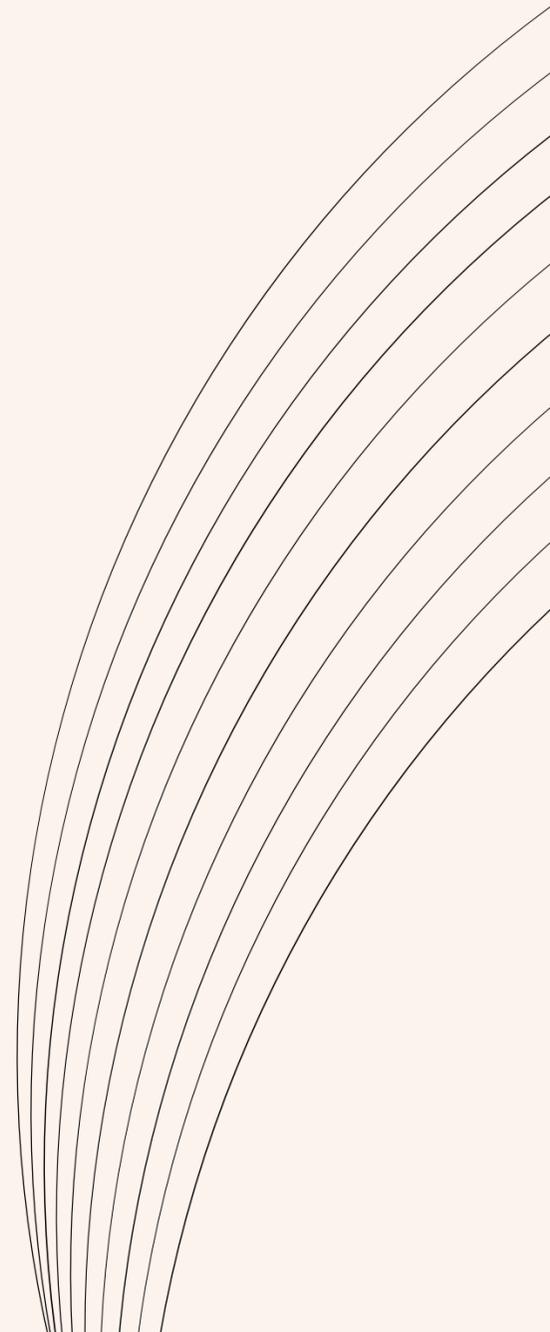




Trademarking Your Business: Brand Protection 101 Workshop with LVLUP Legal

Shana Thomas & Bianca Ascolese

Attorneys at LVLUP Legal, P.C.





About Your Presenters

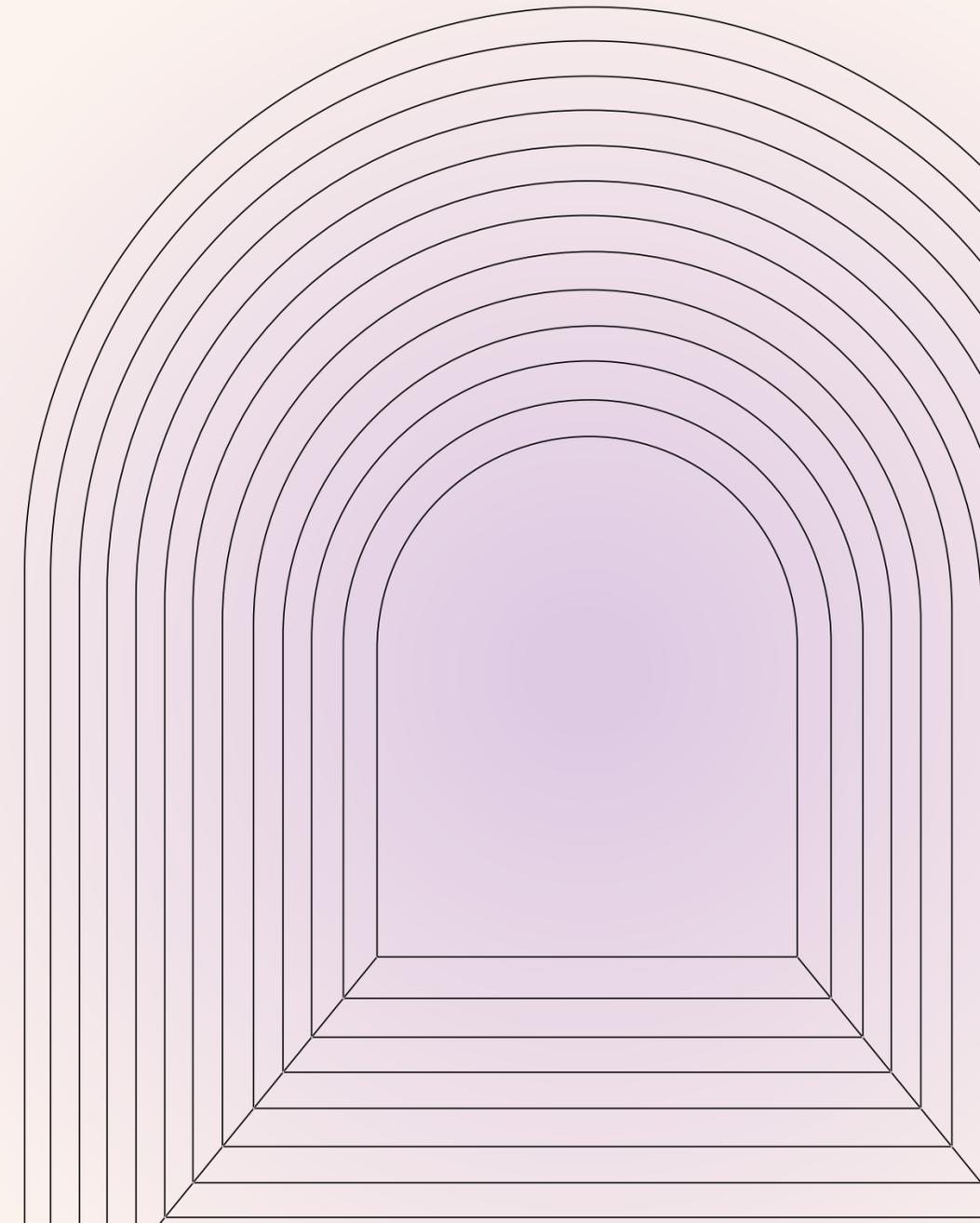
- Shana Thomas, Intellectual Property Attorney at LVLUP Legal, P.C.
- Bianca Ascolese, Business & Intellectual Property Attorney at LVLUP Legal, P.C.
- LVLUP Legal, P.C. is a boutique woman-owned law firm dedicated to empowering underrepresented startups, businesses, and entrepreneurs to “level up” and make smart legal decisions. LVLUP Legal practices business and intellectual property law



