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Avoiding Fraud Attacks on US Trademarks



Britt Anderson, Partner at Perkins Coie, details strategies against fraud claims to US trademarks in defense and enforcement. Chutter may increase basis of attack. In oral argument on March 6, 2023, in *Great Concepts LLC v. Chutter Inc.*, Case No. 22-1212, the United States Court of Appeals for the Federal Circuit (Federal Circuit) considered for the first time whether the U.S. Trademark Trial and Appeal Board (TTAB) wrongly granted cancellation of a trademark registration because a lawyer signed an affidavit of use without reading it. The facts at play in Chutter are only another variation in the circumstances that may permit a claim of fraud to be asserted against a U.S. registration in a contest over trademark rights.

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