

Three Reasons Why Your Business Should Obtain a Trademark

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There are several reasons why your business needs a trademark. This article will present three of those reasons.

1. Protects your business from competitors who send you "cease and desist" letters

Imagine your business is called "Regal Jewelers" and you have a jewelry store located in Nassau County, New York. One day, you receive a "cease and desist" letter from "King Regal Jewelry Store", a Mid-Western Jewelry chain. King Regal Jewelry Store has recently discovered that you have been using "Regal Jewelers" for several years.

King Regal Jewelry Store has a trademark on "King Regal Jewelry" and wants you to stop using the name "Regal Jewelers". King Regal's attorneys send you a cease and desist letter which: (i) demands that you change your name; (ii) if you don't stop using your name, you will be subject to a trademark infringement suit; and (iii) demands that you pay monetary damages to King Regal for all the years that you have been infringing on their name.

Any one of the above demands will cost you money. Changing the name of your business will incur significant expenses to your business. In addition, your current clients and customers will wonder why all of a sudden you have changed the name of your company. This may result in a loss of clients and business. Certainly, defending your business in a trademark infringement suit will incur significant attorney fees. Regardless of what you do, most likely you will need to hire an attorney to oppose King Regal's demands. Even if your attorney is successful in opposing King Regal, this will cost you additional legal fees.

Importantly, you could have prevented this, by obtaining a trademark or conducting a trademark search before you selected Regal Jewelry. The small amount of funds you would need to obtain a trademark would be a wise investment in prevention.

2. Allows you to stop competitors from using your trade name

Once you obtain a trademark, you can stop competitors from using your trademark name or even a similar name. From the previous example, you can determine that a trademark is a powerful tool in your arsenal. If you find a competitor using your trademark name, you can send them a cease and desist letter. You may be entitled to collect monetary damages.

Simply having a trademark will deter your competitors from using your trademark or a similar name.

3. Gives your company status -- as it distinguishes you from your competitors

A trademark allows your company to proudly claim that your product or service has obtained a trademark. This will set your product or service apart from your competition. As part

of your website, marketing or advertising, trumpeting that your product or service has a trademark will project an image that your product or service is better than your competitors.

Viewers of the television show "Shark Tank"®, know that the members of the "Shark Tank"®, are likely to ask the contestants if they have a patent or a trademark. This is because they know that a trademark is a valuable commodity. Likewise, your business will gain stature by having a trademark.

If you need more information about trademarks or need an attorney to help you obtain a trademark, the Badanes Law Office can help you. Contact the Badanes Law Office, which specializes in obtaining trademarks and trademark law for a free consultation. The phone number is 631-239-1702 and the website is www.dbnypilaw.com.