LVLUP
LEGAL

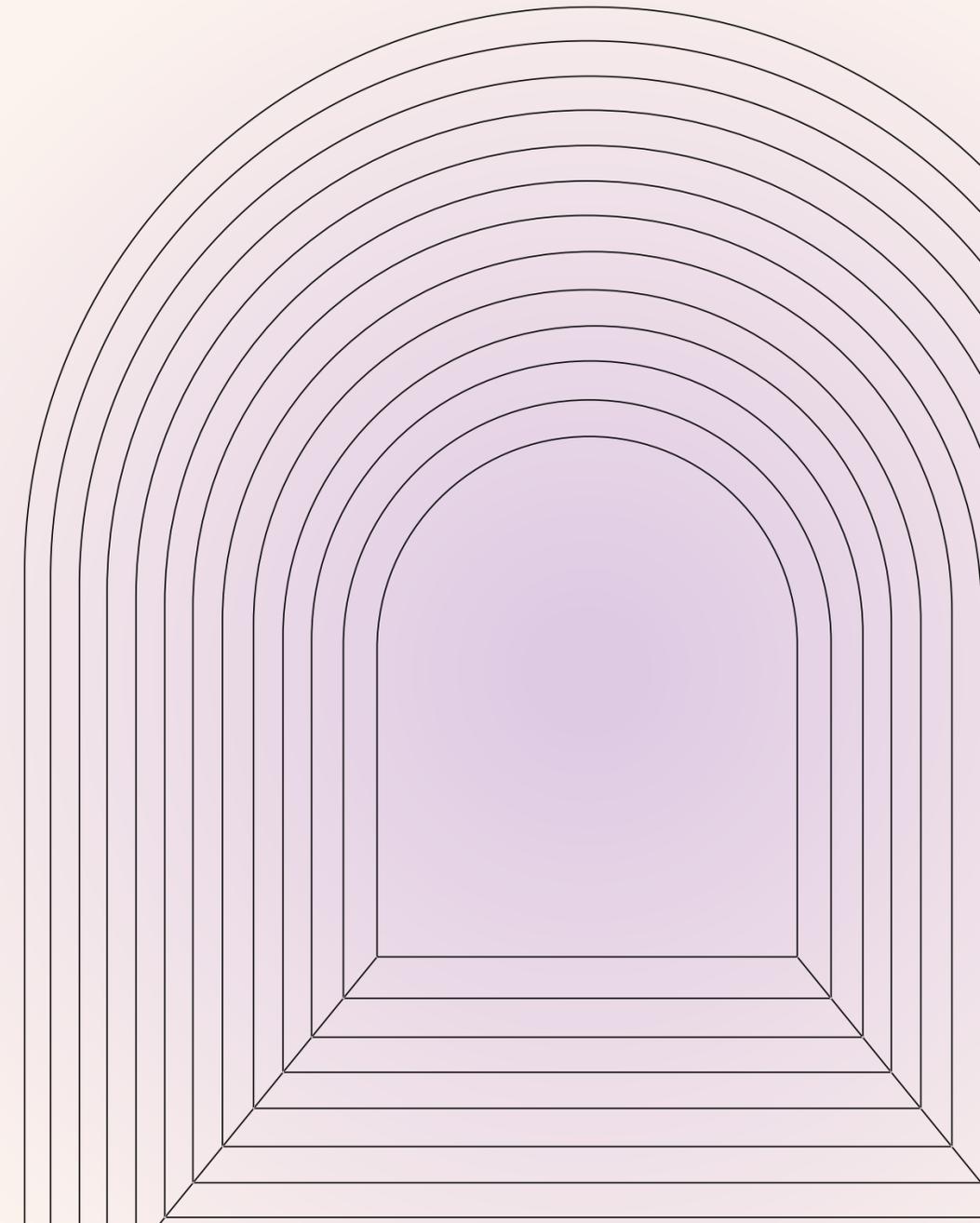
WORKSHOP OVERVIEW

1. What is a "Brand Asset"?
2. Intellectual Property - An Overview
3. What is a Trademark?
4. Why is a Trademark Important?
5. How Can You Obtain a Trademark?
6. Maintaining & Protecting Your Trademarks



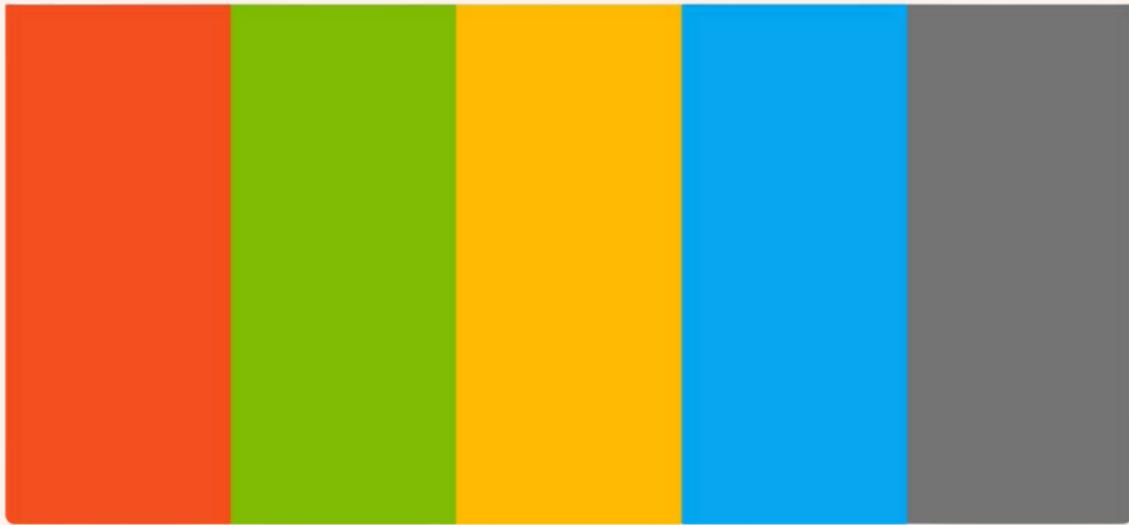
What is a Brand Asset?

