

8 Reasons Why Your Business Needs a Trademark

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As a social media and trademark attorney, I often get asked this question: *Do I need a trademark for my business name and/or my specific products or services?* And, the typical legal answer still applies – it depends!

As many businesses emerge from the pandemic, after months of lockdown and social distancing, their ability to effectively communicate and capture the attention of their customers in an effort to drive purchasing decisions is more critical now than ever, and trademarks are a great tool to help customers find you. For example, when we see the “Swoosh” logo or hear “Just Do It,” Nike automatically comes to mind.

A distinct and unique trademark (or brand) helps elevate your company above the noise and sets your company apart from your competitors. Your business name, logo, website, and social media presence are therefore amongst your most valuable assets and should be vigorously protected. However, neglecting to properly secure a trademark for your company name and products can lead to expensive consequences in the future, such as being forced to rebrand or being unable to stop infringers from using your brand name.

That said, assuming that your name is distinctive and eligible for trademark protection, there are several reasons why trademark registration would be of great benefit to you and the long-term growth of the business – let’s explore what they are.

1. Your brand will have nationwide trademark protection against companies that attempt to register a confusingly similar brand – especially if you operate in multiple states.
2. Registration creates a legal presumption that you own the trademark and you’re granted exclusive rights to use the mark associated with the goods and services listed in your trademark application.

3. Your trademark ownership becomes part of the USPTO's database, creating a public record of ownership and putting others on notice should they consider registering a similar name.
4. You can file a lawsuit in federal court to enforce your trademark rights.
5. Registration gives you the right to use the registered trademark symbol, ®.
6. So long as you continue to use the brand in commerce and file the appropriate maintenance documents, the trademark will remain valid and enforceable.
7. Your trademark is an appreciative asset that can increase in value, as your business scales.
8. You can generate additional revenue through licensing your trademark.

And, while there are several advantages, business owners should do their due diligence before investing a lot of time and money in launching a new brand. Failing to research a brand before adopting can lead to denial of registration by the USPTO or, worse, a cease and desist letter from another brand owner. Spending the time and money upfront to determine whether a brand is available will help avoid an expensive dispute or litigation.

So, if you find yourself asking whether or not to trademark your business name or specific products or services, you may find the benefits of trademark registration to be quite compelling. Don't risk finding out the downside of an unregistered trademark – be proactive, and protect your business and your bottom line.