

EmergeCounsel
PRESENTS

What is Your Brand? What is Your Protection?

Basics of Trademark Law for Small Businesses and Emerging Companies

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TotalTM
Trademark**Services**



What is Your Brand?

- Who are you?
- Who needs to know?
- How will they find you?
- What will create a consumer connection?

What is a Brand?

“The intangible value of the brand is often much greater than the corporation’s tangible assets.”

-Wally Olins, The Brand Book



What is a Brand?

Brands have three primary functions:

IDENTIFICATION

Help consumers find you in an overwhelming world of choices.

REASSURANCE

Once a consumer knows your product or service, they can trust that subsequent purchases from the same brand will be the same quality.

CONNECTION

Develop consumer engagement with the brand and development of brand loyalty.

Cohesive Brand Identity is all About ...

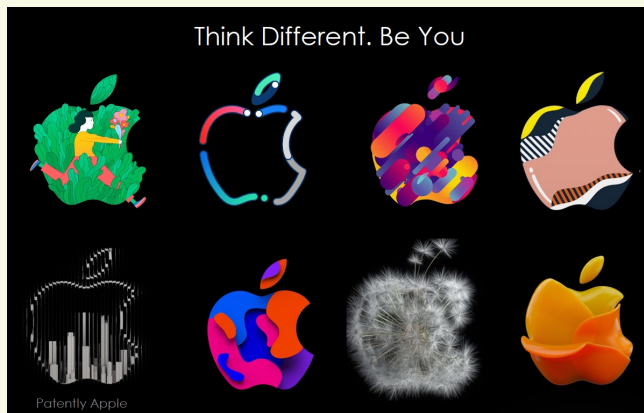
Consistency



Flexibility & Growth



Personality



Recognition



Trademarks Protect Brand

Any **word, name, symbol, design** *(and sometimes sound or scent)* used to **identify and distinguish a company's products and services from those of competitors**, and to indicate the source of the goods or services.

PROTECTS CONSUMERS

From being confused as to the source of the product or service.

LOYALTY & REPUTATION

A company's opportunity to build relationships with consumers.

TRADEMARK PRIORITY







U.S. rights arise from use of the mark or applying to register a mark you intend to use in the future.

LONGEVITY

Rights can continue forever, as long as the mark remains in use.



Trademarks Protect Brand

House Mark / Brand Name	Coca-Cola	Ford	Apple	Netflix	Shell	FedEx
Logo / Visual Identity						
Slogan / Tagline	Open Happiness.	Built Ford Tough	Think different.	See what's next	Together, Anything is Possible.	The World on Time

Trademark Registration Process

Step 1



UNDERSTAND
BUSINESS
AND BRAND

Step 2



ENGAGE

Step 3



COMPREHENSIVE
SEARCH

Step 4



ANALYSIS AND
RISK MITIGATION

Step 5



APPLICATION
PREPARATION
AND FILING

Step 6



TRACKING AND
ADVOCACY

Step 7



REGISTRATION
PROCESS

Step 8



RENEWAL AND
MAINTENANCE

Trademark Law is Complex & Cryptic

How similar are the marks?



How related are the goods/services?



Some Other Factors

- Descriptiveness
- Coexistence
- Who is the potential plaintiff?
- Intended use

TRADEMARK REGISTERS

USPTO database and/or
foreign trademark offices

COMMON LAW REFERENCES

Unregistered trademark
use in the marketplace

Creating & Developing Your Brand

VOICE

Determine what you want your brand to say to the world.

STRATEGY

Conduct research and begin initial steps of brand strategy.

TRADEMARK

Brainstorm POTENTIAL trademarks and other brand touchpoints.

- House Mark
- Logo(s)
- Slogan/Tagline
- Names of specific items, sub-brands, product lines, ad campaigns, etc.

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What is Your Protection?

- Are you protected?
- What protection does your business need?
- Is your protection adequate?
- What happens if you're assets do you stand to lose?

About EmergeCounsel

EmergeCounsel combines relationship building, entrepreneurial, and legal experience to provide expert business and IP legal counsel to a range of entrepreneurs around the U.S. and the globe.



EmergeCounsel's TotalTM® Trademark Package has everything needed to plan for, register, and protect a trademark, including:

- Strategic discussions about branding and trademark needs.
- A comprehensive trademark search using multiple sources.
- Suggestions for proper trademark categorization to minimize cost and maximize a trademark's protection.
- Phone or in-person consultations as needed.
- USPTO trademark application preparation.
- Responding to technical Office actions issued by the USPTO.
- Filing all forms and paperwork throughout the process.
- One year of defensive monitoring alerting clients to any possible threats to their trademarks.
- Discounted rates for EmergeCounsel's other customized legal services.

The TotalTM Complete Trademark Package is available to EmergeCounsel clients for less than \$1,000.

About Your Presenters



STEVE WEIGLER, ESQ

An entrepreneur himself, Steven is passionate about helping business owners achieve their goals and receive expert, empathetic legal support.

Steven Weigler gained extensive experience from his role as a senior attorney for a Fortune 50 technology company where he handled complex business negotiations and asset-protection cases. He was also the CEO, founder, and general counsel of an educational technology startup that developed predictive analytics to identify and help at-risk youth.

Steven specializes in protecting intellectual property, general business counsel, and information technology law. His years of entrepreneurial experience give him a unique insight into emerging companies and he strives to be the “go-to” legal counsel for his clients’ growing businesses.



CASSIDY MERRIAM, ESQ

Cassidy’s passion is helping clients build strong brand identities and intellectual property portfolios. She helps entrepreneurial entities secure, protect, monetize, and enforce their intellectual property rights and other intangible assets, both domestically and abroad. She has vast experience serving trademark clients in a variety of industries, including entertainment, fashion, cosmetics and beauty, vitamins and supplements, food and beverage, hospitality, real estate, advertising, and technology.

Cassidy also advises clients on brand-related issues, such as copyright law; enforcement against infringement, counterfeiting, and gray market goods; rights of publicity and privacy; advertising and marketing practices; sponsorship and endorsement; licensing; domain disputes and acquisitions; IP issues in social media; and brand image and consistency initiatives.

Prior to joining EmergeCounsel, Cassidy practiced trademark and copyright law at law firms in New York, Los Angeles, and Denver, and loves helping entrepreneurs and emerging companies understand and grow the value of their brand.

Contact us for a free consult about your brand!

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