- Recognizable elements that embody a company's identity and/or brand
- Brand assets build brand awareness, increase marketing ROI, create customer loyalty, and give companies a competitive edge in the market
- Examples include:
 - Brand Name: NIKE
 - Slogan/ Tagline: JUST DO IT
 - Logos: 
 - Colors: No Colors Claimed
 - Mascots: No Mascot



Examples of Brand Assets

 Microsoft



i'm lovin' it

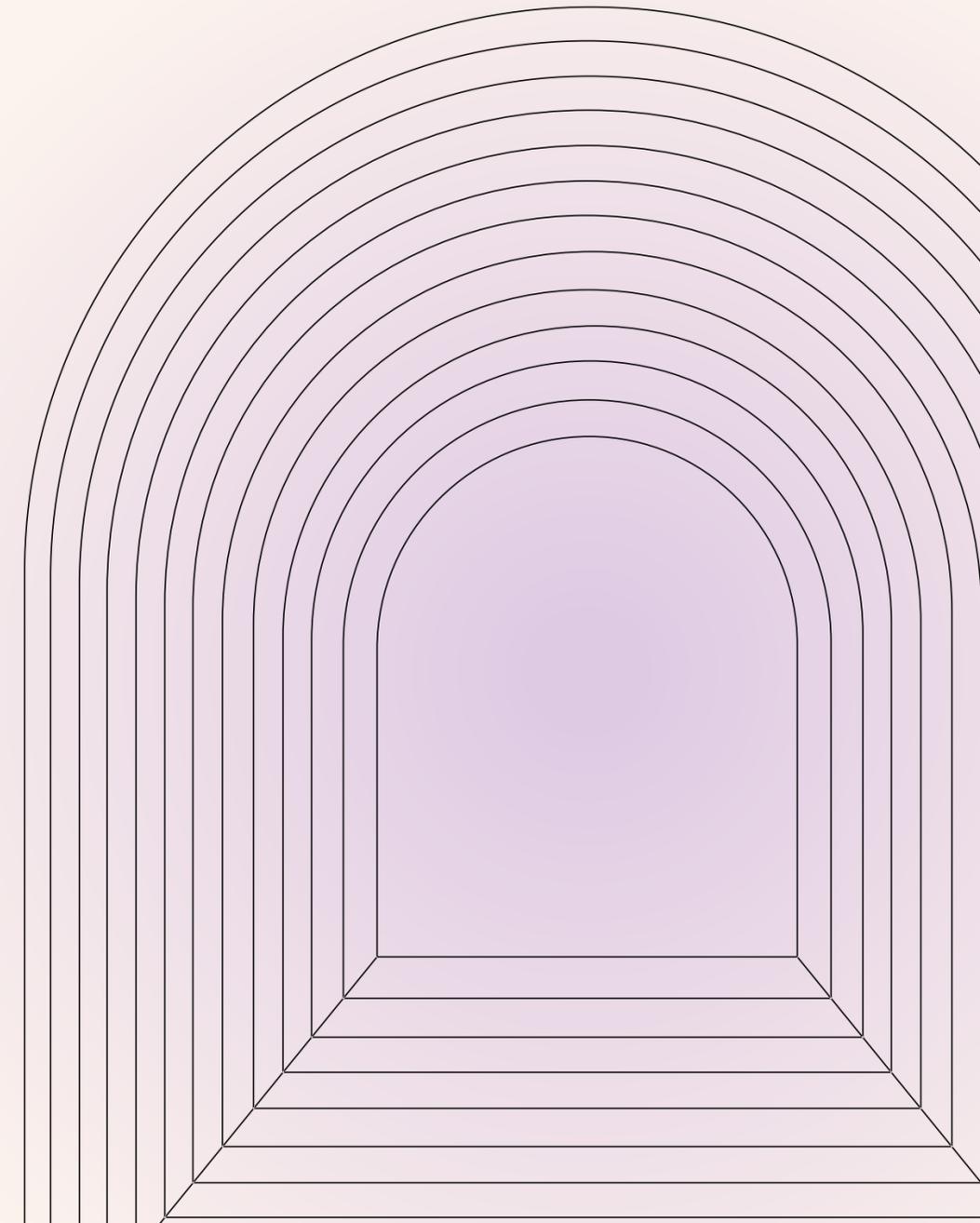


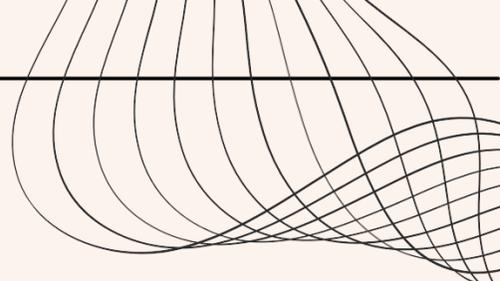
LOUIS VUITTON



INTELLECTUAL PROPERTY OVERVIEW

- An area of law that aims to protect creators for their artistry and inventions
 - IP refers to intangible property that you create, including:
 - Inventions
 - Designs
 - Literary and artistic works
 - Books
 - Movies
 - Pictures
 - Logos
 - Names
 - Images
 - There are 3 types of Intellectual Property
-





