

Ask SCORE

I've invented a new product for infants. I've come up with a name and logo. How do I go about protecting them from use by others?

Do you want to legally protect your business name, catch phrase and/or logo design from being duplicated or misused by competitors? Then consider applying for a trademark from the U.S. Patent and Trademark Office (USPTO).

A trademark is a word, name, symbol or device used in business to indicate a source of the goods (i.e., your business), and to distinguish those goods from those sold by another business. Its cousin, the service mark, identifies and distinguishes the source of a *service* rather than a *product*.

Before making your application, use Trademark Electronic Search System (TESS) at www.uspto.gov to determine whether your desired word or design marks have already been registered. The USPTO recommends making sure you have a clear idea of the mark you want to register, the goods and/or services in connection with which you wish to register the mark, and whether you will be filing the application based on actual existing use of the mark or a firm intention to use the mark in the future.

Your next step should be to consult a trademark attorney for legal advice regarding use of your proposed trademark, filing an application, and the likelihood of success in the registration process. The American Bar Association (www.americanbar.org) can direct you to referral services offered by local or state bar associations.

Although the USPTO allows you to file your application and monitor its progress online, it's still helpful to have an attorney involved to answer questions or address any problems, particularly as the review process usually takes several months. Application fees will not be refunded, even if the USPTO's examining attorney determines that a mark should not be registered.

If the application is approved, and no objections are received after its publication in the USPTO's *Official Gazette*, a few more steps remain before a trademark certificate is issued. Then, it's up to you to use your trademark in accordance with the law, and file the required documentation and fees as needed to renew it. Otherwise, the registration will be cancelled.

The USPTO's website offers a host of instructional pages and videos to guide you through the trademark registration process.

This column is brought to you by the Merrimack Valley Chapter of SCORE, with nearly 70 current and former business executives available to provide free, confidential, one-on-one business mentoring and training workshops for area businesses. Call 603-666-7561 or visit merrimackvalley.score.org for information on mentoring, upcoming workshops and volunteer opportunities. SCORE is a national, non-profit organization and a resource partner of the U. S. Small Business Administration.