

International Cease & Desist Response Template

Professional Letter Templates for Different Scenarios

By Cameron Reid, CrossBorderIP

How to Use This Template

This document provides **5 different response templates** for common cease-and-desist scenarios. Each template is designed to be professional, fact-based, and strategic.

IMPORTANT: These are templates, not legal advice. Always work with qualified IP counsel before sending any response to a cease-and-desist letter. The language and strategy must be tailored to your specific situation.

What's included:

1. **Template A:** Polite Rejection (No Merit)
 2. **Template B:** Assertion of Prior Rights
 3. **Template C:** Proposal for Coexistence Agreement
 4. **Template D:** Request for More Information
 5. **Template E:** Acknowledgment with Timeline for Response
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TEMPLATE A: Polite Rejection (No Merit)

When to use: Their claim has no legal merit, you have superior rights, or there's no likelihood of confusion.

Tone: Professional but firm

[YOUR COMPANY LETTERHEAD]

[Date]

[Name of Sender/Law Firm]

[Address]

Re: Response to Cease and Desist Letter dated [DATE]

Dear [Name]:

We are in receipt of your letter dated [DATE] on behalf of [THEIR COMPANY] regarding alleged trademark infringement of the mark "[THEIR MARK]."

After careful review of your claims and consultation with our intellectual property counsel, we respectfully disagree with your position for the following reasons:

1. Prior Use and Rights

[YOUR COMPANY] has been using the mark "[YOUR MARK]" since [DATE], which predates your client's claimed first use of [DATE] and their trademark registration dated [DATE]. We can provide documentation of our continuous use if necessary.

2. Different Markets and No Likelihood of Confusion

Our business operates exclusively in [YOUR INDUSTRY/MARKET], targeting [YOUR CUSTOMERS], while your client operates in [THEIR INDUSTRY/MARKET]. There is no overlap in our respective goods/services, customer bases, or channels of trade. As such, there is no likelihood of consumer confusion.

3. Geographic Separation

Your client's trademark rights appear to be limited to [THEIR JURISDICTION]. [YOUR COMPANY] has no operations, customers, or business activities in [THAT JURISDICTION]. Our operations are exclusively in [YOUR JURISDICTION(S)], where we hold our own registered trademark [REGISTRATION NUMBER].

4. Different Marks

The marks in question—" [YOUR MARK]" and "[THEIR MARK]"—are not confusingly similar. They differ in [APPEARANCE/SOUND/MEANING] and serve to distinguish our respective businesses rather than create confusion.

Based on the foregoing, we do not believe your client's claims have merit, and we will continue to use our trademark "[YOUR MARK]" in the ordinary course of our business.

Should your client wish to discuss this matter further, please have them contact our counsel directly.

We trust this clarifies our position and that no further action will be necessary.

Sincerely,

[YOUR NAME]

[YOUR TITLE]

[YOUR COMPANY]

TEMPLATE B: Assertion of Prior Rights

When to use: You have demonstrable prior use or registration that predates theirs.

Tone: Assertive, fact-based

[YOUR COMPANY LETTERHEAD]

[Date]

[Name of Sender/Law Firm]

[Address]

Re: Response to Cease and Desist Letter dated [DATE] — Assertion of Prior Rights

Dear [Name]:

We are in receipt of your cease-and-desist letter dated [DATE] on behalf of [THEIR COMPANY].

We write to inform you that [YOUR COMPANY] holds superior rights to the trademark "[YOUR MARK]" based on the following:

Priority of Use

[YOUR COMPANY] has been continuously using the mark "[YOUR MARK]" in connection with [YOUR GOODS/SERVICES] since [DATE]. This use significantly predates:

- Your client's claimed first use of [DATE]
- Your client's trademark application filed [DATE]
- Your client's trademark registration dated [DATE]

Registered Rights

[YOUR COMPANY] holds the following trademark registrations:

- [COUNTRY]: Registration No. [NUMBER], filed [DATE], registered [DATE]
- [COUNTRY]: Registration No. [NUMBER], filed [DATE], registered [DATE]

These registrations predate your client's rights and provide [YOUR COMPANY] with exclusive rights to use the mark in these jurisdictions.

Evidence of Priority

We can provide substantial evidence of our prior use, including but not limited to:

- Website archives showing use since [DATE]
- Marketing materials dated [DATE]
- Sales records from [DATE]
- Domain registration dated [DATE]

Your Client's Position

Given [YOUR COMPANY]'s prior and superior rights, your client's claims are without merit. To the extent your client believes it has rights to a similar mark, those rights:

1. Post-date our rights
2. Do not extend to the jurisdictions where we operate
3. Do not create any obligation on our part to cease use

We trust your client will withdraw its claims and discontinue any further attempts to interfere with [YOUR COMPANY]'s legitimate use of its trademark.