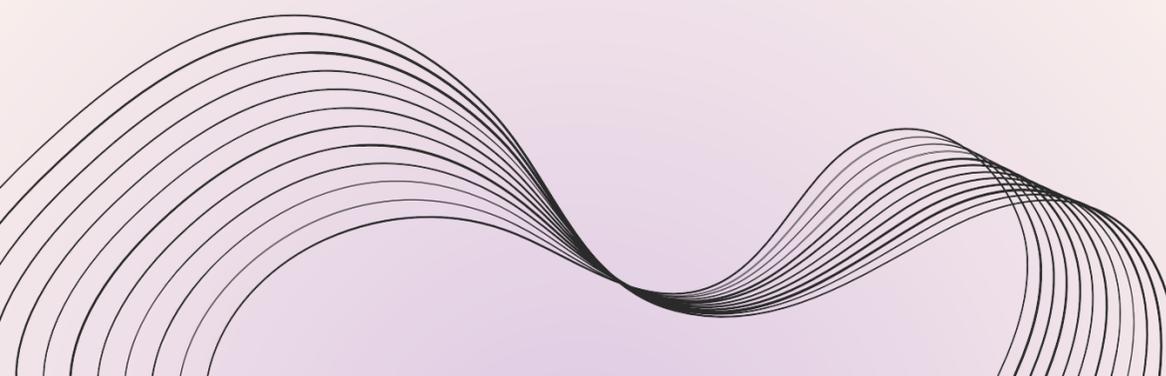
Copyrights

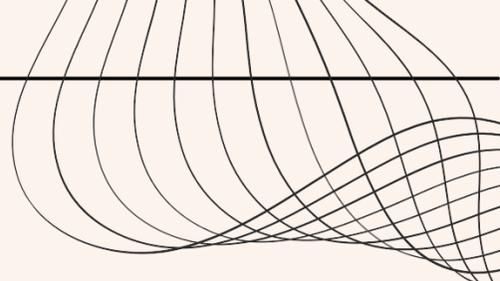
- Artistic & Literary Works, including: Books/ Movies/ Illustrations/ Music
- Prevents others from creating the same work and/or copying a work without permission from the owner

Trademarks

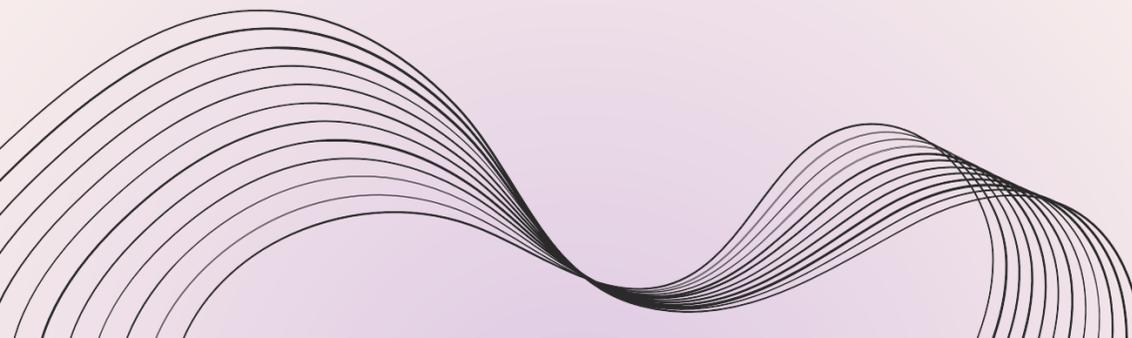
- Symbols/ Logos/ Business Names/ Slogans
- Prevents others from using the same logo/ name in connection with similar products or services

Patents

- Different Types of Inventions
 - Prevents others from inventing and utilizing the same novel technologies without permission
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- 



Trademarks 101

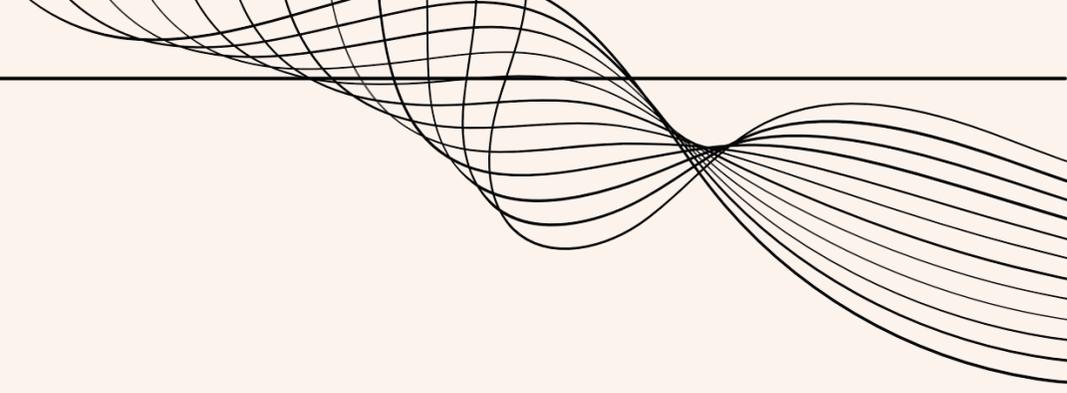
- Trademarks are source identifiers
 - Legally protect aspects of your brand that are unique and specific to your company
 - Brand Name
 - Slogans
 - Logos
 - 5 types of Trademarks
 - Generic: EX Escalator - given the least amount of protection
 - Descriptive: EX Cross Country Movers
 - Suggestive: EX Coppertone
 - Arbitrary: EX Apple
 - Fanciful: EX Uber - given the most amount of protection
-
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Why is a Trademark Important?

