

From: christopher <christopher@nexmarkipau.com>

Date: Wednesday, 11 March 2026 at 9:54 am

To:

Subject: Trademark Opportunity for Brand Name

Dear

I hope you're doing well.

I'm reaching out regarding an urgent matter concerning the trademark for "**BUSINESS NAME**". Another party has approached us to file for this trademark, but our research shows they are a new startup and have been using the name for only a short period.

In contrast, you have a **proven history of using this name**, which strengthens your claim. As per our company policy, we are offering you the first opportunity to file for the trademark before proceeding with the other party's request.

Scare techniques are used to prompt action

Key Considerations:

- **Proceeding with the trademark application:** We can file the application with **IP Australia immediately**, ensuring that you secure exclusive rights to the name.
- **Declining to proceed:** If you choose not to move forward, we will have to proceed with the other party's application. Since **IP Australia follows a first-to-file rule**, this could have significant legal and operational consequences for your business.

Australia is not a first to file system

Should the other party secure the trademark, they will have **exclusive rights to the name**, and you may no longer be able to use it freely. Under the **Australian Trade Marks Act 1995**, this could result in:

- **Cease-and-desist orders**, requiring you to stop using the name.
- **Rebranding expenses**, including changes to business names, marketing materials, and digital presence.
- **Potential legal claims**, which may lead to penalties, damages, or lawsuits.

We strongly advise taking prompt action to protect your rights. If you'd like to proceed, please confirm as soon as possible. **You can reply to this email or call me at our front desk at (08) 6118 3206.**

Looking forward to your prompt response.

Best Regards,

Christopher Parker

Intellectual Property Lawyer



(08) 6118 3206

Christopher@nexmarkipau.com

25 Grenfell St, Adelaide SA 5000, Australia www.nexmarkipau.com

nexmarkipau.com

The name of the attorney may be one that is know to you as scammers are known to use their identity.

Registered attorneys in Australia and New Zealand are listed on the [Trans-Tasman IP Attorneys Regulation website](#). Search for and check Attorney names and companies.