



TRELLIS

Trellis Legal, LLC

5149 Butler St., Suite 300, Pittsburgh, PA 15201

www.Trellispgh.com

Don't Be Spooked! Why You Should Register Your Trademark Before Launching Your Brand

DISCLAIMER: This outline is a general guide. Be sure to contact an attorney if you have questions or specific issues that need to be addressed.

Congrats on deciding to start your own business! We know how incredibly difficult but exciting it is to go out on your own. After months (or years!) of planning, you have finally started the process of launching your brand! You've set up an LLC, designed a logo, ordered business cards, created social media pages, and bought a domain name...but have you registered your brand as a trademark?

Too often, business owners assume the registration of their business name means they *own* it. However, this is not the case. A filed business name is used to create a legal entity for tax and liability purposes, not protect a brand name. You can read more about that here: [Trademarks v. Copyright: Key Tools for Your Small Business](#). You could have a registered business and still receive a cease and desist. This is because 1) your business name is only protected in the State in which it is registered and the state doesn't screen for trademarks and 2) only your exact business name is protected. For example, if you registered Greenwood Market LLC in the Commonwealth of Pennsylvania, you could receive a Cease and Desist from Greenwood Mrkt LLC in the State of Virginia.

Therefore, not only is it beneficial to file for a trademark, but to file ASAP! Did you know that you can file an "intent to use" application? This application allows you to register your *intended* business/brand name (or logo or slogan) before you start using it, so long as you have a good faith intent to do so within the next 3-4 years. By using this application, you can make all the big purchases mentioned above while knowing your brand is protected. This is especially important for businesses that intend to rely on e-commerce for sales (and if you are, check out our blog on [Why Businesses Should Like Social Media](#)).

Below are 3 reasons why you should register your trademark before launching your brand:

- 1. Domain Name and Online Presence:** You'll likely think of your business/brand name (or logo or slogan) long before you launch your business. Consider this using the example from above. You plan to start a local market but it will take 18 months to get into your location. In the meantime, you register Greenwood Market LLC with the Dept. of State, buy the domain name

www.GreenwoodMarket.com, and create social media with the handle @Greenwood Market. When it's finally time to launch your business you realize there is a www.GreenwoodMrkt.com and a social media presence for @GreenwoodMrkt. What do you do? Not much except wait for confusion among customers or invest in a new brand. With an intent to file application, you'd be secure in knowing you could enforce your trademark rights from the beginning!

- 2. Exclusive Rights and National Coverage:** Trademark Registration grants you exclusive rights to use your trademark/brand and this exclusivity helps protect your brand's identity nationally, not just in the region where you first started using it. In today's world of e-commerce and social media, national protection of your mark is a must. Because it's such a large playing field, why not use the intent to file an application to secure your brand early?
- 3. Brand Value:** Registered trademarks, like all intellectual property, add significant value to your overall business's worth. By filing your trademark early and enforcing it (making sure it isn't being diluted through hashtags or handles, for example), you are ensuring that your trademark will be valuable when you launch.

In sum, registering your trademark before launching your brand helps establish a solid foundation for your business and provides long-term benefits for protecting and growing your brand. If you'd like to discuss more about filing an intent to use application, or even a trademark you've had for years, feel free to reach out!