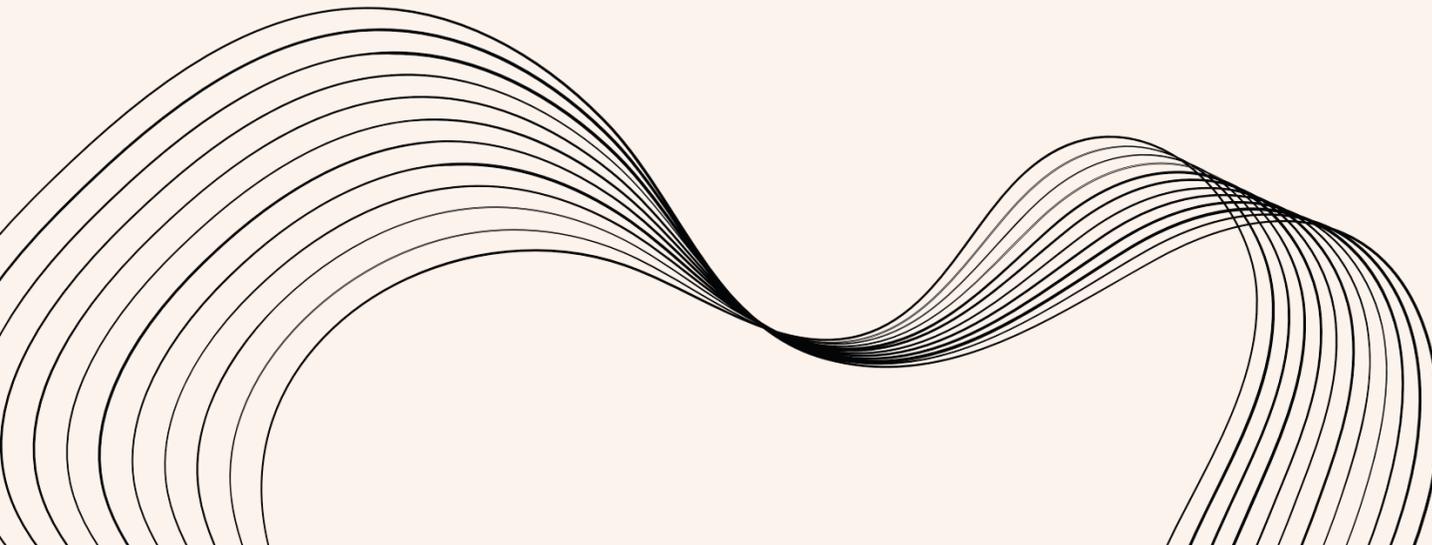
- Ensures you actually own your brand, which means no one else can take it and force you to rebrand down the line
- Protects your business from IP theft (i.e., copycats and infringers) & allows recourse
- Brand Asset - Opens the door for licensing and brand deal opportunities
- Legitimizes your Business - Consumers are more likely to trust a brand they know!

**UNITED STATES
PATENT AND
TRADEMARK OFFICE**



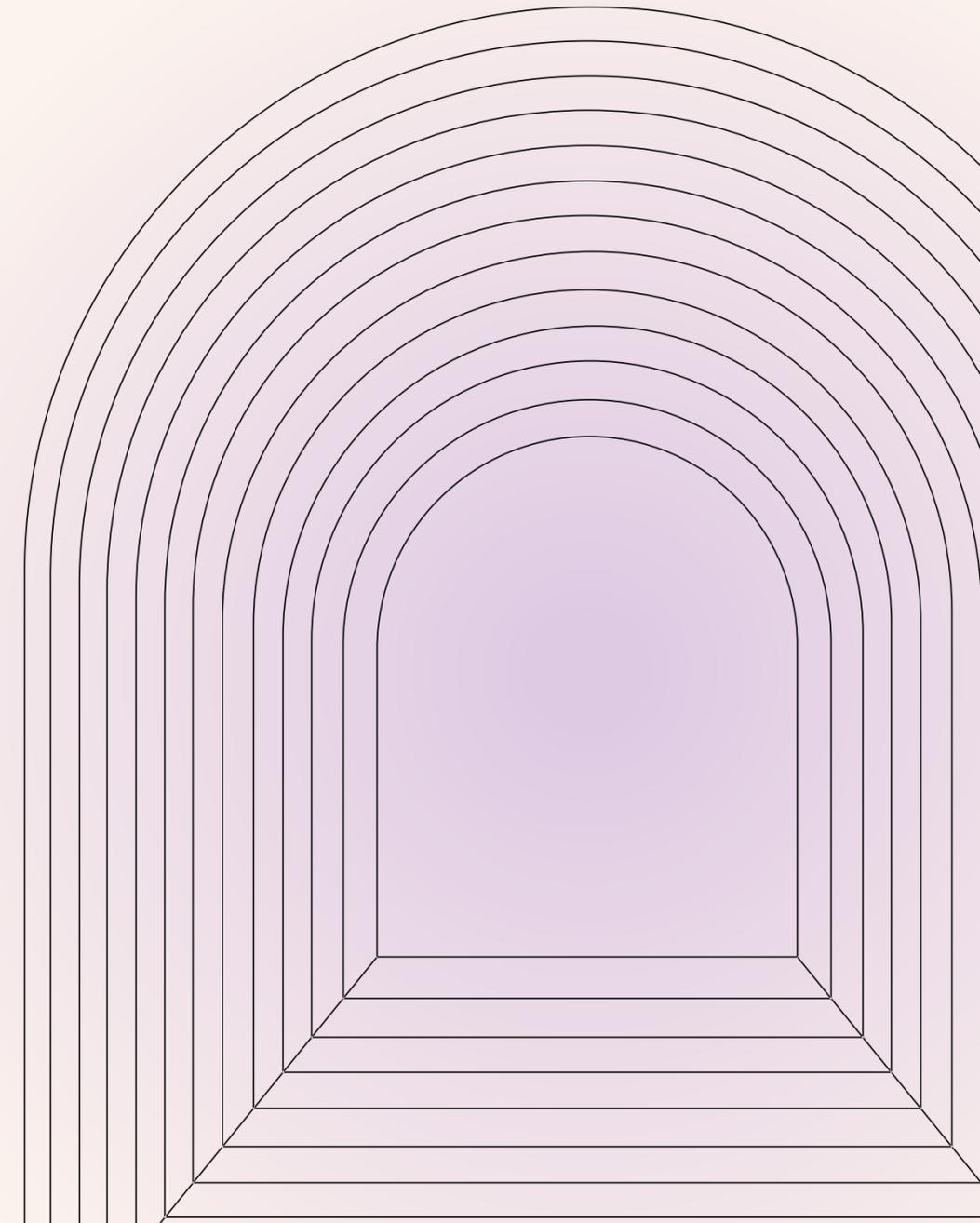


How Can You Obtain a Trademark?

