



TRADEMARK REGISTRATION AND BRAND PROTECTION

A key component of business success is providing a way for customers to differentiate your product or service from those of your competitors. Typically, a primary source of this differentiation is found in the name your business uses to tie your product or service to your company. Ideally, branding effectively means that when a customer thinks of a particular product or service they think of your company, and vice versa.

When a particular name is tied to a specific product, that name is known as a “trademark.” If the name applies to a service provided by a business, it is known as a “service mark.” The protections and rules that control and govern trademarks are the same for service marks, the primary distinction being whether the mark applies to goods or services.

It’s no secret that businesses spend substantial resources in advertising and establishing their marks in the minds of consumers. The value of a company’s trademark should never be underestimated; there is actual financial value on the company’s books for the goodwill generated by the use of the mark in business and strong name recognition translates into increased revenues and market presence.

One of trademark law’s primary objectives is to protect this business investment by providing remedies for competitors wrongly seeking to profit from the use of a mark. The legal standard for this question usually involves an analysis of whether an allegedly infringing mark is likely to cause confusion in the mind of the consumer as to the actual source of the product or service in question. For example, where a business has been using a particular mark for a period of time and a competitor seeks to divert business through the use of a confusingly similar name, the original (senior) user of the mark can bring a legal action to prevent the infringing use of the name, recover lost profits and get other damages as relief.

Registration of a trademark at the state or federal level can be a very important step in protecting a brand and preventing the infringing use of a mark. Where and how to register a mark should be discussed with competent, experienced trademark counsel in order to ensure proper registration in the most cost-effective manner.

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The Law Offices of Jeffrey C. Cannon is a law firm practicing exclusively in the areas of business law, business litigation and intellectual property law. Based in the Coachella Valley, the Law Offices of Jeffrey C. Cannon has extensive experience in forming and representing sole proprietorships, corporations and limited liability companies and provides multidimensional legal counsel and solutions in the fields of trademark, copyright, contract, employment, licensing, Internet and new venture funding, expansion and business sale/acquisition matters.

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