



**Arnall
Golden
Gregory** LLP

Attorneys at Law

Practical Tips on How to Conceive and Grow Your Brand

**Anuj Desai, Esq.
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In a nutshell: A brand is a trademark.

- **Words:** Habitat for Humanity
- **Design:**

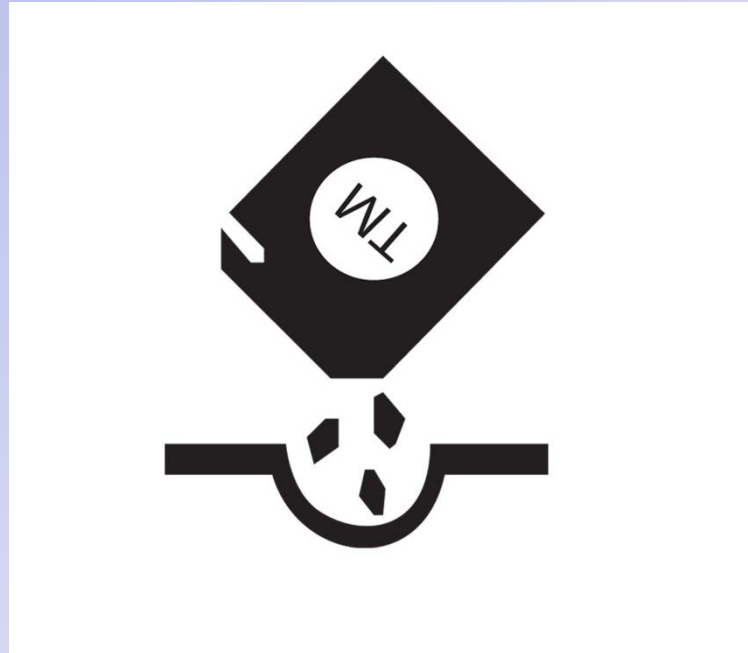


- **Colors, Sounds, and more**

Why do trademarks matter?

- A mental shortcut for your intended consumer
- A symbol of quality and reputation
- A way to distinguish your services in a very crowded marketplace

Stage One: Sowing the Seeds of Success



Trademark Selection

- **GOAL:** Select a few potential marks that are creative and will stand out in the marketplace.
- **Example:** Aim for marks that are suggestive (PUBLICHEART), arbitrary (ROCK), or fanciful (MEZZANOO)
- **Example:** Avoid marks that are generic (ELDER CARE OF ATLANTA) or descriptive (LEGAL AID)

Trademark Clearance

- **GOAL:** Due diligence to avoid infringing the trademark rights of others.
- **Why?** Respect for intellectual property rights and avoid confusion in the marketplace.
- **Example:** Don't use the mark 1000 BLACK LEADERS if you learn that the mark 100 BLACK MEN is already out there for same or related services.

Stage Two: Cultivate Your Brand



Trademark Protection

- **GOAL:** To keep your mark unique in the marketplace by taking reasonable action against infringers.
- **Why?** If you don't, you may lose your rights in your mark, as well as your customers.
- **How?**
 - ✓ A trademark watch service
 - ✓ Google Alerts
 - ✓ The “Southern Hospitality” Demand Letter

Trademark Registration

- **GOAL:** Obtain nationwide (or Georgia) exclusivity and peace of mind.
- TM versus ®
- Be conservative: Not all marks merit registration
 - ✓ You still have common law rights in your mark.
- Be smart with your budget: Evaluate the risk of refusal and make sure your application is accurate before you file.

Examples



Stage Three: Grow Your Brand



Using Your Trademarks

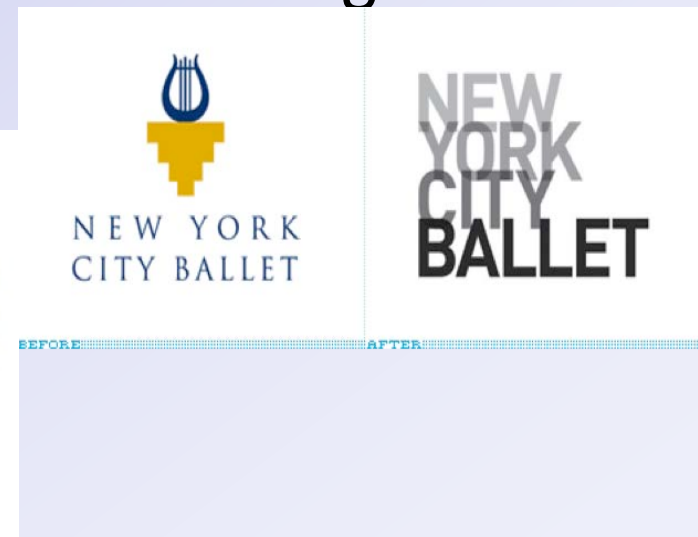
- Maintain your rights by using your marks continuously
- Re-evaluate periodically if you enter or exit certain products or services
- **Be careful:** Trademark registrations must be renewed and are vulnerable to cancellation for errors and omissions

Your trademark is not a verb.

- **Ever heard:** Can you google?
- A trademark is usually an adverb or attributive modifier, or a proper noun in some cases.
- **Example:** Google search; Kleenex tissues
- Improper use could result in making your brand generic.

Use your marks consistently

- Spelling and punctuation matters
 - ✓ Example: **BRAILLE-EASE VS. BRAILLEASE**
- Design marks should stay true to the original



Stage Four: Harvest the Goodwill



License or Assign Your Mark

- New revenue stream through promotional tie-ins or partnerships
 - ✓ Be careful to maintain control and ownership
- A merger or consolidation may require an assignment of your marks or the marks of the entity you are acquiring

Acquire Domain Names

- A domain name can be a trademark
 - ✓ **Example: OVERSTOCK.COM**
- Be aware of new gTLDs that you might want to register defensively or as a brand strategy
 - ✓ .NGO or .ONG
- Deal with cybersquatters through UDRP procedures

Social Media

- Be careful in using the intellectual property of others to promote your own brand
 - ✓ Copyright infringement
 - ✓ Right of publicity
 - ✓ False advertising
- It can be painful! Do you have the resources to maintain the dialogue?

Align Your Brand To Your Message

- Enforce your creative review policy
- Consider your donors
- Have a crisis plan



Q&A

For More Information:

If you would like more information about the services of Pro Bono Partnership of Atlanta, contact us at:

www.pbpatl.org

404-407-5088

info@pbpatl.org