1. Familiarize yourself with the Process & Speak with an Attorney
 2. Have an Experienced Attorney Conduct a Clearance Search
 3. Prepare your Application
 4. File your Application through the US Patent & Trademark Office
 5. Wait through the Registration Process
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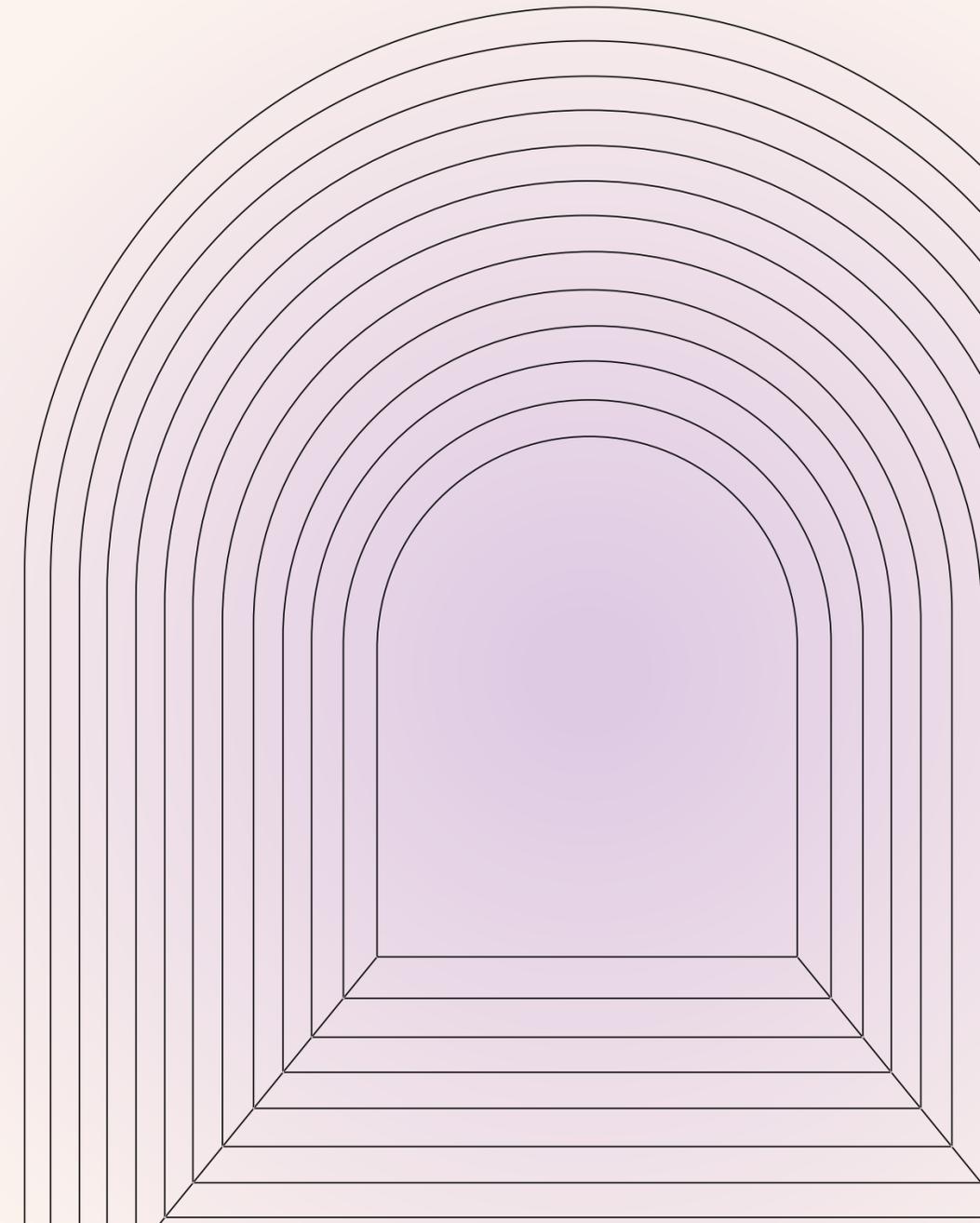
Prepping for the Trademark Process

- Timeline
 - It's taking the USPTO approx. 11 months to assign an application to an Examiner
- Classes of Goods & Services
 - You'll have to classify your goods and services into one or more of the USPTO's 45 Classes
- Filing Basis
 - 1A v. 1B
- Mark Types
 - Standard Character v. Stylized
- Application Type
 - TEAS Plus (\$250 per Class) v. TEAS Standard (\$350 per Class)



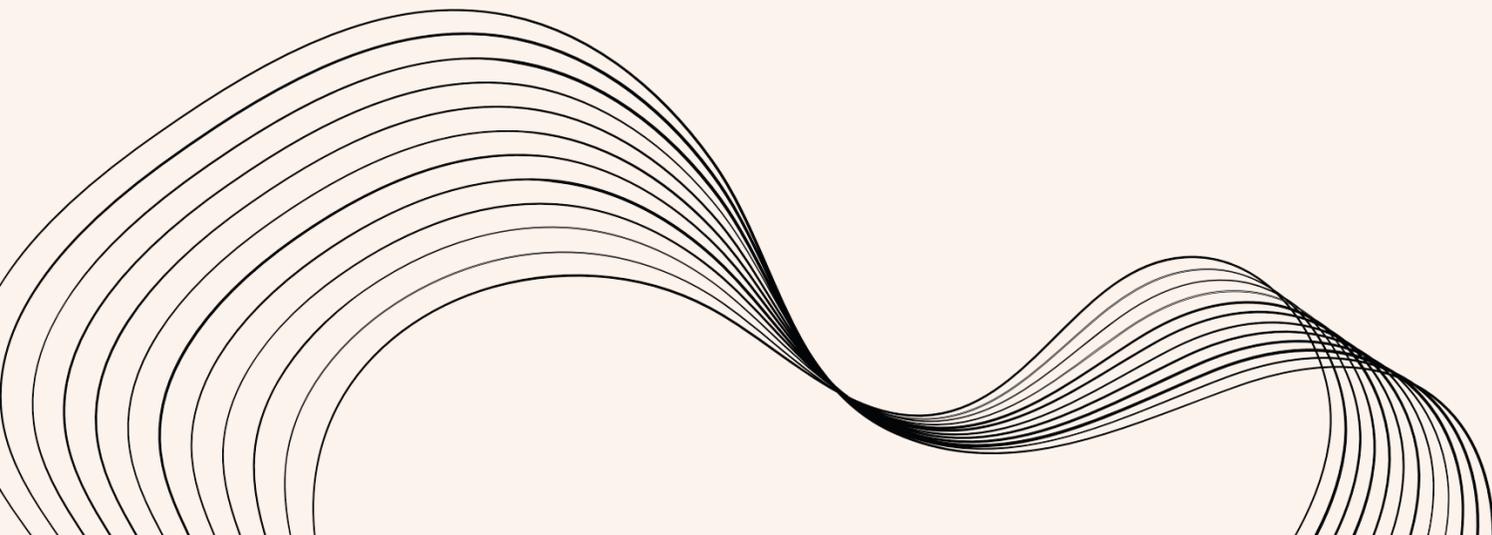
Conducting a Clearance Search

- Evaluating your mark
 - Where does your mark fall on the scale? (Generic - Fanciful)
 - Disclaimer(s) required?
- Likelihood of Confusion
 - Does your mark cause consumer confusion?
 - Is your mark similar to another in terms of:
 - Appearance;
 - Sound;
 - Consumer impression;
 - Channels of trade; and
 - Goods and services offered in connection therewith
 - EX: Hpnotiq (liqueur) vs. Hopnotic (beer)



