

Someone registered my TM - what can I do (S3E74)

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00:05 Autumn Witt Boyd: Welcome to the Legal Road Map® podcast for online and e-commerce entrepreneurs. I'm your host, lawyer Autumn Witt Boyd. I'm an experienced copyright and trademark lawyer, with my team at the AWB firm, I leverage, grow and protect multimillion dollar online businesses. My goal in every episode is to teach you about the sophisticated legal and business strategies to build your own seven or eight-figure business. If you're a new business owner, go back and listen to episodes, 1 through 12. You'll learn the basics to set up a strong legal foundation. The legal road map podcast is sponsored by the AWB firm. You can find show notes for every episode, and learn more about how we help our clients achieve their next level goals at awbfirm.com.

00:52 AB: Hello everybody, this is lawyer Autumn Witt Boyd, I'm glad to be here with you today. We are in our second to last installment talking about trademarks, and today we're going to talk about what you need to know if you find out that someone else has already registered or applied to register a trademark that you think is yours. So what can you do, what are some steps, and what do you need to be thinking about if you find out that someone else has applied to register your own trademark for your business with their business?

01:22 AB: Before we jump into that, I want to give one last reminder about our online course, Success Summit. I created a brand new master class, that is now live if you're listening to this, either on Facebook or on the Legal Road Map® podcast. It's a three-step guide, the three steps that every course creator must take legally, to protect your course, your content, your brand. What do you need to be thinking about as a course creator, legally. I've broke it down into three very simple steps and you can get all of that by signing up for the online course, Success Summit. The ticket is totally free, you can get your ticket at awbfirm.com/OCSS, for online course success summit. My class is live. It went live on February 12th. It is live for free through February 15th. So if you're listening to this on the podcast, you may have missed the window, but you can still go sign up and purchase a ticket for All Access. There's over 50 speakers that are part of this summit, and they're really, really high quality, teaching important concepts, strategies, things that you need to know if you are building an online course business.

02:30 AB: All access price I think is less than \$100, so it's still an incredible value. Even if you missed that free ticket window, head on over to awbfirm.com/OCSS and you can still purchase an all-access pass, which will give you basically unlimited time because you're not gonna watch all 50 of those Master classes anyway within the first couple of days that they're available. So you'll have continuous access and a ton of free bonuses, and I created a free bonus that's going to all of the all access purchasers, which is swipe copy. So wording that you can use if you have a student in your course who is not in paying. So, I created a guide that has step-by-step, what you might wanna consider doing with some language that you can copy and paste. So that is an incredibly valuable freebie. I think it's well worth the price of admission just for that freebie, and the master class, mine and everybody else's. So go sign up for that, if you haven't already, you don't wanna miss it.

03:21 AB: Alright. We are gonna dive in now. I have a lot of notes for this session because this is kind of a more complicated issue, and it's all USPTO practices and procedures and laws and regulations. I'm not gonna get into the numbers and all of that today. But I wanted to make sure that I had all of my ducks in a row before I started talking. So if you're watching this on video and you see me looking around that's because I have a few more notes than normal for this session. But we're gonna dive right in. There's really two ways that you as a trademark owner, may potentially be able to challenge someone else who is trying to register the same trademark with the US Patent Trademark Office. I'm not gonna talk about State Registration, today. This is all gonna be at the federal level.

04:03 AB: And this is a great time for me to give my standard disclaimer, which is; I am a lawyer, I'm not your lawyer, unless we decide to work together one-on-one. So please take everything that I'm talking about today as just information. This is not legal advice, and this is definitely an area if you find yourself in this situation, this episode is meant to give you some background, just so you kind of know what to think about, but this is an area you definitely do not want to try to navigate on your own, you definitely are going to want to work with a qualified lawyer, who does this kind of thing all the time. Because it's a really tricky area, there's lots of different rules. And as the judge that I used to work for, would say, working without a lawyer in an area like this, it's like you're going through a haunted house, you're wearing a blindfold, there's holes in every hallway, and you don't even know what you need to be looking out for, but you can make all kinds of mistakes that you don't even know. So this is definitely an area where; Please take this as information as a starting point, but talk with your own lawyer, whether it's us, we do handle these kinds of situations, or if it's someone else. You definitely wanna be working with a professional in this area.

