

ESSENTIAL STEPS TO PROTECTING YOUR BRAND

Do a Trademark Search

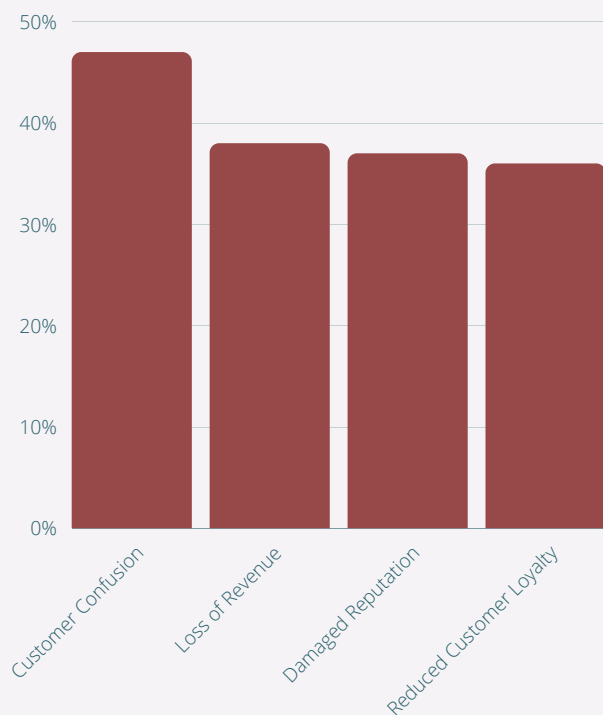
The first thing you want to do is a search to see if another party is using the same or a similar mark as yours. This will tell you immediately if there is already a potential issue. Go to the United States Patent and Trademark Office (USPTO) website and follow the instructions to search your particular business name, logo, and/or slogan.

Register Your Domain Name & Prevent Cyber Squatting

If your business name is established, you'll want to register the domain name. You may not have a website up and running right now, but registering a domain name that contains the name of the business often helps your position should there be any future infringement.

Note: most business owners only purchase domain names that end in .com, but this can actually open the door to cyber squatters taking

THE IMPACT OF INFRINGEMENT*



advantage of you. Because of this you should purchase the same domain names with the top level domain of .net, .biz, .org, etc. For example, if you purchased www.mydomain.com, you would also want to buy www.mydomain.net, www.mydomain.org, www.mydomain.biz, etc. Get as many of these as possible.

Apply for a Federal Trademark

I highly recommend hiring an attorney who is experienced in trademark applications and protection to file your trademark. This is a lengthy process and the last thing you want is to have the mark declined because the person applying for your trademark didn't have the wherewithal to ensure all of the steps were properly followed. The USPTO does not refund your fees if they decline your application, so when it's not done right you lose out on a great deal of time and money.

Use Your Brand

You want to blast your business name, logo, and/or slogan in as many places as possible. Establishing a history of your brand can help prove you were the first to use the mark, in case there is a dispute down the line.

Put it everywhere; tee-shirts, packaging, social media, invoices, etc. Also, start using the ™ symbol after your brand name to put other parties on notice that you are applying for a federal trademark.

Monitor Your Brand

Google alerts is a great way to monitor your brand for free.

You provide specific search terms, and Google alerts lets you know when those terms are used. It's not as robust as other paid services, but it's a start. The more valuable your brand becomes the more thorough this monitoring should be. Attorneys who customarily practice copyright, trademark or patent law may have more advanced software to better serve the needs of your burgeoning brand.

Confront Infringement Immediately

As soon as you see that another party appears to be infringing on your brand, you'll want to tackle it right away. Putting them on notice of your pending or registered mark along with the goods and service that you provide or sending a cease and desist letter in more obvious circumstances of infringement is a great initial step. Did you know that by not alerting confusingly similar brands of your rights that you may eventually lose protection of your mark, even if it's registered!

File a Trademark Infringement Suit

If a party continues to use your mark despite the cease and desist letter, there are other next steps that should be taken, and eventually it may be advisable to file a lawsuit,

because, if you're able to prove infringement, the court may:

- Demand the defendant stop using your mark;
- Order the defendant to destroy or forfeit articles that contain your mark;
- Require the defendant to pay for loss of profits and damages sustained;
- Order the defendant to pay your attorney's fees.

*Compumark: The trademark ecosystem; Global insights into infringement, technology and evolving trademark research