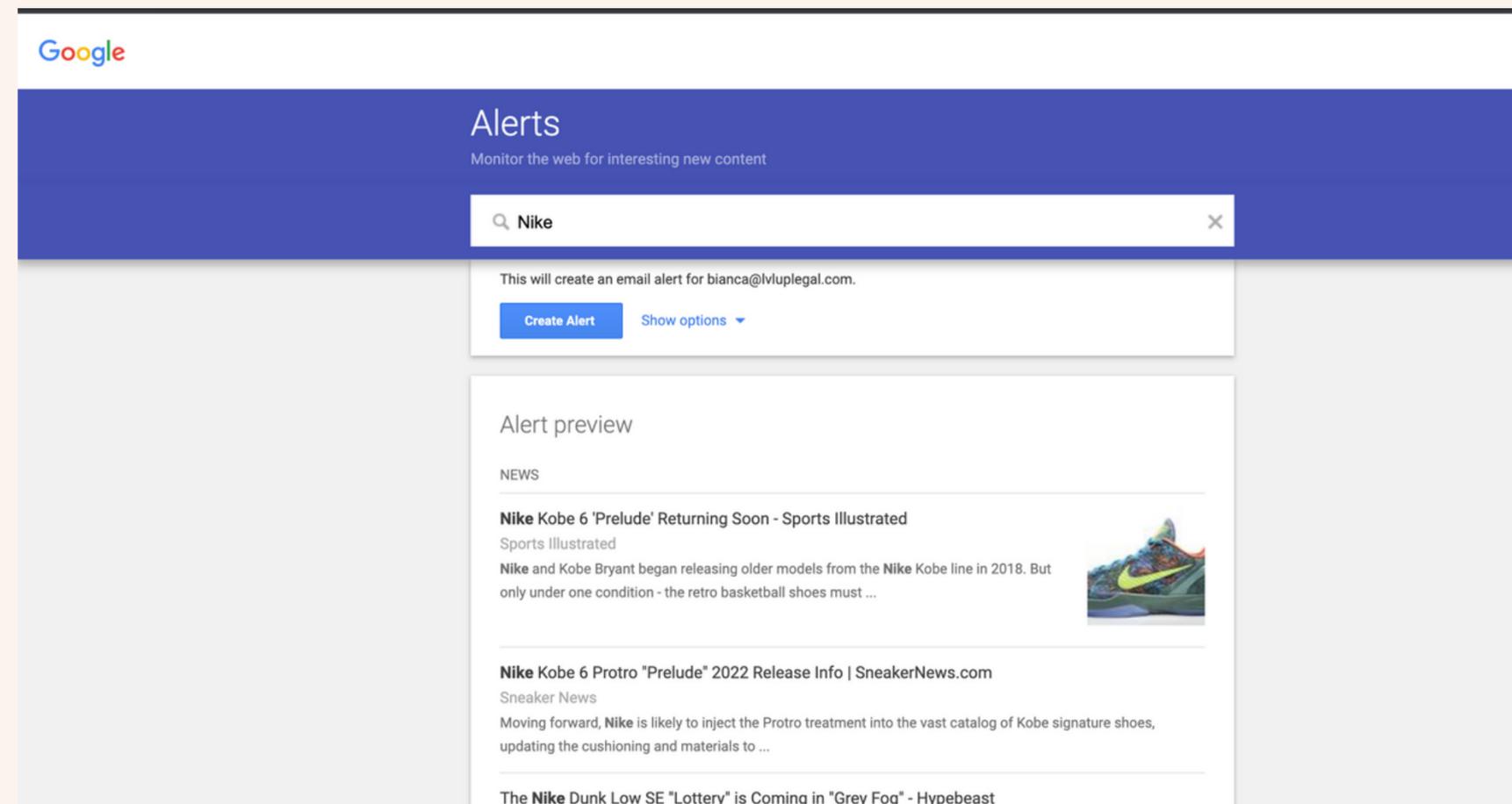
Preparing & Filing your Application

- Ownership information
 - Who/ Which entity will own your trademark?
- Date of First Use
 - When was the first time you used the mark publicly in connection with your goods and services?
- Specimen
 - You'll need to show proof of your mark in connection with your goods and services
- Once your application is filed, you may use the TM symbol

