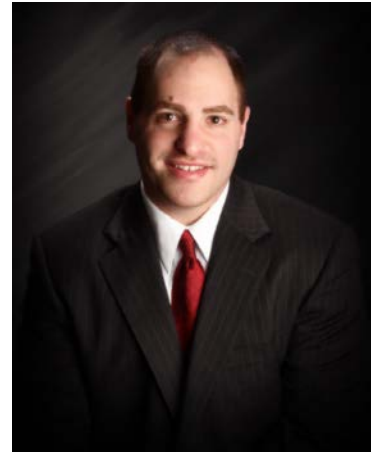


Protecting the Most Valuable Assets of Your Business Clients

Although you may not realize it on a daily basis, your business clients' trademarks are the most valuable assets they will ever own. The names, logos, and slogans they use everyday in their advertising and marketing symbolize the qualities and characteristics of the products and services their businesses have to offer. Furthermore, their trademarks embody the reputation and goodwill that their businesses have garnered with the purchasing public. Without question, unique and creative trademarks are essential to the health and success of your clients' businesses.

You should advise your clients to never adopt, use, or attempt to register a name, slogan, or logo without first performing a comprehensive search of the federal trademark records maintained by the United States Patent and Trademark Office ("USPTO"). This search is different from the search of the Missouri corporate records that you likely conduct before forming a corporation or LLC on behalf of your clients. By having a trademark attorney conduct this federal trademark clearance search, you are substantially minimizing the risk of your clients being sued for trademark infringement by someone who owns a federal registration for an identical or confusingly similar trademark. Should a client of yours be found liable for infringement, it will be forced to cease all use of the trademark at issue and may be on the hook for thousands of dollars in damages, costs, and attorneys' fees. In addition to the financial ramifications of having to change the trademark, the total loss of goodwill and public recognition associated with your client's trademark can be a devastating blow to the operation of its business.



Trademark Attorney Morris E. Turek

In the event the federal trademark search reveals no conflicting marks, then you should have a trademark attorney prepare and file a federal trademark application to reserve that mark for your client's exclusive use. Although registering a trademark with the USPTO is not legally required, doing so offers several important benefits:

- Federal registration secures nationwide protection for your clients' trademarks and affords them the right to use their trademarks throughout the United States (subject to any rights acquired by others prior to the registration of the trademark).
- After five years of continuous use and registration of your clients' trademarks, the trademark registrations become "incontestable" and their rights can only be challenged under very limited circumstances.
- Federal registration allows your clients to more easily collect lost revenues, attorneys' fees, and other damages they may suffer as a result of an infringement by another party.
- Because federal trademark registrations are a matter of public record, registering your clients' trademarks puts the entire world on notice that they are using them in connection with particular products and services.
- Your clients may (and always should) use the well-known ® symbol with a registered trademark, which further informs others of their rights.
- Federal registration enhances the value of your clients' trademarks and may be used as collateral for business loans and lines of credit.

In sum, businesses of all sizes spend considerable time and resources developing the public recognition, reputation, and goodwill associated with the names, logos, and slogans they use to advertise and sell their products and services. Just as your clients already protect against the loss of other valuable personal and business assets, they should also take the necessary steps to protect their trademarks and to ensure that they are not inadvertently infringing upon the trademark rights of others.