

Avoiding Company Name and Trademark Violations.

Once you have decided on a name for your business, there are other things you must know before proceeding. Read this article by Kristie T for tips on avoiding company name and trademark violations.

Steer Clear of Company Name and Trademark Violations with Your New Business.

by Kristie Tamsevicius

A colleague of mine was looking for a name for her new business that offers high end toys, clothing, and furniture for pampered dogs. First we brainstormed several names. Then we went to GoDaddy.com. Several of the clever names we wanted were taken. We noticed that DivaDoggie.com was taken, but with a clever twist we were able to get MyDivaDoggie.com. Great, she can finally use the clever name for her new business - or can she? Unknowingly DivaDoggie.com was trademarked. She got a cease and desist order. She had to get a new domain name, redo her logo, change her web graphics, and make extensive changes on the website.

Why do a business name search?

- 1) You want to avoid creating a name that is so similar to another existing name that it causes brand confusion.
- 2) You don't want to violate any existing trademarks, company names, or service mark names.

Tips on doing a business name search.

- 1) Find out if the business name you want is already in use by first doing a quick Google search for the business name you want to see if anyone else is already using it.
- 2) Check your state trademark registers. Go to the secretary of state website and there should be a link to the trademark registers there.

In case you were wondering, a trademark is a word, name or symbol or device which is used in trade with goods to indicate the source of the goods and to distinguish them from the goods of others.

- 3) Check the federal government website for the corporate, LLC, or partnership name or service or trademark for the business name you want to use to see if it's already in use.

Just go to: <http://www.uspto.gov/web/menu/search.html>.

You could also try using a professional trademark search company like LegalZoom.com or NameProtect.com

What if someone in my state is using the name but has not trademarked it? Can I still use it?
I would avoid using it because the other party who is using the name may already have a common law claim to the name that would cause problems down the road if you try to trademark because they have first use.

Steps to take once you find the business name is available:

- 1) Buy the domain name
- 2) Get incorporated through an attorney
- 3) Register your name through your secretary of state
- 4) Consider trademarking your name with a trademark attorney

Once you complete the process to secure your business name you will be on our way to getting your new business off the ground.