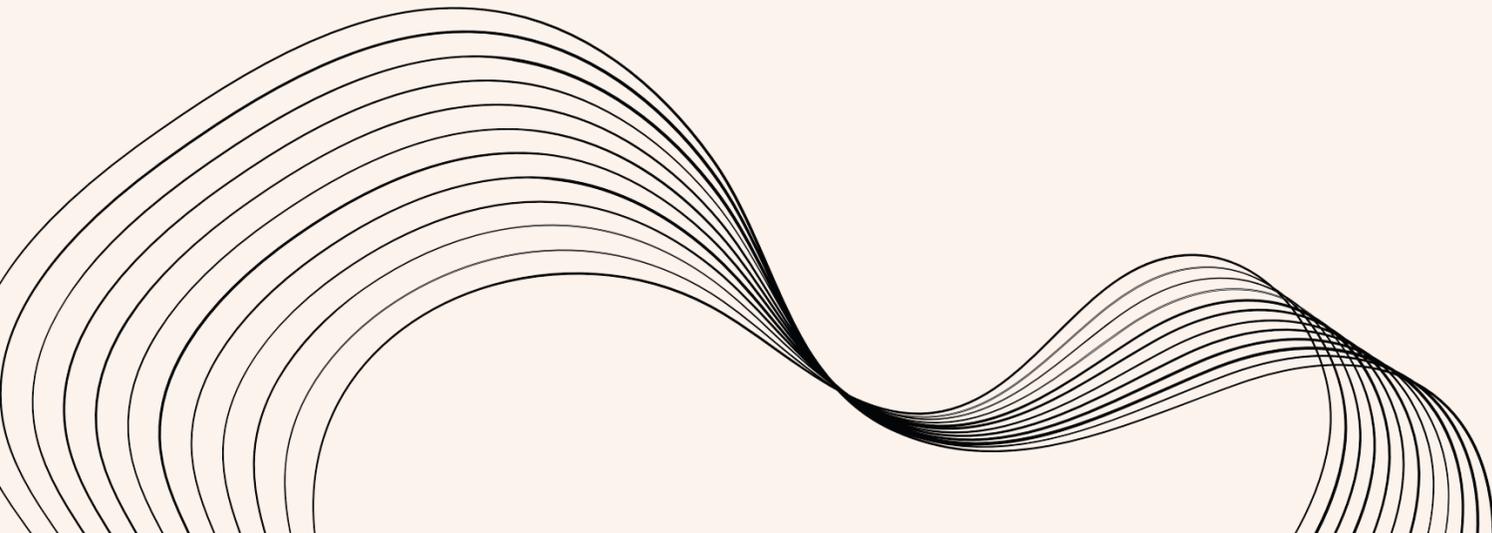


Maintaining & Protecting Your Trademarks

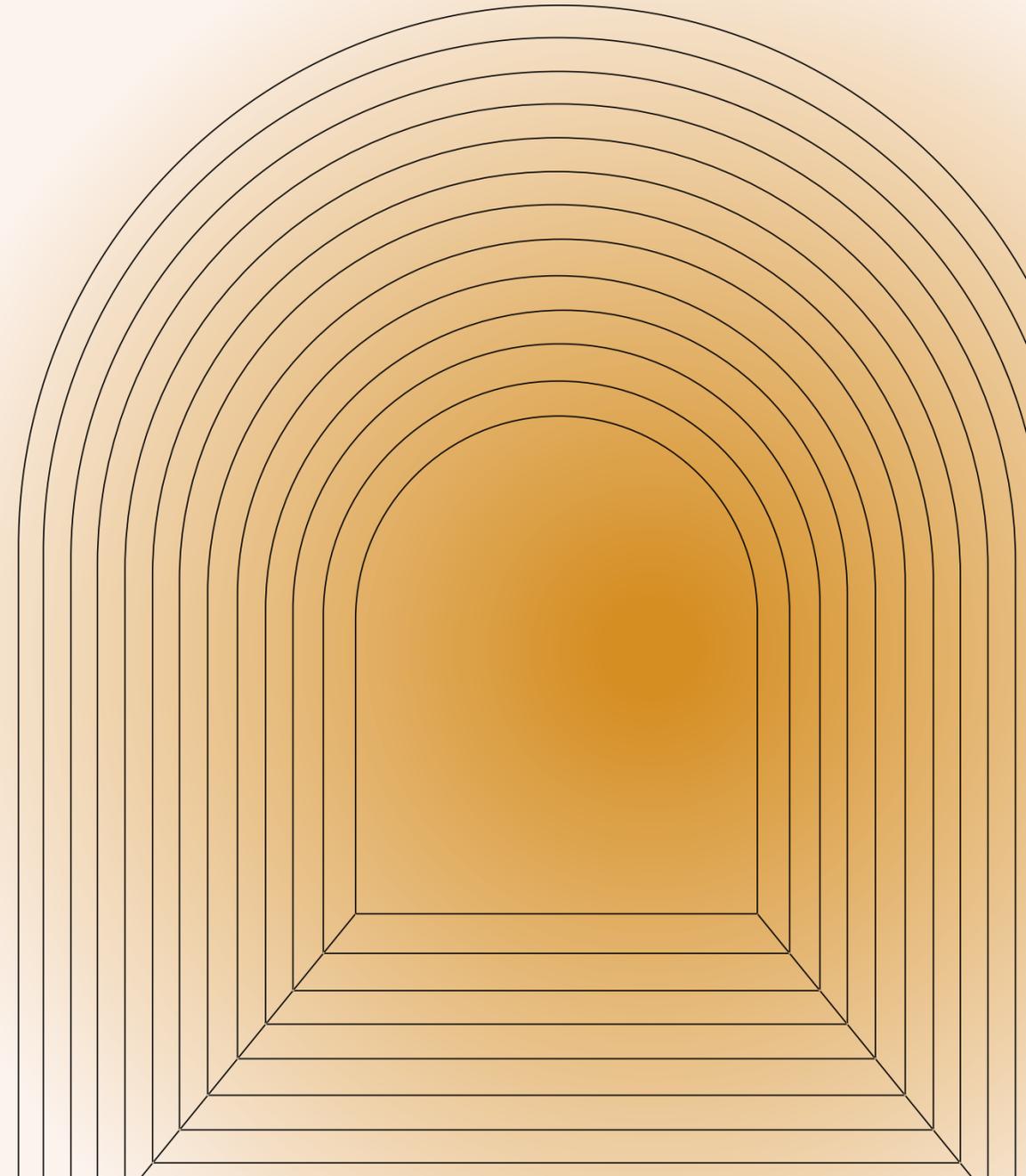
- To maintain your trademark, you'll have to make regular maintenance filings
- To maintain your trademark, you'll also have to protect your trademark
 - Google Alerts
 - Watch Services
 - Cease & Desist Letters



The screenshot displays the Google Alerts website. At the top left is the Google logo. The main heading is "Alerts" with the subtitle "Monitor the web for interesting new content". A search bar contains the text "Nike". Below the search bar, a message states "This will create an email alert for bianca@lviluplegal.com." with a "Create Alert" button and a "Show options" dropdown. The "Alert preview" section shows a list of search results under the heading "NEWS". The first result is "Nike Kobe 6 'Prelude' Returning Soon - Sports Illustrated" with a small image of a sneaker. The second result is "Nike Kobe 6 Protro 'Prelude' 2022 Release Info | SneakerNews.com". The third result is "The Nike Dunk Low SE 'Lottery' is Coming in 'Grey Fog' - Hypebeast".



Questions?



Keep in Touch with LVLUP Legal!



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LVLUP Legal



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Trademark Consultation with us!

