

# WHAT IS YOUR BRAND?

# WHAT IS YOUR PROTECTION?

**Basics of Trademark Law for Small Businesses and Emerging Companies**

**Presented by Steven Weigler**

**Small Business Expo**





# What is Your Brand?

1

Who are you?

2

Who needs to know?

3

How will they find you?

4

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...

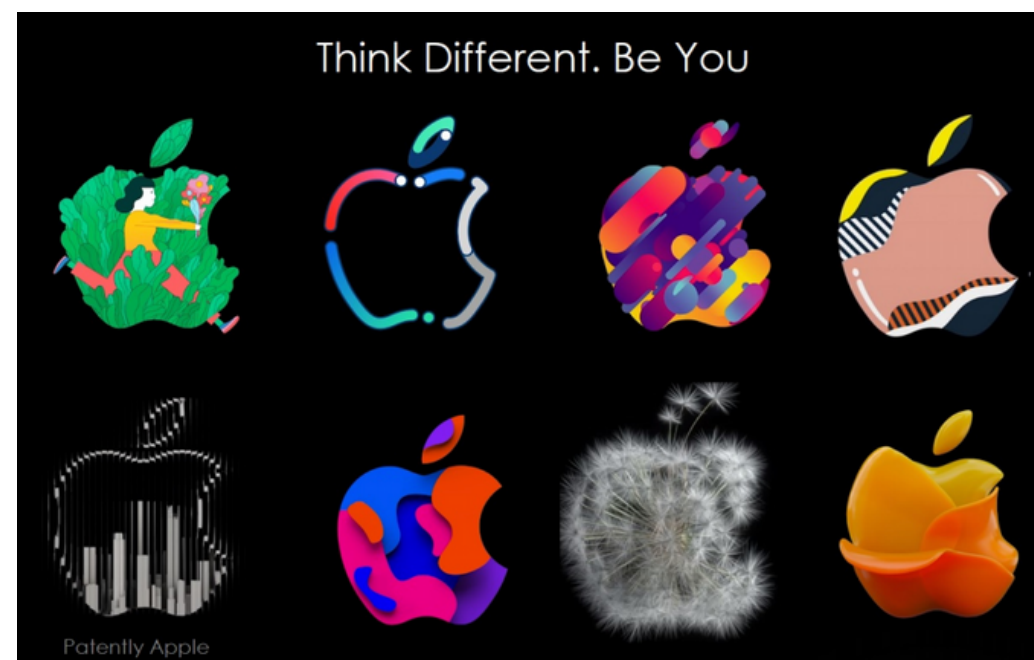
## CONSISTENCY



## FLEXIBILITY & GROWTH



## PERSONALITY



## RECOGNITION





# Make it extra with magic shortcuts.

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.

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## PROTECTS CONSUMERS

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

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## LOYALTY & REPUTATION

A company's opportunity to build relationships with consumers.

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## TRADEMARK PRIORITY

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







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## 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



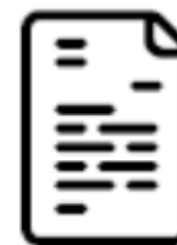
COMPREHENSIVE  
SEARCH

## 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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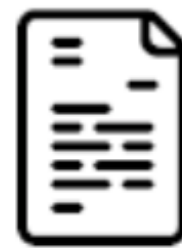
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- How will they find you?
- What will create a consumer connection?

# 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.





# Trademark Services

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 Presenter



## STEVE WEIGLER

Before starting EmergeCounsel, Steven Weigler gained brand protection experience as corporate counsel for AT&T Corp. and through the building of an ed tech startup.

Steve represents entrepreneurial enterprises around the world to protect their brand and businesses. Steven has prosecuted hundreds of trademarks and helps clients address issues of IP infringement in US Courts and at the Trademark Trial and Appeal Board.

Steven lives in Colorado where he likes to kickbox, ski and listen to live music.

# Contact Us

## For a Free Consult About Your Brand!



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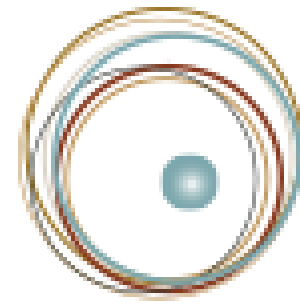


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