Should you wish to discuss a potential coexistence arrangement that respects our respective rights, we are open to good-faith discussions.

Sincerely,

[YOUR NAME]

[YOUR TITLE]

[YOUR COMPANY]

cc: [YOUR IP COUNSEL]

TEMPLATE C: Proposal for Coexistence Agreement

When to use: There's some legitimate overlap, but both parties can coexist with clear boundaries.

Tone: Collaborative, solution-oriented

[YOUR COMPANY LETTERHEAD]

[Date]

[Name of Sender/Law Firm]

[Address]

Re: Response to Cease and Desist Letter dated [DATE] — Proposal for Coexistence

Dear [Name]:

Thank you for your letter dated [DATE] on behalf of [THEIR COMPANY] regarding the trademark "[THEIR MARK]."

We appreciate your client's concerns and have carefully reviewed the matter. While we respectfully disagree that our use of "[YOUR MARK]" constitutes infringement, we recognize that both parties have invested significantly in building their respective brands.

Rather than engage in protracted and expensive litigation, we propose exploring a coexistence arrangement that would allow both parties to operate without confusion or conflict.

Proposed Framework:

We believe coexistence is viable based on the following:

1. Geographic Separation

- [YOUR COMPANY] operates primarily in [YOUR MARKETS]
- [THEIR COMPANY] operates primarily in [THEIR MARKETS]
- Limited geographic overlap reduces likelihood of confusion

2. Different Customer Bases

- Our customers are [DESCRIPTION]
- Your client's customers are [DESCRIPTION]
- Different distribution channels further minimize confusion

3. Visual Distinctions

- We are willing to add [DISTINGUISHING ELEMENT] to our branding in markets where overlap exists
- This would further differentiate the marks and prevent confusion

Proposed Terms:

We propose a coexistence agreement with the following general terms:

1. [YOUR COMPANY] continues using "[YOUR MARK]" in [YOUR TERRITORIES]
2. [THEIR COMPANY] continues using "[THEIR MARK]" in [THEIR TERRITORIES]
3. In overlapping territories, both parties agree to [SPECIFIC DISTINCTIONS]
4. Both parties agree not to oppose each other's trademark applications in non-conflicting jurisdictions

We believe this approach serves both parties' interests and avoids unnecessary legal costs and business disruption.

If your client is amenable to exploring this solution, we would be happy to discuss the details further. Please let us know if you would like to schedule a call to discuss.

Sincerely,

[YOUR NAME]
[YOUR TITLE]
[YOUR COMPANY]

TEMPLATE D: Request for More Information

When to use: The cease-and-desist is vague, doesn't cite specific registrations, or lacks supporting evidence.

Tone: Professional, questioning

[YOUR COMPANY LETTERHEAD]

[Date]

[Name of Sender/Law Firm]

[Address]

Re: Response to Cease and Desist Letter dated [DATE] — Request for Additional Information

Dear [Name]:

We are in receipt of your letter dated [DATE] on behalf of [THEIR COMPANY] alleging trademark infringement.

To properly evaluate your client's claims, we require additional information and documentation. Specifically:

1. Trademark Registration Details

Please provide:

- Specific trademark registration number(s) that allegedly cover the mark at issue
- Jurisdiction(s) of registration
- Date(s) of filing and registration
- Certified copies of the registration certificates
- Current status (active, expired, pending, etc.)

2. Goods and Services Covered

Please specify:

- The exact goods and services covered by the registration(s)
- The international class(es) under which the mark is registered

3. Evidence of Use

Please provide:

- Evidence of your client's first use of the mark
- Evidence of continuous use of the mark
- Geographic scope of your client's business operations
- Evidence of actual consumer confusion, if any

4. Basis for Infringement Claims

Please explain:

- How [YOUR COMPANY]'s use allegedly infringes your client's rights
- Why you believe there is a likelihood of confusion
- What specific actions you are demanding [YOUR COMPANY] take

5. Authorization

Please provide:

- Proof that [YOUR FIRM] is authorized to act on behalf of [THEIR COMPANY]
- Contact information for a representative of [THEIR COMPANY] with authority to resolve this matter

Once we receive this information, we will be in a better position to evaluate your client's claims and respond substantively.

Please provide the requested information within [15/30] days. Until we receive complete information, we reserve all rights and defenses.

Sincerely,

[YOUR NAME]

[YOUR TITLE]

[YOUR COMPANY]

TEMPLATE E: Acknowledgment with Timeline for Response

When to use: You need time to properly investigate and consult with counsel, but don't want to ignore the letter.

