



With an increasing number of states coming “online” with respect to medicinal and adult-use cannabis products, and with the changes in the legality of cannabis extracts (namely CBD) following the 2018 Farm Bill, there is a strategic need for cannabis companies to brand their products and services. The branding of cannabis products and services—as with all products and services—is crucial for garnering consumer recognition, gaining and increasing market share and attracting investment dollars. Cannabis companies that are developing and strengthening their brand equity now will be best-positioned for the market and legal changes that are sure to come in the future.

Duane Morris attorneys work closely with clients operating or looking to operate in a wide array of verticals and assist with developing brand strategies that make sense for their businesses from both practical and legal perspectives, and in the most cost-efficient manner possible. We’ve helped clients operating in both the medicinal and adult-use spaces in developing and implementing corporate structures that facilitate the growth and marketing of their brands.

RANGE OF SERVICES

- ▶ Brand clearance
- ▶ Trademark, prosecution, registration and protection
- ▶ Product licensing
- ▶ Enforcement
- ▶ Trade secret protection
- ▶ Intellectual property strategy
- ▶ State, federal and international brand protection
- ▶ Advice on marketability

2018 Farm Bill Spurs Cannabis Trademark Clarification

In response to the 2018 Farm Bill, the United States Patent and Trademark Office released an examination guide aimed at clarifying the procedure for trademarks used in connection with cannabis and cannabis-derived goods and services.

Under these guidelines, applications filed before December 20, 2018, that identify goods and/or services encompassing cannabidiol (CBD) or other cannabis products will be issued a refusal based on unlawful use or lack of bona fide intent to use in lawful commerce under the Controlled Substance Act. Following the issuance of the refusal, an applicant will be allowed to:

1. Abandon the application and file a new one;
2. Respond by submitting evidence and arguments against the refusal; or
3. Amend the filing date of the application to December 20, 2018.

LEADERS IN THE FIELD

Chambers USA

National Leader in Cannabis Law
National Leading Attorneys:
Tracy Gallegos, Paul Josephson
& **Michael Schwamm**

The Legal 500

Leading Law Firm in Cannabis
Leading Lawyers: **Michael Schwamm**

Law360

2022 Cannabis Group of the Year

National Law Journal

Cannabis Trailblazers: **Christiane Campbell, Tracy Gallegos,**
Paul Josephson & Michael Schwamm

Cannabis Law Report

Global Top 200 Lawyers: **Tracy Gallegos, Paul Josephson**
& **Michael Schwamm**

Insider NJ

CannInfluencers - People Shaping Cannabis Industry
in New Jersey: **Paul Josephson**

The Insider 100: Cannabis Power List: **Paul Josephson**

New Jersey Law Journal

New Jersey Trailblazers (Cannabis): **Paul Josephson**

Chambers
AND PARTNERS





- ▶ Prosecuting U.S. federal trademark applications and providing branding advice for a nonprofit company who promotes cannabis treatment for autism.
- ▶ Prosecuting U.S. federal trademark applications and providing branding advice for a supplier and manufacturer of CBD and hemp-based raw ingredients for the food, beverage, cosmetic and supplement industries.
- ▶ Prosecuting U.S. federal trademark applications and providing branding advice for a nonprofit organization that utilizes traditional and nontraditional treatments and therapies for rehabilitation of U.S. armed forces members.
- ▶ Conducted due diligence for a cannabis company's intellectual property, including a review of their patents and trademarks.

REPRESENTATIVE MATTERS

- ▶ Represented applicant/defendant Curemark, LLC, a biopharmaceutical company in the autism treatment field, in an opposition brought by a medical marijuana dispensary alleging Curemark's BLÜM and design mark for pharmaceuticals to treat autism is confusingly similar to the dispensary's BLÜM mark for products/information relating to cannabis, cannabinoids and CBD.
- ▶ Represented one of the fastest growing health and wellness companies in the United States in a \$100 million exclusive global license agreement with a leader in engineering and industrialization of biology. This collaboration will advance biosynthetic cannabinoid production to bring new cannabis products to market to efficiently meet growing and selective consumer demand while ensuring greater supply chain security.
- ▶ Conducted due diligence for multiple vertically integrated cannabis companies in connection with branding and intellectual property, including review of trademarks.
- ▶ Conducting diligence on behalf of a vertically integrated cannabis company in connection with its proposed acquisition of a producer and marketer of CBD-infused beauty and pain management products, and reviewing the company's marketing and labeling practices from a risk management perspective.
- ▶ Representing a THC and CBD vaping and infused product manufacturer in first-ever federal trademark infringement action involving federal trademark rights in smoking-related products, including vaping devices and hemp oil.
- ▶ Representing a developer of CBD-infused therapeutic products, which has obtained a license to use one of the world's iconic brand names, in connection with the development of the client's global branding and enforcement strategy.
- ▶ Represented a property management and development company to overcome refusal of registration for various trademark by the U.S. Trademark Office based on alleged violations of the Controlled Substances Act and Money Laundering Act.
- ▶ Advising a CBD company on regulatory and labeling compliance for their retail brands.
- ▶ Prosecuting U.S. federal trademark applications and providing branding advice for a Boston-based company developing a production and extraction facility.

OFFICE LOCATIONS & REACH



UNITED STATES

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 Houston Silicon Valley
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 Los Angeles Wilmington

INTERNATIONAL

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 Ho Chi Minh City Singapore
 London Sydney
 Myanmar

- > Also satellite offices, including Bangor and Portland, Maine; Berwyn, Pennsylvania; and Seattle, Washington
- > Alliances in Mexico and throughout Latin America
- > Leadership position with international network of independent law firms

FOR MORE INFORMATION, PLEASE CONTACT:

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