05:02 AB: Okay. So before I dive into the two ways that you may be able to stop someone else from having a registered trademark for your same trademark, we're gonna back up for just a second and do a little bit of background on who wins the rights in the United States to use a trademark in their business with a particular product or service. So if you've listened to some of the other episodes in this series, you may have already heard this, I'm not gonna go super deep into this. But it's important if this is your first episode joining us, welcome. It's important that you understand the concept of priority, because it will make everything else that we're talking about makes sense.

05:38 AB: So in the United States, if you start selling a product or service in your business, and you're using a trademark with it, so that can be the product name, it could be your business name, it could be a logo, it could be a slogan. All of those things are what we typically consider trademarks in the United States. The first business or a person to start using a trademark with a particular product or service, they win. We have a Race system, so they win the race, they get all of the trade mark rights. Those initial rights are called common law rights. If you're interested in that, go back and listen to the episode I just did, where we really dove in to common law rights. But those are your initial state law rights. They're automatic. You get them just by using a trademark in your business in connection with goods or services. So let's say I decide to start a business and I'm selling candles and I call it Iris candle company. I love Iris 'cause I live in Tennessee, the state flower.

06:34 AB: So now that I've been using that brand and I'm actually selling candles, I have to actually be selling them or offering them, I can't just have them in my basement or I can't have the idea, but not actually have any up for sale. As soon as I start selling them or offering them for sale, I win, as

long as no one else in the same area is also using that same name to sell the same or similar products. So I have won the race, I get to use IRIS candle company, and I can stop other people in my same area, so where I'm actually selling, I can stop them because I have priority. So let's say, I go down to the... I'm in Chattanooga, Tennessee, we have a Chattanooga market on Sundays, I can go down to the market set up my little booth, start selling my candles.

07:13 AB: Okay. So I have trademark rights just within the area where I'm selling. So definitely in the Chattanooga area. Let's say I start moving around a little bit, maybe I go down to North Georgia, which we're right on the border of Georgia, it's very close. Maybe I go to a farmer's market down there, or I go to a church sale or something. Now, I have rights also in North Georgia, because I'm using the trade mark in connection with these products and services in North Georgia. Let's say I fly out to see my friend in California, and I bring a suitcase full of candles and I do a pop-up shop. Okay, great, now, I have rights in California. These rights may not last forever. If it's a one-time event, you may lose your rights if you're not continuously selling.

07:55 AB: But I'm gonna switch from a physical product selling it in person, which is what I've been talking about to an online business, which is what most of my listeners are. So let's say, as opposed to selling a candle, I'm selling an online course, this has been on my brain 'cause I've been working on the online course Summit. So let's say I am teaching a course on how to make candles or how to start a candle business, and I call it Iris candle company teaches you how to start a candle business, that's a terrible name. [chuckle] If you're looking for a good name, it's way too descriptive.

08:24 AB: But let's say I have a very creative name, which I'm kinda spitballing here, so I'm not gonna be able to think of off the top of my head. But if I have a great name for my candle business, of course, I start selling it, so since it's an online course, I'm probably selling it nationwide. So now, again, nobody's registered anything with US Patent and Trademark Office. This is all common law unregistered automatic trademark rights. But now I have nationwide protection, because I'm selling it nationwide, it's available nationwide. I probably have students in all kinds of different states who wanna learn how to make candles from me, I've never made a candle in my life by the way, but I do have friends who do. So now I've got these nationwide rights, so I now am the priority holder of the right to the name. Let's come up with a better name, Wicked Sense, The Complete Online Course For Candle Creators. If you have already started a course by that name, I apologize, I did not do a search before I came up with that. But so now I own the trademark rights to Wicked Sense, and I can stop anyone else from trying to use that in connection with a similar business. So teaching online courses or doing education in the candle business.