Tone: Professional, non-committal

[YOUR COMPANY LETTERHEAD]

[Date]

[Name of Sender/Law Firm]

[Address]

Re: Acknowledgment of Cease and Desist Letter dated [DATE]

Dear [Name]:

We acknowledge receipt of your letter dated [DATE] on behalf of [THEIR COMPANY] regarding alleged trademark infringement.

This matter requires careful investigation and consultation with our intellectual property counsel. We are currently:

1. Reviewing the trademark registration(s) cited in your letter
2. Analyzing the merits of your client's claims
3. Assessing our own rights and use history

4. Consulting with legal counsel regarding the appropriate response

We anticipate providing a substantive response by [DATE - typically 30-45 days from receipt].

This acknowledgment should not be construed as an admission of any wrongdoing or agreement with any claims made in your letter. We expressly reserve all rights and defenses.

We request that your client refrain from taking any further action until we have had adequate opportunity to investigate and respond.

Thank you for your patience.

Sincerely,

[YOUR NAME]

[YOUR TITLE]

[YOUR COMPANY]

ADDITIONAL GUIDANCE

Before You Send Any Response:

- 1. Consult with IP counsel** Do not send any response without review by a qualified attorney. Even seemingly innocuous statements can create problems later.
 - 2. Verify their claims independently** Don't take their word that they have a valid trademark. Search the databases yourself (WIPO, EUIPO, USPTO, etc.).
 - 3. Document your own rights** Gather evidence of your prior use, registrations, and the differences between the marks before responding.
 - 4. Consider whether to respond at all** Sometimes the best response is no response—especially if you have zero presence in their jurisdiction and their claims are weak.
 - 5. Don't make admissions** Never say "we didn't know about your trademark" or "we'll stop using the mark" even if you're considering compliance. These can be used against you.
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What NOT to Include in Your Response:

- ✗ Emotional language ("This is absurd!" "You're harassing us!")
 - ✗ Threats you can't back up ("We'll sue you for defamation!")
 - ✗ Admissions of wrongdoing ("We didn't realize we were infringing")
 - ✗ Detailed business information (revenue, customer numbers, expansion plans)
 - ✗ Speculative statements ("We think your trademark is invalid")
 - ✗ Personal attacks on the sender or their client
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Response Timeline Recommendations:

Days 1-7:

- Save the letter and all supporting documents
- Verify their trademark claims independently
- Don't respond yet

Days 8-14:

- Consult with IP counsel
- Gather evidence of your rights
- Decide on response strategy

Days 15-21:

- Draft response (using appropriate template above)
- Have counsel review
- Send via certified mail or email with read receipt

After Response:

- Monitor for further communication
 - Continue documenting your use
 - Prepare for potential escalation
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International Considerations:**Different countries = different laws**

These templates are based on general trademark principles, but every country has different laws regarding:

- What constitutes trademark infringement
- Defenses available
- Procedural requirements
- Statute of limitations

Always work with counsel familiar with the specific jurisdiction(s) involved.

Language matters

If the cease-and-desist is in a foreign language, have it professionally translated before responding. Don't rely on Google Translate for legal documents.

Service of legal documents

Some countries have specific requirements for how legal documents must be served. A letter received via email may not be legally valid service in all jurisdictions.

When to Fight Back (File Your Own Action):

Consider filing a declaratory judgment action or trademark cancellation if:

1. **They're trademark squatters** who registered your brand in bad faith
2. **Their trademark is invalid** (descriptive, generic, abandoned)
3. **You need business certainty** and can't operate with this threat hanging over you
4. **They're a competitor** using IP law as a competitive weapon

This requires working with counsel in the relevant jurisdiction and budget of \$30K-\$150K+ depending on complexity.

Need Help?

Responding to an international cease-and-desist requires balancing legal risk, business strategy, and cost.

If you'd like help evaluating your specific situation and drafting an appropriate response, I offer **free 15-minute strategy calls** to:

- Review the cease-and-desist letter
- Assess the strength of their claims
- Recommend response strategy
- Connect you with appropriate counsel if needed

Book your free call: crossborderip.com/contact

About the Author

Cameron Reid is the founder of CrossBorderIP, where he advises SaaS companies, tech startups, and emerging technology innovators on international IP strategy. With over 20 years of experience spanning Big Law, in-house counsel roles, and startup advisory, Cameron specializes in helping technology companies protect and scale their IP globally—particularly across US and Asia-Pacific markets.

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This document provides general information and template language for responding to cease-and-desist letters. It should not be relied upon as legal advice. Every cease-and-desist situation is unique and requires analysis by qualified legal counsel in the relevant jurisdiction(s). Do not send any response without review by your attorney.

DOCUMENT INFORMATION

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Includes:

- 5 complete letter templates
 - Usage guidance for each scenario
 - What to include/exclude
 - Timeline recommendations
 - International considerations
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