

So, what is the point of trademarks? Like why do they even matter for your business? I get this question all the time and I'm excited to go deep into it in this episode because. It's it's an important, smart thing for business owners to be thinking about. I know what it's like with a limited budget to be like, okay, this needs to be a good investment.

**(00:25)** Why should I do this thing? And as a trademark attorney? Yeah, of course. I think the trademarks are important. But the, the difficulty with talking about trademarks and why they matter is that usually when you talk about the real benefits to it, well, it gets complicated. There's a lot of legal ease involved.

So what I want to do today is I want to break down the main reasons why you should consider strongly. To prioritize trademarks on your to-do list without getting sucked into all that legal mumbo jumbo. And there are really three main things that you want to consider three main benefits to securing your trademark reasons.

Why it's not just a good idea, but it's pretty essential to your business. There's a reason why I focus on trademarks and here's why the big number one reason the biggest benefit to getting trademarks is that you do not own your brand without it. And you might accidentally be infringing on somebody.

Yes. I talked to business owners all the time who were like, Hey, I grabbed the domain name. I started using the thing. I got the LLC, whatever it is. But half a million trademarks are applied for every year. And if you haven't done some research on the trademark database and through other things, there's a really good chance that you came up with the name that you unintentionally picked as being too close to another brand.

**(01:52)** It happens all the time. It's actually the biggest reason why trademark, registration or trademark applications get rejected. And so you really want to avoid that risk of being an accidental infringer. That's why trademarks are cost of doing business because without applying for a trademark and securing it, you run a really big risk that you're stepping on somebody else's toes, that you're accidentally building a brand that's not yours.

Not to mention illegal. Right? So that's benefit. Number one is it allows you to actually legally own your brand and not accidentally be infringing on somebody else, which is harder than it seems. Right. This is a complicated process. Reason. Number two, is that when you get trademarks on something like your business name or your podcast or whatever it is, You get these super power rights that you probably don't realize that you get a lot of people say, Oh, Hey, you know, I want to get this trademark so that I can own my name.

But people don't realize is that when you own the registered trademark for your business name, then you get exclusive rights nationwide to not just your brand name, your logo, your slogan, whatever it is. You also get exclusive rights to anything that is confusingly similar to it. A lot of times as business owners, we get trapped in what I call domain name thinking.

**(03:22)** We think in kind of like a common sense business street-smarts way that, Oh, if this brand has this website, the domain name might be available. If I change a letter or I put a dash somewhere or use a.co instead of a.com. Those small variations don't really matter in the trademark world. The test is not, are these two, the exact same it's are they similar enough that a customer could be confused and buy from one source, the King that they're buying from the other source?

And. That means that when you are trying to get your trademark, well, you're fighting an uphill battle because chances are good that someone else, even though they might not have the exact brand name that you're thinking of, well, they probably have something similar. That's why over half of treadmill applications get denied.

But the flip side to that is that when you get it, man, it's powerful. And it can be super, super helpful too, to know that you not only can go after, you know, direct copycats, but also people who are obviously inspired by what you're doing and maybe they have a similar name or a similar logo. It, even if it's similar, you can still go after them.

Again, we're not just getting domain name rights here. We're getting very expansive, exclusive rights, which is huge for a business owner. So that benefit number one was being able to play a strong defense. This benefit number two is being able to play or really strong offense. So you're, you're able to call dibs on it.

It's like, you're calling dibs on shotgun in the car, and then also calling dibs on the entire car. It's pretty cool. And then finally, I don't want to mistake this because this is also huge. It's easier to enforce than you think. Think about this when you apply and all of these benefits build on top of each other.

**(05:12)** So when you're applying for a trademark again, you've got that uphill battle because there are a lot of trademarks that are already out there. And so your chances are good, especially if you're not working with the trademark attorney that the trademark that you want apply for it is going to get denied because something else has already taken benefit.

Number two is that once you get it, well, you get really powerful, exclusive rights. Benefit number three, is that it, this is actually easier to enforce than you might think, because just like it's difficult for you to get your trademark. The trademark office makes it difficult for others to get trademarks on things that are similar to yours.

There is this first line of defense. Whenever you're applying for a trademark where the trademark office will do a lot of the hard work for you and deny other similar applications. And this really, really, really helps brands and trademark owners feel like they don't have to always be policing that database.

And yes, eventually I would recommend working with an attorney on an ongoing relationship to monitor that because you can't just totally blindly trust in the trademark office. Denying similar

applications and that can be contested, but the really great thing, it's almost like you've got almost like a law firm on retainer.

**(06:25)** That's doing work for you because the trademark office is again, really reviewing every application that comes through with a fine tooth comb. again, these benefits make getting a trademark, not just essential, but also super helpful and pretty easy. To leverage. I know this can get confusing fast, but again, I want to highlight the fact that these are big benefits. And usually when you talk to a trademark attorney, We tend to talk about this stuff in kind of legalees language that makes us lose sight of how powerful this stuff is.

And I really just want to highlight and hammer home that these benefits are huge for business owners and especially benefit number one, that confidence, knowing that you're not accidentally infringing on another brand, that is one of the first legal steps that brands should be thinking about. We talk about LLC is contracts, copyrights and stuff all day, but making sure that you are actually building your entire brand on a foundation that isn't infringing on somebody else.

**(07:32)** Well, it just makes sense, right? That you would do your due diligence there to make sure that you're not picking a name that someone's going to come after you, once you become super successful with your business. Right. Let's make sure that from the beginning we are picking names and taking action. So that we don't have to deal with those really, really stressful rebrands down the road.

And yes, the trademark application will take anywhere from six months to a year or more. So the earlier you can start this trademark process, the earlier you can rest easy. Knowing that you're not an accidental infringer. So again, those were those three huge benefits of getting trademarked. If you have any questions, never hesitate to reach out, you can always contact me directly at [hello@indielaw.com](mailto:hello@indielaw.com).

Oh, that's my team's email. You can also either go to [indielaw.com](http://indielaw.com) or [JoeyCvitale.com](http://JoeyCvitale.com). We've got a combination of one-to-one legal services and educational programs to help you guys, make sure that you're keeping your brand on the right side of the law. All right. That's it for this week. See you guys next time.