



## 3 reasons to trademark

### podcast episode 48 tip sheet

Trademarks are an investment in your business to protect your brand, but is it REALLY worth the time and the cost?

If you're wondering if trademarking is worth the time and investment or you're on the fence about Trademarking, there are 3 reasons to Trademark your brand.

Now, if you're new to Trademarking, I've devoted several past podcast episodes to Trademarks. If you need to get caught up on the basics, have a listen to:

**Episode 7 – What You Should Trademark** – this episode talks about WHAT you can trademark with the USPTO

**Episode 25 – How to Trademark in 2 Steps: the Search & the Application** – this episode spells out how the Trademarking process works, what each step is, and tells you why it can save you hundreds if not thousands of dollars to have a Trademark Search done BEFORE a Trademark Application is filed.

**Episode 33 – Trademarking Gone Wrong – Don't Do This!** – this episode walks through an example of an entrepreneur who had to go to court against Oprah to defend her registered Trademark and what you can learn from her experience, so you can try to prevent the same thing from happening to you.

You may already know that I call myself a Legal Coach® and Holistic Lawyer®. I call myself these phrases because I bring the feminine qualities of love, compassion, care, and curiosity to the masculine structure and documents of law.

This blend of support is ESSENTIAL to who I am and how I uniquely work as and describe myself a lawyer, so I have trademarked these 2 phrases – Legal Coach® and Holistic Lawyer®. Why did I do that?

### 3 Reasons to Trademark:

#### 1. To protect your brand value, and specifically the integrity of your brand.

Registered trademarks are used to protect your brand and your intellectual property. Your brand is your marketing identity and what sets you apart from others who are similar in your field. It's what keeps you from being confused from others who do the same or similar work.

#### Your brand is critical to your business in 3 ways:

1. It shows how you **identify** yourself and the values you hold as a business.
2. It shows how you want to be **recognized** by clients, vendors, peers, media, and others.
3. It shows how you **differentiate** yourself from other business owners who do the same or similar work to what you do.

Regardless of what your profession is, chances are you have a brand identity and brand value – a tagline, a logo, a business name, a program name or more - that you want to protect so that others can't use it without your permission.

Know this – your brand has two types of value – one has to do with money and one has to do with good vibes. Which brings me to the second reason why it's important to Trademark.

#### 2. To create an asset for your business that is worth money.

Yep, that's right. A registered trademark is an asset of your business to protect your brand. It is an asset that's designed to honor and protect your brand identity in the marketplace.

You may not know this but Trademarks can be bought and sold. I mentioned this in Episode 25 too but if you watch Shark Tank like I do, you'll hear Shark Kevin from time to time ask the entrepreneurs if they have a patent or trademark.

Why does he do that? Because Trademarks – and patents - and brands – are worth MONEY. They have value. Significant value created from the work you have done to distinguish your brand from others working in your field.

## A Trademark has 2 types of value:

1. Financial value – a certain amount of money that your brand is worth.
2. Intangible value – a value which can't be seen or touched but that still exists - like goodwill in the marketplace.

### 3. To have legal protection to fall back on if other people steal your stuff.

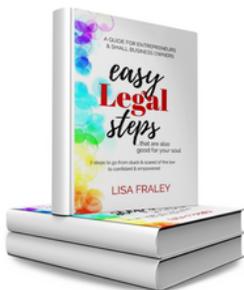
If someone comes along and copies it or swipes your brand or work, you can lose a LOT of time, money and energy – and be heartbroken. I can't tell you how many clients contact me with complaints that someone else took their exact idea – or one very, very close to it that doesn't pass the smell test of originality.

You want to have something to fall back on if other people steal your stuff. This is one of the most important reasons why people file a registered Trademark...so you have legal recourse if someone else uses your Trademark or something substantially similar such that it would cause brand confusion in the marketplace.

You have the right to take action for them to "cease and desist" using a biz name, logo, tagline or program or product name that is exactly or substantially similar to yours by sending a "cease and desist" letter as a first step before you get to an infringement claim or lawsuit.

What happens when you file a registered Trademark is that the government considers you the presumed owner. If someone comes along and challenges you and says they created the brand first, they have the burden of proof to show they created it first. You are already presumed by the government to be the rightful owner. The other person has to prove that you are not. This in and of itself is a huge advantage.

There are several other reasons to file a registered trademark like the fact that you receive other benefits under the federal law if you had to file a lawsuit or infringement claim, but I wanted to keep podcast episode high level so you can get a sense of 3 key reasons to Trademark.



And, if you're itching for more about Trademarks, don't forget that there's a whole chapter of my book "Easy Legal Steps...That Are Also Good for Your Soul."

Chapter 7 is devoted to Trademarks and the **crown chakra** – because as I always say, a Trademark is a crowning achievement to honor and protect your brand in a global marketplace.



Have other questions about Trademarking or you're wondering if you should trademark your own business name, program name, tagline or logo? Feel free to reach out to me at [clientlove@lisafraley.com](mailto:clientlove@lisafraley.com). I'm always happy to help you get clarity with your next steps.

Here's to getting legally enlightened!

With Legal Love™,

Lisa

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It is not legal advice and it does not create an attorney-client relationship.**

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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](https://lisafraley.com).