09:33 AB: So now I hope that you're understanding kind of the idea of priority. If someone comes after me and wants to start an online course company with the same name or a very similar name, now I have priority rights over them, even if they're in a different state, but these are my common law unregistered rights, so they're based on state law. Now, for what I'm talking about today, we're gonna assume that I am the priority user for all of everything that we're talking about today. Challenging other people who are trying to register the same trademark. It really only works if you came first. And that's why I wanted to talk about how this works with the priority. You cannot challenge someone who comes after you. Oh sorry, reverse. If you come second, if you come after someone else, you cannot challenge that other person's trade mark rights, because whoever comes first gets all the rights. So the latter user, even if it's a bigger company with more money and bigger

market share and selling in more places, it does not matter, if you have those prior common law rights you win those rights. So if you come second you cannot challenge the one who came first.

10:46 AB: Again, this is a very high-level overview, there are exceptions to almost every rule that I'm talking about today, so I'm not gonna go into; there is a limited exception where you could have two companies, maybe one is in the north east and one is in the south west, and they're kind of co-existing, and they could both have common law rights in those territories. And then what happens when one registers? We're not gonna talk about that scenario. What we're talking about today is the most common scenario which is Company A came first, they did not register. So you're just using you're common law rights, you are selling your stuff, whether it's online or in person, and let's say you're selling it in a lot of places, so you've got a lot of different areas that you're claiming is your own.

11:25 AB: And then Company B pops up with a very similar name, and selling the same or very similar products, and they file a trademark registration application with the USPTO. So company B, the second one, it's now pending. So they've filed their application, they've paid their money, and it is in process. And if you've listen to some of my other episodes about the trademark registration process, you would know it is a long, it is not quick. So, typically after you file your application, there's about four months where nothing happens, because the USPTO's busy and they have a backlog, so nothing happens. And then it will be assigned to an attorney within the USPTO, is an actual attorney who reviews each of the applications. They will review it, they will go through with a fine-tooth comb, trying to figure out all the mistakes you made, all the ways that you did things wrong, all of the rules that you didn't follow. And if they do find a mistake or a problem or a conflict with another prior registration, they will send you what's called an office action, and this is basically a denial or a request for more information. It's usually a bump in the road.

12:27 AB: So if you are the prior user, ideally you should be monitoring the USPTO for things that are moving through, because you wanna know if somebody else is trying to register a trademark that is similar to yours. Now, as a practical matter, it's difficult, it's expensive, most people are not actually doing this, most people are not monitoring the USPTO records to see what's pending. It's a great idea to do it. I highly recommend it, but I understand that it's burdensome and it's not without cost. But what I wanna say is, the first time that you are able to stop someone else from being able to register the same trademark that you're using, if you're the prior owner, the first time that you get that chance is during the application process. So before they actually get their certificate, while it's in process, there is a time period called the opposition period, where the USPTO gives you a chance to object, to say, "I think Company B's trademark is too close to my trademark, and I think it's gonna confuse my customers."

13:37 AB: If you've listened to other episodes, you know that's our gold standard. We don't wanna confuse the customers. If you think it's so similar, it's gonna confuse your customers. That would be a good reason to file papers with the USPTO opposing company B's trademark application. So the trick is with the opposition time period, it's very short, it's just 30 days. And the USPTO will not do any kind of notification to you. They're not searching to see if there are other companies with Common law rights who might wanna weigh in. No. What they do is they publish a gazette, it is online. But you have to monitor it, you have to proactively look at it. I'm not sure that comes out every week, or other week. But it's published fairly frequently and you can look and you can see

what trademarks are coming up for their opposition period, that's how they put out notice, but you have to proactively be looking, if you're a common law rights holder, you have to proactively be looking for that.

