

Five Good Reasons to Register Your Trademarks

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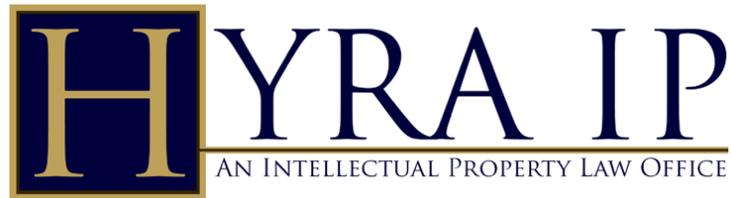
If you are using a trademark in your business, for example a slogan, logo, or brand name used to identify your business or one of your product lines, it is best to register it with the United States Patent and Trademark Office right away. In fact, ideally you would search the federal trademark register and apply for registration before you begin using your trademark. Why? Because federal registration carries with it a number of important benefits and helps to avoid big headaches.

1. Build Your Brand & Improve Your Professional Image

Registering your trademark allows you to use the ® symbol. Using the registration symbol wherever you use your trademark helps to establish you as a professional in the minds of your customers and potential customers. The registration symbol shows that you have invested in your brand identity and will be around for the long haul. Trademark registration puts you in the company of the biggest, most successful companies, who regularly use the ® symbol in their marketing and advertisements.

2. Avoid Expensive Mistakes

As a best practice, you should never decide on any important slogan or other trademark without first researching the marks on the federal register. What you want to avoid is adopting a new logo, putting it on all your packaging and advertising, rolling it out with a new marketing campaign, and then discovering that another company has already registered a similar trademark on the federal register.



That would mean, at a minimum, great difficulty registering your own trademark in the future and obtaining all the important benefits that come with registration. Worse, it may result in confrontation with the other company at some point down the road when they become aware of your competing logo. It could even mean an expensive lawsuit.

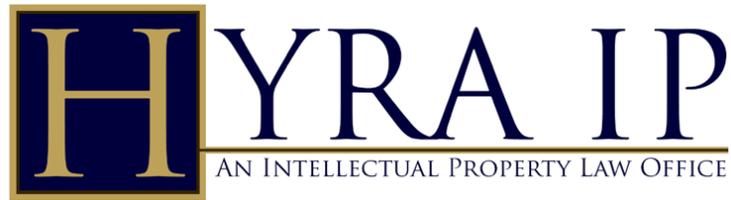
You could change your logo, and in the end you might have to. But that would require coming up with a new logo, redoing your packaging and advertising, and maybe even coming up with a whole new marketing plan. Any way you slice it, it is an expensive mistake.

3. Gain Broader Nationwide Protection

Without federal registration, use of a trademark in commerce gives rise to common-law protection (against others using your trademark) at the state level in the region in which the trademark is used. Federal registration protects your mark nationwide and prevents others from registering your mark or a confusingly similar mark. Federal registration also gives you a greater scope of protection, covering not only the specific products or services with which you are using the mark, but also related products and services.

4. Gain Additional Remedies Against Infringers

Federal registration of your trademark provides official nationwide notice to potential infringers of your exclusive right to use your trademark. Federal registration thus gives you the right to file suit in federal court and to recover profits or damages from other businesses that infringe on your trademark by offering their goods or services under a similar mark. It also gives you remedies in court that are



more costly to an infringer, including triple damages and attorney's fees in cases of willful or malicious infringement.

5. Make Your Mark Stronger in Litigation

Your federal trademark registration acts as prima facie evidence that your mark and registration are valid, that you own the mark, and that you have an exclusive right to use your mark in commerce in connection with your goods and services.

After five years of registration, your trademark becomes incontestable after filing an affidavit with the Trademark Office. After that point, an infringer or other person who challenges your mark cannot base their challenge on the most common allegations- that your trademark is confusingly similar to another mark or not inherently distinctive.

Register Your Trademarks and Service Marks

These benefits give your trademark great strength in negotiations with potential buyers of your business, licensees, and infringers. Therefore, registration is always recommended. To register your mark, it must meet the registrability requirements of the Trademark Office and you must use or intend to use your mark in interstate commerce. As a rough guideline, for goods, use in interstate commerce means shipment of your goods across state lines while they bear your trademark. For services, use in interstate commerce means providing a service across state lines. To discuss the registration of your trademarks, contact a trademark attorney for a free consultation.