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“Intellectual Property lies at the centre of the modern company's economic success or failure”

Lester Thurow : Economist

Trade marks & Brands

Patents & Inventions

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Database rights

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New Media Agreements such as directors and authors rights

Transactional Intellectual Property

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Trade Mark Trolls Have Hit Scotland - Where Next?

by Kim Henry
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Scotland has been hit by a Trade Mark scam which has swept America in recent years. In 2005 the New York Times wrote an article on Leo Stoller, a business man dubbed the 'Trade mark Troll' due to his notorious Trade Mark scams. He claimed he was an Intellectual Property Entrepreneur and threatened many companies by claiming ownership to the word 'stealth' amongst various other generic words.

It now appears that the UK has its own Leo Stoller in the form of John Blanchard, who in recent months has been targeting Juice companies in Scotland by claiming that they are infringing his trade marks. He is registering names of existing businesses then demanding money to lease or sell the trade mark back to the company who were using the trade mark in the first place.

Juice companies such as JUICELING in Glasgow and Edinburgh based JUICED UP have been the targets of Mr Blanchard's scams, who is the frontman of the company called Never Give Up Limited.

Initially Mr Blanchard told Callum Johnson, the owner of Juiceling that the Juiceling Trade mark could be sold for £25 000 to £30 000 but as time passed by the price went up to a staggering £58 500. Juiceling were also told that if they did not accept the offer then damages and court proceedings would result which would run into millions of pounds – a completely false claim.

A BBC Correspondent recently posed as a representative of Juiceling and confronted Mr Blanchard as part of an under cover investigation. He entered into negotiations with Mr Blanchard to buy the Juiceling trade mark.

When Mr Blanchard realised that he had been rumbled with a bogus meeting set up by the BBC Scotland reporter he denied that he was doing anything wrong and that he only registers Trade Marks in good faith.

It also emerged that the trade mark 'Juiceling' which he claimed is registered in his name is still at the

application stage and so he does not even own it yet!

According to the BBC - "Never Give Up" has attempted to register trade marks for at least 34 different juice-related names, at least four of which are names of existing juice companies, at the government's Intellectual Property Office".

Although Mr Blanchard's claims to the trade marks may be worthless (as it is the goodwill as well as the registering of a Trade Mark which offers the names protection), it may be a prudent business move for small companies in particular to apply to trade mark their names, at a cost of £200.

The Institute of Trade Mark Attorneys (ITMA) has further warned of 'unofficial and unregistered' companies sending letters to firms requesting substantial payment for 'ambiguous services' relating to trade mark registration. If companies do receive an unexpected letter relating to their trade marks seeking payment of a fee they should not send any money without first checking whether it is official. Unofficial letters should be reported to the UK Intellectual Property Office.