

# Do You Need Your Business Name Trademarked

By Bob Brolhorst

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A name is important to a business. It's so important, in fact, that names can be trademarked, which means they're owned. Kind of like domain names, once it's used it's gone. But you can't trademark a person's name if it doesn't belong to you. I could not trademark Jay Leno no matter how hard I'd want to try.

You apply for a trademark through the Department of Commerce. You can either do it yourself or hire an attorney. I did it myself to save money. Once the application goes in, you can use "tm" after the slogan or name to indicate you lay claim to it. It takes up to one year to get permission and the certificate from the Department of Commerce, although their goal is to shorten that to a matter of 4-6 months, but it was worth every penny of investment.

To own a name or a slogan, to make it truly yours, to gain the recognition that marketing that slogan can give you, trademark it and protect it. Every seven years, renew it.

Yes, trademarks are necessary, because it gives you an identity, a goal, and a source of pride toward what you took your time and money to protect your business.

What can happen if you don't trademark your business name? You could be given a court order to relinquish part or all of your profits from a product that you sell. How is this possible?

Let's say for an example that you use a business name that has been trade marked by another company. By law, if this other business owner finds out that you are selling products under her/his business name and you are taken to court a judge can rule that you give up all your profits to the business owner that has the business name trademarked.

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