



# TRADEMARK FACTS

LOVE YOUR NAME AND LOGO? GREAT! WHAT ARE YOU DOING TO MAKE SURE THEY'RE REALLY YOURS?

## GET READY TO MAKE YOUR MARK

**1. Forming an entity does NOT protect your business name.**

People often mistakenly think that if they have registered with the State (as an LLC or Fictitious Name, for example) this means that the name is rightfully theirs. Not true! The State will only block the registration of an exact match within Florida. It does not pertain to trademark rights.

**2. Marks don't need to be exact to be an infringement.**

The standard for trademark infringement is "likelihood of confusion," which means that the names or images needn't be exact. Furthermore, they could be in a different market and still conflict!

**3. Owning the URL is NOT enough to protect you.**

Owning a domain name does not mean that you have the rights to the name. In fact, you could be accused of cybersquatting and trademark infringement by the owner of a similar name.

**4. Even small businesses can run into big trademark problems.**

Small businesses routinely invest at least 10% to 20% of their gross revenue in marketing. If another company alleges that you are infringing on their mark, you could lose all of that money spent, plus all of the name recognition you've built, your domain name, and all physical items that bear the infringing mark. Yikes!

**5. It's actually cheaper to use an attorney!**

We use a flat fee structure with no surprises. It's much cheaper to have a comprehensive search performed to make sure your use is clear, followed by properly filed applications with the USPTO to secure the maximum enforcement of your marks. The potential cost of losing the name you worked so hard to build (or worse, getting sued for infringement) is far more expensive!

**OVER  
100 MARKS**  
we've registered  
and counting!

**50%**  
Applications rejected  
when self-filing or  
using services like  
LegalZoom  
fitsmallbusiness.com

**940,000**  
Trademark  
applications  
filed in 2021

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