[s]] can be verified by using the search tools at the USPTO website (<http://tess2.uspto.gov/>).]

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It has come to [TRADEMARK OWNER]'s attention that [RECIPIENT] is violating [TRADEMARK OWNER]'s rights in its [registered] [INFRINGED TRADEMARK] mark by using the [mark[s]/designation[s]] [INFRINGING TRADEMARK(S)] in connection with its offering of certain [goods/services/goods and services]. In particular, [DESCRIPTION OF ALLEGED INFRINGING USE(S)]. [We enclose a [copy/photograph] of the infringing [DESCRIPTION OF INFRINGING ITEM(S)].]

[Moreover, [RECIPIENT] has registered [and is using] the domain name[s] [DOMAIN NAME(S)] without [TRADEMARK OWNER]'s authorization. [This/These] domain name[s] [is/are] [identical/confusingly similar] to [TRADEMARK OWNER]'s] distinctive [and famous] [INFRINGED TRADEMARK] mark. It is clear that [RECIPIENT] is acting with a bad faith intent to profit from [TRADEMARK OWNER]'s mark.]

[The [prominent] use of the [INFRINGING TRADEMARK(S)] mark[s] in this manner appears to be made with the intent to trade on the goodwill associated with [TRADEMARK OWNER]'s [INFRINGED TRADEMARK] mark.] [RECIPIENT]'s unlawful use creates the false impression that [RECIPIENT]'s [goods/services/goods and services] originate from [TRADEMARK OWNER], or that [TRADEMARK OWNER] is somehow connected or associated with [RECIPIENT]'s [goods/services/goods and services], so as to deceive customers or to cause confusion or mistake as to the origin or affiliation of [RECIPIENT]'s and [TRADEMARK OWNER]'s [goods/services/goods and services].

[[RECIPIENT]'s use is also likely to dilute the distinctive quality of the [TRADEMARK OWNER]'s famous [INFRINGED TRADEMARK] mark. The attempted association of [TRADEMARK OWNER]'s trademark with [RECIPIENT]'s [goods/services/goods and services] is likely to [blur the distinctive character] [and] [tarnish the reputation] of [TRADEMARK OWNER]'s famous trademark.]

The above use of the [INFRINGING TRADEMARK(S)] mark[s] in connection with [RECIPIENT]'s [goods/services/goods and services] subjects [RECIPIENT] to liability for [willful/direct] trademark infringement[,/ and] false designation of origin[, ] [and] [trademark dilution][, and] [cyberpiracy] in violation of the Lanham Trademark Act, 15 U.S.C. § 1051 et. seq. [[RECIPIENT]'s actions may also give rise to separate claims under state unfair competition [and dilution] laws[, including [APPLICABLE STATE STATUTE(S)]]. [The civil remedies available for these violations include immediate and permanent injunctive relief, recovery of [RECIPIENT]'s profits, and up to three times the amount of monetary damages suffered by our client, as well as an award of attorney's fees.]

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[TRADEMARK OWNER] consistently enforces its trademark rights against infringers through all appropriate legal means. [However, under the circumstances, [TRADEMARK OWNER] is prepared to try to resolve this matter amicably provided that [RECIPIENT] cooperates fully with [TRADEMARK OWNER] and establishes to [TRADEMARK OWNER]'s satisfaction that this was a one-time error of judgment on [RECIPIENT]'s part and not a systematic effort to profit from or devalue [TRADEMARK OWNER]'s intellectual property.]

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[TRADEMARK OWNER] therefore demands that [RECIPIENT] immediately[, and by no later than [DATE],]:

1. Cease and desist from all further use of the [INFRINGING TRADEMARK(S)] mark[s] and any other designations likely to cause confusion with [or dilution of] [TRADEMARK OWNER]'s trademarks;
2. Destroy any materials in its possession or control bearing any designation likely to cause confusion with [or dilution of] [TRADEMARK OWNER]'s trademarks;
3. Provide [TRADEMARK OWNER] with sufficient information to determine the full amount of [RECIPIENT]'s gross revenues and profits derived from its use of the [INFRINGING TRADEMARK(S)] mark[s];
4. [Abandon all pending applications to register and voluntarily cancel all existing USPTO or state registrations for the [INFRINGING TRADEMARK(S)] mark[s] [in connection with [INFRINGING GOODS AND SERVICES];[ and]]

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5. [[Cancel [RECIPIENT]'s registration[s] for the domain name[s] [DOMAIN NAME(S)]/Transfer the domain name[s] [DOMAIN NAME(S)] to [TRADEMARK OWNER]]; and]

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6. Provide [TRADEMARK OWNER] with written confirmation that [RECIPIENT] that it has complied with these demands.

[TRADEMARK OWNER] further demands that [RECIPIENT] provide, by no later than the close of business on [DATE], written confirmation that [RECIPIENT] will comply with these demands. [RECIPIENT] is specifically advised that any failure or delay in complying with these demands will likely compound the damages for which [RECIPIENT] may be liable. If [TRADEMARK OWNER] does not receive a satisfactory and timely response, [TRADEMARK OWNER] is prepared to take all steps necessary to protect [TRADEMARK OWNER]'s valuable intellectual property rights, without further notice to [RECIPIENT].

The above is not an exhaustive statement of all the relevant facts and law. [TRADEMARK OWNER] expressly reserves all of its legal and equitable rights and remedies, including the right to seek injunctive relief and recover monetary damages.

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Very truly yours,

[ATTORNEY OR FIRM NAME]

By: \_\_\_\_\_

Name:  
Title: