

# HOW TO

## How To

## Establish your business's identity with a trademark

By Erik W. Ibele, Neider & Boucher, S.C.

**S**ome of the most famous trademarks — the Golden Arches, for example — are valuable business assets because they follow some basic trademark rules:

**Make it distinctive.** Choose a mark that is easily distinguishable from others. Avoid descriptive marks; marks that simply describe a feature or use of the product or service. Instead, employ a mark that requires imagination in order to determine what product or service it identifies. This links the mark uniquely with *your business*.

**Search it.** Search the Web site of the U.S. Patent and Trademark Office (USPTO) at [uspto.gov](http://uspto.gov) to make sure that no one else has applied for or registered the same or a similar mark. It is often a good idea to have a commercial search firm do a complete search, including all 50 state trademark registers, and

electronic and print media where trademarks may appear.

**Register it.** Register your mark in the USPTO. Registration means nationwide rights, and the ability to prevent importation of goods with infringing trademarks. If you intend to market and sell your product or service internationally, consider registering your mark in countries where sales may be significant.

**Use it.** Use your mark on your product, package labels and inserts, documentation; on signs, brochures and other communications; and on your Web site. Put the subscript/superscript <sup>TM</sup> after it until it is registered. After it is registered, you can use the ® symbol.

**Defend it.** Know your competitors' marks, and be aware of the appearance of new marks.

If someone begins using a mark that could be confused with yours, you may have to involve a trademark attorney to get them to halt the infringement.

Make sure your trademark sticks in the minds of your customers. Take the necessary steps — or seek counsel — to create value for your business.



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