

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

GLOBAL OCCUPATIONAL SAFETY AND
HEALTH ACADEMY, LLC,

Defendant.

No. 21-2123

Judge

COMPLAINT

Now comes plaintiff, the United States of America (United States), and for its complaint against defendant, Global Occupational Safety and Health Academy, LLC (Global OSHA) alleges as follows:

NATURE OF THE ACTION

1. The United States seeks injunctive relief based on defendant's violations of the Lanham Act and, in particular, its unauthorized use of the registered trademarks, names, logo, trade dress, and other materials of United States Department of Labor's Occupational Safety and Health Administration (OSHA). The United States further seeks a determination that, if Global OSHA's pending trademark application obtains registration, Global OSHA has no right to such registration and that it be cancelled. The United States further seeks Global OSHA's profits, any damages incurred by OSHA, and the costs of the action, including its reasonable attorney fees.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338.

3. Venue is proper pursuant to 28 U.S.C. § 1391.

THE PARTIES

4. Plaintiff, the United States of America, is acting on behalf of the Department of Labor, OSHA.

5. Upon information and belief, defendant, Global OSHA, is a corporation organized under the laws of Illinois with a principal place of business located at 1900 E. Golf Road, Suite 950, Schaumburg, Illinois 60173.

OSHA AND ITS TRADEMARKS

6. The names “Occupational Safety and Health Administration” and “OSHA” have been uniquely associated with the United States Department of Labor since the 1970s, established under the Occupational Safety and Health Act. *See generally* 29 U.S.C §§ 651-78.

7. Over the last 50 years OSHA has dramatically improved workplace safety and health. Fatality and injury rates have dropped significantly. Although accurate statistics were not kept at the time, it is estimated that in 1970 around 14,000 workers were killed on the job. That number fell to approximately 5,333 in 2019. Over the same period, U.S. employment has almost doubled and now includes over 150 million workers. Since the passage of the Occupational Safety and Health Act, the rate of reported serious workplace injuries and illnesses has declined from 11 per 100 workers in 1972 to 3.5 per 100 workers in 2019. OSHA safety and health standards, including those for trenching, machine guarding, asbestos, benzene, lead, and bloodborne pathogens have prevented countless work-related injuries, illnesses, and deaths.

8. OSHA is a recognized national authority on occupational safety and health issues. OSHA’s success is a result of its enforcement efforts along with its outreach, compliance assistance, and voluntary training programs. In 1971, OSHA initiated the Outreach Training

Program, a voluntary program that trains workers in the identification and control of workplace hazards through 10- and 30-hour training courses. This program trains over one million workers annually. The training addresses hazards workers may encounter at their jobsite and emphasizes hazard identification, avoidance, control, and prevention. OSHA's Outreach Training Program has become the recognized "standard" of worker hazard awareness training. Numerous employers and labor organizations provide this training to their workers and members to enhance their knowledge of workplace hazards and control. Additionally, at least ten states and municipalities have established laws or regulations requiring workers to complete the OSHA Outreach Training 10-hour course before entering and working on a job site.

9. Also in 1971, OSHA established the OSHA Training Institute (OTI). During the 1980s, the number of requests for training from private sector and other federal agency personnel increased substantially and the demand eventually exceeded the OTI's capacity. In 1992, to address the increased demand for high quality training, OSHA created the OTI Education Center Program to expand OTI course delivery to employers and workers covering an array of occupational safety and health topics and issues. The OTI Education Center Program started with four institutions. Over the past 25 years, OSHA's OTI Education Center Program has grown to 26 centers consisting of 37 member organizations nationwide, with at least one operating in every OSHA regional jurisdiction. In Fiscal Year (FY) 2019, a record number of over 60,000 students were trained through OSHA's OTI Education Center Program.

10. In 1978, OSHA established its discretionary training grant program that evolved into the nationwide Susan Harwood Training Grant Program in 1997. OSHA annually awards over \$10 million in occupational safety and health training grants to non-profit organizations to train hard-to-reach and at-risk workers in high-hazard jobs and industries. Training materials

developed and funded by these grants are posted to OSHA's public website for use by employers, worker advocacy groups, labor organizations, and workers.

11. OSHA is also internationally recognized as a leading authority in occupational safety and health. At the request of other government and international organizations, OSHA has provided information and training to foster and advance occupational safety and health worldwide. In conjunction with the Department of Labor's Bureau of International Labor Affairs, OSHA has provided delegates from international governmental agencies and organizations information on OSHA's enforcement and compliance assistance efforts. This information supported the establishment of occupational safety and health enforcement and training programs for government inspectors and citizens. Such international cooperation included meetings with South Korea, Jamaica, and Indonesia delegations. OSHA also provided occupational safety and health training to international government representatives, including a multi-week training program for Iraq's and India's occupational safety and health inspectors. In 2018, the Institution of Occupational Safety and Health (IOSH), based in the United Kingdom, invited OSHA to speak at their Caribbean Safety and Health Conference in Trinidad. OSHA attended the conference and provided a presentation on OSHA's Outreach Training Program and how other governments can develop and implement a similar national occupational safety and health hazard awareness training program for their citizens.

12. OSHA's global cooperation extends into its enforcement and standards setting initiatives. OSHA promulgated a revision to its Hazard Communication Standards to align it with the United Nations' Global Harmonized System of Classification and Labeling of Chemicals. This aligns the United States' chemical labeling hazard information systems with other international jurisdictions to provide a common and coherent approach to classifying

chemicals and communicating hazard information on labels and safety data sheets. This revision also helps reduce trade barriers and results in productivity improvements for American businesses that regularly handle, store, and use hazardous chemicals while providing cost savings for American businesses that periodically update safety data sheets and labels for chemicals covered under the hazard communication standard.

13. OSHA is recognized as a national and international authority on occupational safety and health. OSHA's public website was visited over 48 million times in FY 2020 with over 123 million pages viewed. Additionally in FY 2020, OSHA videos on YouTube received over 1.1 million views. In March 2021, OSHA's Twitter account had a following of over 25,000.

14. As a result of the extensive use by OSHA of the names "Occupational Safety and Health Administration," "OSHA," and its distinctive logo, as well as media attention and publicity, the names and logo have acquired incalculable fame, goodwill and value, and are recognized throughout the United States as being uniquely and unmistakably associated with the Department of Labor and OSHA.

15. OSHA is the owner of federal trademark registrations covering services provided to the public in the field of health and safety, namely, OSHA (Reg. No. 3305165) and OSHA Training Institute Education Centers (Reg. No. 5356959) (OSHA Trademarks). True and correct copies of Registration Nos. 3305165 and 5356959 have been attached to this Complaint as Exhibits A & B.

16. The OSHA Trademarks incorporate a distinct stylized version of the term "OSHA."

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