Date

Name Here

Title Here

Name of Business or Organization

Address line 1

Address line 2

Re: Notice of Violation of California Department of [Name of Agency] Trademark; Cease and Desist Letter

To whom it may concern:

It has been brought to the attention of the State of California, [Name of Agency], that you are using [Describe materials, such as Agency logo].

Please be advised that [name of property] is/are protected by state and federal trademark law, and you are not authorized to use an [name of property] in your company’s advisement(s). You are not authorized by [Name of Agency] to display or use [name of property] because such a use creates a likelihood that the public will believe that you company has official approval from the [Name of Agency] to use the [name of property] in marketing your product(s).

Your use of [name of property] of the State California property blurs the distinctiveness and value of such an [name of property]. In addition to the supporting a claim of trademark infringement, your use will also support a dilution claim under both state and federal law, as well as a claim for “blurring.” (See, e.g., *Toys “R” Us* v. *Akkaoui* (N.D. Cal 1996) 40 U.S.P.Q.2d 1836.)

The [Name of Agency] does not permit the use of any of its trademark or service marks intellectual property for the purpose of promoting [company]. Your product marketing not only constitutes trademark infringement that also will support a claim for damages, it also violates a well-established policy of [Name of Agency] and the State of California.

Finally, your use of [name of property] in your advertisement violates Business & Professions Code Section 17533.6. Subdivision (a) of this statue prohibits a non-governmental entity from soliciting the purchase of a product through the use of any term or symbol that could reasonably be interpreted as implying a state or local government connection, approval, or endorsement. As previously stated, your use of [name of property] improperly implies a connection with, or approval from, the [Name of Agency].

The [Name of Agency] demands that you cease and desist within twenty (20) days from the date of this letter your unlawful use of [name of property] to market your company/product(s). The Department will take all steps necessary to protect its trademarks, and will also seek enforcement of Business & Professions Code Section 17533.6(a).

If forced to proceed with legal action, the Department will pursue all available injunctive relief and monetary damages, including seeking to recoup your profits from your unauthorized use of [name of property] and recovery of the Department’s attorney fees. The [Name of Agency] will also seek the recovery of punitive damages, as appropriate. If you would like to discuss this matter further, please contact me at (916) 376-5112.

Sincerely,

Christopher J. Gill

Attorney IV