



TRADEMARK DUE DILIGENCE

ADOPTING A TRADEMARK? DO YOUR DUE DILIGENCE – OR ELSE!

Trademarks are some of the most valuable assets a company or individual can own. Are you sure you own yours?

“Due diligence” means making a reasonable investigation of a trademark (name, slogan, or logo) before you start using it in connection with your product or service.

Federal law requires that you do your due diligence on any mark before you seek registration in the U.S. Patent and Trademark Office (“USPTO”). Don’t want to register a trademark? Doing your due diligence beforehand will still save you time, money, and heartache.

So, what’s the worst that could happen if you don’t? Someone who was already using the same or a similar mark for the same or related purpose could sue your business for trademark infringement. You could be forced to rebrand and may be liable for damages and attorneys’ fees (yours AND theirs). Even if you settle without going to court – just imagine having to rename your business and re-do all of your branding and marketing materials, your website, your business cards...yikes. We’ve seen it happen too many times.

You can’t just rely on a Google search or even a search of the USPTO database because they aren’t comprehensive. A Comprehensive Search and an opinion letter from a trademark attorney are your best bet for protecting your brand.



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