14:36 AB: So that is one way you are able to oppose someone else's application, but it's very short, you just got 30 days to do it. And you've gotta be watching, you've gotta know when that 30 days starts and when it stops. And one thing I did not mention that may happen. We've been talking about people who have common law rights, so these are unregistered, they're not gonna be in the USPTO databases because you're not registered. If you have a prior registration with the USPTO, the USPTO will do you a solid, they will do a search of their own records, because they don't want two trademarks that are virtually the same, to be co-existing, to both be registered for the same or similar product, because that's a conflict. Like who wins? You can't tell. So they do an initial search so that they are not going to even move a mark through the process if they find that there's another trademark owner who has the same or a very similar trademark with the same or very similar services. So if you hold a registration you don't have to monitor quite so closely, still a good idea to monitor, still your best protection. But you do get some kind of basic level of protection against really, really similar trademarks. The USPTO attorneys will just kind of kick those out.

15:50 AB: Now there's a chance to kind of argue, but typically, if it's the same words or very similar words. Or for a logo, if it's the same or very similar image, they're gonna go ahead and boot that out for you, so you do not ever have to file anything. Again, you might wanna monitor, you might wanna be aware, you might wanna check to see what new applications are being filed, even before they get to the opposition period, just so you can keep an eye on things, because again, when that opposition period comes up, it goes really quickly. So you might wanna be monitoring to see when is that time period is gonna happen. But the USPTO attorney is going to do a little bit of preliminary work for you by kicking out those really similar trademark applications. So if it's the same words for pretty much the same products or services, you can rest somewhat assured that it's not gonna be an issue that the USPTO attorney is going to take care of it for you, and you will not have to actually take any action.

16:41 AB: So if that happens and you can watch that, this is all public, the USPTO records are all public, which is really handy. You can log in to the USPTO systems, it doesn't cost anything, you don't have to be an attorney, you don't have to have a... You don't really even have to have a log-in, you just search. You can see what's going on with someone else's trademark application. And we do this for our clients all the time, especially if they're monitoring, if they hear of someone, we will just kind of watch the application to see, "Okay, what's happening, is the trademark attorney gonna kick it out or are we gonna have to step in and actually take proactive action?" So the first opportunity is the USPTO attorney may just kick it out, with an office action, a denial, and then that kills it. It's just dead. [chuckle] So they can't do anything else after they go through all the steps, they can appeal, but unlikely.

17:26 AB: So then your second chance is to watch for that opposition period, you do that by monitoring the USPTO records and looking at that trademark gazette that gives notice of what's coming up, what's being published for opposition, is what they call it. But again, it's only 30 days, so it's a short period of time. Now what will typically happen in these scenarios is, if company A wants to oppose company B's application, they typically will not go ahead and do that filing right

away. It's like filing a lawsuit. So there are a lot of legal documents that have to be drafted. It's not short, it's not inexpensive to do that. So typically what will happen is Company A will send a cease and desist letter, or they'll send a notice letter, basically saying, "Hey I saw your application. I think it's too close to my trademark either you need to withdraw your application, or I will file this opposition proceeding." And typically what happens is, then that kind of kicks off some negotiation. So maybe we go back and forth, maybe we try and reach an agreement.

18:24 AB: "Okay, well, I'll drop this for my application. Will that solve your problems?" Or, "I'm not really doing this, is that what you really have a problem with? I can drop that or I can alter these words a little bit or I can do this with that." It's a lot of horse-trading, to try and see, "Can we co-exist? Is there really a problem or can we make some minor modifications that make everybody happy?" That's the ideal.

18:47 AB: So a lot of times what will happen is, you can file a request to extend that opposition period that gives you a little longer to not have to actually draft all of your legal documents and you can negotiate during that period. And that is kind of ideal because you're not spending all the money on the opposition proceeding, you can just be negotiating trying to reach a deal. And then either you agree that the trademark application can go through or sometimes it is withdrawn. Sometimes the person who filed the trademark application, company B, will agree to change their trademark slightly or they'll agree to file it with different services or there could be all kinds of different outcomes. But just know sometimes that opposition period does get extended, and that's usually because people are trying to settle or trying to figure out a solution before actually opening the opposition.

