



TRADEMARK *Checklist*

LEARN WHAT CAN BE PROTECTED BY A TRADEMARK, WHAT THE PROCESS IS LIKE AND HOW YOU CAN GET STARTED

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Hi There...

My Name is Natalie!

I'm an online business attorney and legal resource. Close to a decade ago I opened up my own law firm. It felt so liberating and, at the same time, so intimidating... I was scared s*&tless.

I researched, went back to the law library and figured it out and I'm ready to pass on that information onto you!

I always talk about the three parts of the legal wall (business entities, contracts and trademarks). Most people think of legal protection as layers of a cake, but they are really different parts of the same legal wall to protect you and your business.

In this Free Trademark Checklist you will learn exactly what a trademark is, how it can protect your business and what to do to get started on a trademark for your brand.



**"HAVING YOUR
LEGAL SYSTEMS IN
PLACE SHOULD BE
THE FIRST STOP TO
SETTING UP YOUR
BUSINESS"**

TRADEMARK *Checklist*



Trademark filings have absolutely skyrocketed! People are careful to invest in the branding of their businesses, and rightfully so... no one wants to rebrand their business! This checklist will help you figure out the trademark process.

What is a Trademark?

Trademarks are a type of intellectual property protection that is used to distinguish one source of goods or services from another, and make it easier for a consumer to quickly figure out the brand it's identified with.



What can be protected with a Trademark?

- Brand Name
- Slogans
- Course Name
- Hashtags
- Logo
- Blog Name
- Sounds
- Your Legal Name
- Business Name
- Podcast Name
- Brand Colors



What cannot be protected by a Trademark?

- Generic Names
- Common Phrases
- Phrases used for non-business purposes

WHAT TO LOOK OUT FOR WHEN YOU PICK YOUR BUSINESS NAME

trademark infringement

Whenever you're picking *any* name for your business, you want to make sure you're not infringing on someone else's trademark.

That's where the Likelihood of Confusion Test comes in.

What is the Likelihood of Confusion Test?

To make sure you're not infringing on anyone else's trademark or to determine whether or not your intended trademark will pass the registration process, the law looks at the likelihood of a consumer being confused between your intended trademark (or name) and an existing trademark.

One of the factors they look at is similarity.

- Same First Names
- Add/Removing a word
- Foreign translation of the same word
- Spelling is slightly different
- Plural or singular
- "Co" versus Company

If you see a trademarked name that is close to the one you plan on using, don't try to do any of what's listed above or you could be found to be infringing on the trademark!

legal roadmap

FOR THE TRADEMARK PROCESS

I have a trademark idea... now what?

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RUN A THOROUGH TRADEMARK SEARCH

- A thorough trademark search involves several steps
- This will allow you to get a better understanding of:
 - Whether or not a trademark current exists so you can avoid having to do any type of major rebrand or, even worse, get sued for trademark infringement;
 - If there is a name that is already protected by Common Law Intellectual Property Rights

GENERAL ONLINE SEARCH

- Do a general Google Search
- Search for all Social Media Platforms
- Domain Searches
 - This will give you an idea of whether or not a Trademark exists
 - Intellectual Property Law protects the first to use the name/phrase/logo in commerce rather than the first to file a Trademark
- If you find something that is out there, there may be a chance that they can object to your trademark filing and claim they were first in use in commerce

legal roadmap **FOR THE TRADEMARK PROCESS**

US PATENT AND TRADEMARK OFFICE SEARCH

- This will allow you to search to see if there are currently any applications pending or one that has actually received a trademark registration
- Do a TESS Basic Word Search with the USPTO (www.uspto.gov)
- This will give you a good idea of whether or not a trademark has been filed
- The BEST way to see 1) if a trademark is available and 2) if you are infringing on a trademark is to have an attorney do a thorough Trademark search
- There are nuances in Trademark law that a non-attorney wouldn't necessarily know

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THE TRADEMARK PROCESS WITH THE US PATENT & TRADEMARK OFFICE

- Once your application has been filed, it gets assigned to a Trademark examining attorney who will look for:
 - Conflicts with other trademarks
 - Whether or not your name can actually be trademarked
 - If you need additional evidence
- Takes 3 months for the examining attorney to review your application
- Most of the time they need additional evidence, legal clarification, etc
- Then the application is published for opposition (30 day window)
- The whole process takes about 6-9 months

I hope you've found this Trademark Checklist helpful and that it gave you a little more insight into the trademark process.

I always tell my clients they can either be proactive or reactive when it comes to a Trademark. You can either:

- File for trademark protection from the start and then defend your trademark when someone infringes on it; or
- Delay filing your trademark and end up having to rebrand or (even worse) object to a trademark when someone else receives a trademark registration for the name you have been using.

If you're interested in learning more about trademark protection for your business, ***I offer Free Trademark Consultations if you want to chat about whether or not your name is eligible for a trademark.***

**CLICK HERE TO
BOOK A**

