



**TRELLIS**

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## Checking in On Your Business

***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.***

From business structure to contracts and industry-specific rules and regulations, we know sometimes being a small business owner can be a little overwhelming, and you don't even know where to begin. Whether it's the end of the year and you're organizing everything together, or it's the beginning of a new chapter for your business, here are a few quick tangible, actionable steps you can take *right now*, this very minute, for your business to take that first step. Once you've done these, you can better understand your business goals, ease some of that stress, and figure out where it may be worth calling an attorney.

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### **1. Check that everything in your state filing is up to date.**

If it's been a while since you started your business, or you just haven't checked in a while, we highly recommend taking a second to search whether there are any areas in your state entity filing if you have one that need to be updated. In Pennsylvania, entities can search for free on the PA Department of State website (<https://file.dos.pa.gov/>) for free. Search your business name and the public information associated with your business will come up. Make sure to check the address on the state filing and that it accurately reflects the address where you're doing business or lists a commercial registered office provider you have connected with. If the address that comes up is one you're no longer associated with, or you don't want to have a public (like a home address), you can file an amendment to change this address for a small fee.

The accuracy of your address is always important because this is how the state will get in touch with you. Including, in January 2024, businesses will be required to disclose certain information surrounding ownership, location, and other company details, and this is the address that the federal government will use to get ahold of you with important information surrounding compliance with new federal laws. (Read our [blog post all about this new law here.](#))

### **2. Check Your Fictitious Name Filing**

Another item you can check on the department of state website above is your DBA if you have one. If you do business under any name besides your own in Pennsylvania, you need to have registered a fictitious name (sometimes called a DBA for "doing business as") with the department of state. [Read our blog post about DBAs and other business names here.](#) And if you have a DBA registered in an addition to your LLC or corporation that you do business under your company make sure the entity owns that DBA and not you personally so you are not potentially opening yourself up to personal liability for any business conducted under this name.

### **3. Compile your business documents into one place and check they accurately reflect how you're operating.**

We highly recommend reviewing your business records and other documentation. From making sure your internal policies and procedures are up to date and still in line with your business's mission and vision, to the business's governing documents. While you may not be able to update and edit these in one sitting, compiling them into one place, archiving and discarding any old paperwork that you no longer need or are required to hold, and making a list of any licenses you may need to update are a great starting point.

If you have an LLC, whether it's just you or there are multiple owners, you will want to make sure you have an operating agreement (the business's governing document) that accurately reflects how decisions are made in the company. If you've changed ownership since you first drafted your operating agreement, we do recommend speaking to an attorney to make sure that the operating agreement can be amended to reflect operations, draft any necessary ownership transfer agreements, and ensure that how you operate is compliant with specific laws governing ownership of companies (like securities).

Check out The Trellis Template Library™ which offers some options for individuals who are looking to organize an LLC, including the [Single-Owner LLC Operating Agreement](#), the [Single-Owner LLC Operating Agreement with Opportunity to Add Additional Owners](#), the [Member-Managed LLC Operating Agreement](#), and the [Manager-Managed LLC Operating Agreement](#).

On a similar note, it may be worth pulling together the contracts you use for clients/customers, independent contractors, and others and think through whether they accurately reflect the processes you want them to and if it's worth working with an attorney to better protect your business going forward. We have a bunch of great contract resources (download [Key Contracts for Your Business Here](#)) and blogs ([see a whole bunch of them here](#)) that can help you know what to look for when it comes to your contracts. Are there any you might be missing or it'd be worth to get in writing? We have several industry-specific and need-focused contracts for sale in the [DIY Documents library](#).

### **4. Have you made any big decisions for the company you should memorialize via resolution?**

It's a good idea to draft and sign business resolutions whenever you've made a big decision for the company. For example, resolutions are a great idea if you've changed your tax election, your principal place of business, designated a new signing authority such as a manager you want to be able to sign contracts or make deposits, or if you've purchased a major asset for the business. While the operating agreement or bylaws express how decisions within the company are made, a resolution is a record of the actual decisions. They help to make a stronger case you're running your business separate from yourself ([download our resource about this here](#)) by having a formal record of major decisions. Resolutions don't have to be long, to take long to draft, or be filled with legalese—they just need to explain the action or decision, the date of the action, and be signed by the owners required for authorization.

### **5. Check on your advertising. Is there anything you need to clean up or better understand?**

You can and should always take a quick second to make sure you aren't misusing someone else's intellectual property without the appropriate permissions, or that your advertising is not untruthful or misleading. Review our [Small Business Advertising Legal 101](#) resource for more details to see how you could help protect your intellectual property, business, and make sure you're in compliance with advertising laws. Along similar lines, [read our blog](#) post about some considerations specific to your business website.

## 6. Take a quick action toward protecting the intellectual property you publish.

Putting your business on the internet will inevitably open it up to a few more eyeballs who might try to run away with the IP you've worked hard to develop. Make sure you put a copyright symbol, the year, and your business name in the footer of your website (©2023 YOUR BUSINESS NAME). This will put individuals who view your content on notice that you are the owner of the works. If you are providing a download or video content, include the copyright symbol on those as well as any specific limitations on those products. Clauses and disclaimers on your company documents and materials can also help protect your intellectual property from unauthorized sharing or re-sale. For example, say you're a fitness trainer and you provide a workbook you created for clients along with their paid programming. Including a disclaimer that the workbook is for client use only and cannot be shared, resold, or distributed to others can protect you from the client selling it to others. In the event that you do find someone doing this, this disclaimer can go to the argument that they were on notice it wasn't theirs to sell. The Trellis Template Library™ also has some [basic language options to protect intellectual property](#).

From there, depending on the specific property and the level of protection you want, it is probably worth spending the money on a lawyer to help guide you through your specific needs. And be sure to check out our free [intellectual property toolbox resource](#) in the resource library for more ways to protect your IP.

## 7. Create Your Own Business To-Do List

While you may not be able to immediately wrap your head around everything you want to surrounding your business and its legal needs, taking even a few minutes to build that to-do list or set some goals can be a good first step in accomplishing them. If you're still not sure where to begin, check out a few of these great primers:

- Blog post: [5 New Year's Resolutions to Make for Your Business](#)
- Blog post: [Achieving SMART goals for your business](#)
- Resource: [Legal Health Checklist](#)
- Blog post: [How can a transactional lawyer help my company?](#)
- And as always, check out the full [Trellis resource library](#) for more specific or industry-focused resources that might be the perfect first step or [send us a message](#)!