19:35 AB: So if you can't come to an agreement or sometimes the other company will just right out of the gate start out by filing an opposition. So this is like I mentioned, it's like filing a lawsuit against the trademark applicant. So in front of what's called the Trademark Trial and Appeal Board, so it's a little bit different than the people who are examining the applications at the USPTO. It's kind of a separate part of the agency. But they do this all day long, and it's like a trial, but it's on paper. So instead of having someone to go on the witness stand and swear to take an oath, it's typically all on paper. So you might exchange what are called discovery requests, where you're trying to get information about the other company and what they do, how they're actually using the trade mark. Has there actually been any confusion? You might do all those kinds of things. But typically, you're not usually doing depositions which is where you actually go in person and ask questions on the record, you could, but a lot of it is typically just on paper. And then there's no trial, the trial is also on paper, so you submit briefs, and you have evidence supporting that which is typically lots and lots of papers.

20:35 AB: So that is kind of what that looks like, it is less expensive than a real trial, but it is still expensive. I would expect to spend definitely a minimum of probably \$10,000, if it's a really easy, simple one, up to hundreds of thousands of dollars. So an opposition is not something to enter into lightly, it is basically filing a lawsuit. So it comes with all of the things that a lawsuit comes with, its long, they go on for months and months and months and even could go on for years if it's a really slow one.

21:03 AB: So it is a serious process, but if you are the prior user and you really think that this other

company getting a trademark registration is going to hurt your business, then it is absolutely worth it. We always look at the return on investment when we're looking at a legal proceeding like this. How much damage are we trying to avoid? Or if someone has been competing with you and you think they're stealing your customers. How much upside could there be, if you win? So we always look at those kinds of things. So these are, again, before the other person gets a certificate, you have the chance to file the opposition.

21:37 AB: Now the second scenario, I wanna talk about is, after they get the certificate. So we were talking about the other person's application is just moving through the pipeline at the USPTO. You also have an opportunity, even if they've already gotten their certificate to challenge a trademark registration, and say, "It's too close to mine, I have a problem with this, it's causing me harm." And this kind of breaks down into two more categories. So there's a really important deadline. So five years after you get your registration, you are able to file some evidence with the USPTO, and you can get what's called incontestability. So that sounds very fancy, and it sounds like no one can ever challenge your trademark registration, which is not 100% true, it's not totally incontestable, but after that five-year mark, after you get your certificate, if you do achieve incontestability, it is much harder to challenge your trademark certificate.

22:32 AB: So I'm gonna list some of the reasons or some of the things that you could prove to challenge a trademark registration, in that first, before you hit the five-year mark. So it could be something as simple as, "I think that they're confusing to my customers." So just the same kinds of arguments that you would make before they get the certificate, you can make within this first five-year period. You can say they're too confusing. You have to be the prior user, again, don't forget. You could say that it is descriptive or that it's location-based, you can bring up some of the arguments that usually the USPTO attorney would bring up, because under our trademark laws, typically a descriptive trade mark cannot be registered on the principal registry. It might go onto the supplemental register, but that can be a grounds to challenge even after they get the certificate.

23:21 AB: You could also say that it's deceptive. So let's say you find out that someone has registered a trademark but maybe they're not actually selling things under that trademark that you would think they are. So I'll give you an interesting example. I have several clients in the CBD oil industry right now, and I'm recording this in February of 2019. So in 2018, there were all kinds of rules because of the status of the federal law about CBD oil and hemp products. You could not get a trademark registration for hemp products because it was not, it was kind of in a grey legal area, it was not 100% legal to be selling those, and so the USPTO was not granting trademarks for hemp products, because especially with CBD, because it was not 100% legal, and the USPTO is not in the business of granting trademarks for illegal products. So if you've ever tried to register a trademark for contraband of any kind, you will get rejected. It is in our trademark laws that they will not grant those kinds of registrations. But so there were a lot of CBD companies that were trying to register things and so not all of them were being honest about what kinds of things they were selling under those trademarks.

