

**From:** Robert S. Lee  
**Sent:** Tuesday, November 11, 2008 8:20 PM  
**To:** gllgov  
**Cc:** Brice P. Duffy; Marketing  
**Subject:** Use of Lexwork International® Trademark

I have had a few questions about the proper use of the Lexwork International logo and name on member firm websites. I did some investigating and got some advice from Andre Asselin at De Grandpre and Steve Lasher at Foster which I thought I would pass along to all of you for your information and future use. I will also post this e-mail on the Lexwork International® website for future reference.

Both the "Lexwork International" word mark and the "Lexwork International" design mark were registered with the U.S. Patent and Trademark Office and entered on the Trademarks Register of the Trademarks Office of the Canadian Intellectual Property Office of Industry in early 2007.

In the U.S. we will need to file what are called Section 8 and Section 15 affidavits (essentially confirming that the mark continues to be used in interstate commerce) sometime between the 5th and 6th year after registration (in 2012) in order to keep the registration active and then will need to renew registration of the mark at the 10th year and every 10 years thereafter.

Proper use of the mark simply means using the marks as registered. Thus, using "Lexwork International" rather than just "Lexwork" would be appropriate on websites and marketing materials. Further, the design that was registered must be used exactly as registered. A high def copy of the design is attached to this e-mail. We did not register color, so the mark need not be used just in black and white. It could be colorized. The design registered simply has Lexwork on top with an exaggerated "X", International below and off center, with a circle with horizontal lines interacting with the "K" in Lexwork. Any deviation from that registered design would technically be inappropriate. A new registration would become necessary if the design were materially altered.

Although apparently not required in Canada according to Andre, in the U.S. Steve Lasher recommends that any use of the term Lexwork International be followed by the "r in a circle" symbol because this puts the world on notice of the trademark registration and helps in the event of infringement. Although not required, it makes prosecution of an infringement case easier. Thus, references in your websites should be to Lexwork International®.

Let me know if you have other questions.

Bob



Lexwork.tif (1 MB)

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**Robert S. Lee**  
*Attorney at Law*

**Phone: (612) 305-1448**  
Cell: (612) 710-2756  
[rsl@mcmlaw.com](mailto:rsl@mcmlaw.com)



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**Mackall, Crouse & Moore, PLC**

1400 AT&T Tower  
901 Marquette Avenue  
Minneapolis, MN 55402  
Main: (612) 305-1400  
Fax: (612) 305-1414

[www.mcmlaw.com](http://www.mcmlaw.com)

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