



legal
coach^R

what you
should
trademark

podcast episode 7 tip sheet

Do you have a business name or tagline that you want to protect? Not sure what trademarking is or if you even have something to trademark?

Trademarking is a complex area of the law and there's a LOT to talk about so let's start with the basics: WHAT is a trademark, WHY you should trademark, and what you can - and SHOULD - trademark.

(I'll dive more into HOW you trademark and the process around a Trademark Search and Application in a later podcast.)

Branding is powerful – and lucrative. That's why trademarking is so important. To keep Copycats and Swipers away from copying or trying to steal your brand power.

Trademarking is all about protecting your brand.

The purpose of Trademarking is to protect your brand recognition and to keep two unrelated brands from being confused by consumers in the marketplace. It's also designed to prevent other business owners from financially benefiting from your hard-earned brand identity and value and mooching off of you.

What is a Trademark?

When you hear people talking about having a "trademark", they are usually referring to being approved for a registered trademark through the U.S. Patent and Trademark Office.

In the US, A registered trademark gives you full legal statutory rights to use words in a certain context so that other people can't use those words in a similar way for 10 years. (Other countries have their own trademarking laws and processes too.)

Here's the thing about trademarking though...it has to be connected to your BRAND which means it has to be connected to a BUSINESS where you SELL products or services. You can't get a trademark for a hobby.

What SHOULD you trademark?

US law allows you to trademark words, phrases, symbols, designs, or graphics. This means that you're an entrepreneur and you offer 1-on-1 services, group programs, online courses, physical products or some other PAID offer, you may want to trademark your:

- Business name
- Program or service name
- Product name
- Tagline
- Logo

But how do you know if you SHOULD trademark it? How do you know if you're ready to trademark. I have a helpful **Trademark Self-Assessment** that you can take with a series of questions to help you determine if it's the right time to trademark - and you're trademarking the right thing. You can get it at lisafraley.com/diytrademarkassessment.

WHY should you Trademark?

Don't let someone beat you to the punch to take it or use it as their own! When you have thought long and hard to come up with the right words for name of your business and you would be utterly heartbroken - and angry! - if someone else snagged it, that's a sure sign that you need to trademark it.

If you own the domain name, do you still have to trademark it?

Unfortunately, even if you own the domain name – the URL – the website - it's not enough to claim ownership. Just because you own the URL doesn't mean you own the brand. You still may want to file for a registered trademark.

Obtaining a Trademark is the crown jewel for a small business owner or entrepreneur. Energetically, because trademarking is one of the highest frequency protections for your biz, I associate it with the **crown chakra**.



**Find out more about the trademarking process at
lisafraley.com/trademark**



Kudos to you for listening to this episode and taking this step! Thanks for being part of the Legal Love tribe. Here's to getting legally enlightened!

With Legal Love™,

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Lisa Fraley, JD, CHHC, AADP, is an acclaimed attorney, Legal Coach®, speaker and #1 Best Selling Author of "Easy Legal Steps...That are Also Good for Your Soul." With her unique blend of coaching, legal expertise, and spirituality, Lisa has supported thousands of heart-centered entrepreneurs and small business owners to protect themselves, their businesses and their brands through DIY legal templates, online legal courses and one-on-one services.

From sharing international stages with thought leaders like Kris Carr and Gabrielle Bernstein to being featured on hundreds of podcasts, webinars, radio shows and bonus calls, Lisa has made it her mission to help every single small business owner understand that the law can be accessible, empowering, loving, and even spiritual. When she's not saving the world (with Legal Love) one contract at a time, she's posting free legal tips and connecting with her tribe at lisafraley.com.