24:34 AB: So so you could now... It's all changed. There was a change on the Farm Bill at the end of 2018. So now it's like a gold rush. Everyone is trying to register their trademarks for CBD products, 'cause now they can, now it's legal. But what I saw when I was researching for some of my clients, was I saw companies that were selling CBD products, but in their description of goods

and services they said they weren't. So it looked like there was maybe some deception there.

25:00 AB: So that could be a reason that, let's say later on my client, if my client was a prior user and they are challenged by this later user, but who was able to get a trademark registration, but there was a lie in the trademark application or there was some other deception, they just weren't honest in what they said in their trademark registration. Sometimes you will also see people submitting... You have to submit evidence of how you're using your trademark in your business. People can sometimes make up that evidence, you shouldn't, it's a bad idea, you are swearing on penalty of perjury when you file your trademark application that everything is correct, so it's a bad idea. And you're also opening the door for someone later to invalidate your registration, to say, "They submitted some evidence, that they were selling it on the state, that evidence was false." And so if that could be proved, that would also be another way to show there was some deception.

25:50 AB: If the prior registrant, so the company B was not actually selling. The trademark was not actually in use. You have to be using your trademark before you can get a certificate, you have to be actually selling things, or if they never intended to use it before they registered it, that's another reason that you can petition the counsel within this first five years. Fraudulent registration, delusion of your mark. So let's say that my trademark was similar, it's not exact, but delusion basically means that they are harming my brand, but they're not necessarily stealing customers, they're just making me look bad or they're harming my reputation in the marketplace. That's what dilution means. And then, if there are other major errors in the other marks registration, again, may not have been intentional, it might not have been deceptive or fraudulent, but if there are major errors and that's causing you some harm.

26:46 AB: These are some of the reasons you can petition to cancel within the first five years. Again, a petition to cancel its kind of like filing a lawsuit against the other trademark owner, so it is not inexpensive, it is a serious proceeding. You're definitely gonna wanna have an attorney. It's filed in front of the same Tribunal, the Trademark Trial and Appeal Board, and it's all the same things that I talked about earlier. It's like a lawsuit on paper. After you hit that five-year mark, though a lot of those reasons that I just talked about go away. So you can no longer just bring a petition to cancel based on the fact that you think it's confusing. When you hit that five-year mark, when you get the incontestability, that is one of the benefits of having your registration for those five years, is now nobody can say, "Oh I just think it's too similar to mine and I'm a prior user." You do kind of quash that issue. But you can still bring a petition to cancel for things like it has become generic.

27:44 AB: So this is a really good example of why it's so important as a trademark owner, to be policing the marketplace and looking and making sure no one's using your trademark all over the place, because if it does become generic, if you're not policing the marketplace and people are just using it, not to talk about your company, but just as a word. So we think about Kleenex and Band-aid and some of those things, Xerox, those have kind of become what we might consider generic but those companies worked very hard to police other people from using those in a trademark kind of way, because they will lose their trade mark registration rights if those do become truly generic.

28:21 AB: If the prior registrant, if the company that has the trademark registration has abandoned it, so if they've not actually used it within the past three years, and you can prove that, then you can

get their trademark registration cancelled. Because what a trademark registration really is, is it's kind of a limited monopoly. The registrant has the right to stop other people from using the trademark, and to get that right, you have to be using it. And because the USPTO attorneys are gonna search their own system before they evaluate other applications, you're also stopping other people from being able to get a trademark registration. So if you're not using it, the thought is you shouldn't be able to have those rights, which makes total sense. Again, fraud, which is something that I talked about previously, that never goes away. So if you have fraud in your trademark registration, you are always going to be open to having it canceled. So that one more reason we do not want to have anything false in our trademark registration, we make sure we have really, really good facts.

29:20 AB: I'm not gonna go over every single reason, but a couple others. I think often when we get further away from the trademark registration maybe the company changes hands, or maybe there's new people in charge or you've licensed out the trademark rights to somebody else. So if we see that the way that the trademark is being used has changed, if the registrant is not actually controlling how the mark is used anymore, or if they're allowing the mark to be used incorrectly, these are also reasons that you could petition to cancel, because again, the idea is if you're not really upholding your trademark use and your trademark rights, you shouldn't get to keep somebody else from having a trademark registration. That same name, logo, slogan any of the things that we think about as trademarks.

30:06 AB: Alright, that was a deep dive into a lot of ways that you as a prior trademark owner could go after someone who comes later. I hope this was helpful. Again, this really is an area where if you have questions about this, if you have a business that really relies on a particular trademark, and it's really important to your brand and you find out that somebody else has applied for that same trademark, definitely time to call a lawyer. As I said, we deal with these kinds of things all the time and we'd be happy to help, but it's definitely not an area that you wanna DIY. Very, very tricky.

30:38 AB: So next week is going to be the last in our series of trademarks. Next week we're going to talk about: When must you register a trademark. When would it be a horrible mistake, not to register a trademark? So this is kind of the flip side of episode 69, which was: When should you register a trademark? After I finished recording that episode, I kind of sat back and realized I gave a lot of advice about when should you not register a trademark? Like, when is it too early, or when does it not necessarily make sense from a return on investment standpoint? Or when should you really slow down or think about it? And so I'm gonna do the flip side, I'm gonna give you some examples and some scenarios of when you absolutely must, must register a trademark for your business. So definitely tune in to that one. I think may apply to you, it may not, but it's a great way to learn what you need to be looking for and if any of these scenarios are true in your business, you want to run not walk to an attorney to help you register your trademark rights.

31:40 AB: And then I'm really excited to announce. So I used to do seasons and take a break, and we've been in a very long season three. So I'm gonna take a short break to end Season three, the last episode of Season three is gonna be next week. And then we're gonna take a short break and we're gonna come back with Season four. And season four is gonna be all about legal for course creators, which I'm super excited. We're kind of honing our law firm in to focus on this particular group of people. We have figured out that a lot of our favorite clients are course creators, they may be doing

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other things as well, but this has been a commonality. And so, you're gonna hear us talking more about course creators. All of the concepts that I've been talking about apply to a course creator.

32:21 AB: So even if you're not a course creator, there will still be things you can learn about copyrights, trademarks, contracts, how to run a business, all these different things. But we're really kind of looking through that lens in season four, I'm gonna have interviews with incredible people in the course creation industry. Names that you have heard of who you will definitely wanna tune in and learn about any of their legal lessons learned, tips, pro tips, my own experience is working with some of our clients as they've navigated different legal issues through creating and running a course business. So I just cannot wait. I'm super excited. There'll be more details shared about that to come, but before we get there, definitely tune in next week and learn when you must absolutely absolutely register that trademark for your business.

33:01 AB: Have a wonderful week. And again, if you haven't already now is the time to go sign up for the online course, Success Summit. And watch my free masterclass on the three steps every course creator must take legally to protect your business. I will talk to you next week. Have a good one.

[music]

33:21 AB: Did you know that you could be making more money from your copyrights and trademarks? Intellectual property is probably the most valuable asset in your creative business, but most entrepreneurs don't know how to identify it, and you can't monetize what you can't find. Download my free of five-minute IP Audit Worksheet at awbfirm.com/podcast. You'll find out what parts of your brand, logo, images website, courses, digital downloads, or other content could be protected by intellectual property laws. And you'll create an inventory of your most valuable trademarks, copyrights, patents, or trade secrets, so you'll know what's worth protecting as you build a more profitable and sustainable business. Get your five-minute IP audit worksheet now at awbfirm.com/podcast.

Someone registered my TM - what can I do (S3E74)

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