

EPISODE 43

[INTRODUCTION]

[00:00:04.1] ANNOUNCER: Welcome to the Creative Empire Podcast. Each week, Reina Pomeroy, the life and biz success coach and Christina Scalera, the attorney for creatives are taking you up close and personal with successful influencers in the creative community and tackling your biggest business hurdles. Their mission is to help you, creative entrepreneurs, think beyond your daily biz so you can make the brave decisions that build your Creative Empire.

[INTERVIEW]

[00:00:35.4] RP: Hi everyone, we're back for another episode of the Creative Empire Podcast. Today, we have a really special episode because we don't have a guest. I am interviewing Christina and as part of our legal week special, I am talking to Christina about what are the signs that you might start need to thinking about trademarking in your business.

So let's just dive in Christina, tell us what are you seeing in the industry of creatives who are thinking about maybe trademarking, when did they start needing to think about it I guess is my first question?

[00:01:06.8] CS: Yeah, definitely. I mean the lawyer in me wants to say think about it right from the beginning.

[00:01:10.5] RP: "Right now."

[00:01:12.2] CS: Right? Like for this podcast, I went ahead and registered our mark as a 1B, which just means we intend to use it. There's actually a mark you can get if you aren't using your name or your logo out in the world yet but you want to protect it anyway. The government is very happy to take a little bit of extra money from you and allow you to start using your mark and kind of save it and place it on hold in the trademark registrar for you. So there's definitely

options available for people who haven't even gotten started yet and just have a name that they love.

Obviously Reina, you and I have invested a lot of money into the branding so I wanted to protect that and the name. I went ahead and registered, searched and registered as an intent to use mark is what it's called or 1B. But certainly, somebody that is already out there in the world using their name or their logo, phrase, whatever it is that sets them apart from their competition, all of those things are potential pieces or marks that could be registered as trademarks and so that's a more traditional 1A or in use registration.

So the thing that really stands out to me though is I have a lot of people contacting me out of fear. They want to get the trademark registration. Actually, I will back up, I have three groups contacting me really. The first are the ones that are scared. They are starting with this new business, they have this idea and they just want to protect everything right from the beginning. I would say in about 80 to 85% of those situations, I actually tell those people to come back to me later and it's because they have no proven business idea. They don't know if it's going to work. They don't have a market yet and I mean I've been there, I know it.

They want their business to work so hard and they feel like if they put the right things in place, that they have that trademark registration. They have the website, if they have all the things that we see on the internet as a "business" that the clients are going to come and it's just going to come together like that and in reality, as you know Reina, you didn't have a website from April to August of last year, you really need to know that you have a market and this is going to be a profitable business before you get the trademark registration.

I'm guilty of this myself. Obviously I didn't spend as much money as other people since I do trademark registrations but even in my last business, it wasn't a good business model for me. I didn't have a proven market and I went ahead and still registered that trademark for the little bit of usage that I did have and that was for myself. It was a government filing fee of \$275 that I wasted. So was it worth it? I don't know. So that's the first group of people.

[00:03:52.8] RP: So those people should come back to you once they have a proven concept, once they have a business that's sort of up and running is what it sounds like.

[00:04:01.2] CS: Definitely, yeah. Or even if they have a name that they're about to invest a lot of money into and branding, they could approach me and we could just do a name search if they really wanted to and I do that. I have a very comprehensive search tool that I use as compared to most attorneys and law firms who just use a computerized search tool. So that's a little bit different. That's certainly an option that's available to people.

But again, that's still money that probably if you're just starting out and you haven't really investigated your market, it's probably better spent, from a business owner, I am telling you this, it's probably better spent on figuring out who your ideal client is or coaching or just those things that you need to get your business up and started and running.

[00:04:43.3] RP: Yeah so in order to be really legit in starting your business, you don't need to trademark.

[00:04:47.1] CS: No.

[00:04:48.0] RP: So what are the other two types who are coming to you?

[00:04:52.0] CS: Exactly, the other two kinds of people that are coming to me, the second group are the people that really do need it. They've been in business even like six months but they have a proven concept, they have lots of sales. They are just gaining momentum in their fields or they've been doing this for five years and they know they should look into a Trademark but they just haven't done it yet for whatever reason.

So yeah, the second group are the people that really need that trademark registration and I would say that's anybody that's running a business. Depending on how far into your business you are, you're breaking even or you're profitable. So that's always a good group to look for trademark registrations and then the third group, not going to remember, I should have written this down.

Yeah so the first group are basically the people that are just doing it fear based and they're scared that if they don't get their registration someone is going to come and take their name and

the second group are the people that really, really need it and the third group, I am totally missing in my brain like that.

[00:05:48.3] RP: That's okay, we'll come back to it I'm sure. So when somebody has — say for instance, I have heard this before that a lot of name based ones don't get trademarked because it's your name. Is that true? I've been told that Reina & Co. can't be trademarked because it's my name or say if it was Christina Scalera Photography, would you be trademarking that or what would you recommend?

[00:06:16.1] CS: Yeah, definitely. Anything that can be used as a source identifier is something that can be registered as a trademark. I was actually just at INTA, which is a big conference for trademark attorneys, as we're recording this and the big discussion on one of the days there was, "Wan you register a hashtag as a trademark?" Yes, you can. China actually, off the top of my head, I think China is leading the way on that.

I guess I should back up. I am an attorney here in the United States, I'm licensed to practice law here. So I do trademark registrations for creatives who do business in the United States. It doesn't matter where they are since it's federal law, I can work with anybody from any state or anyone who wants a United States registration. But yeah, if you're doing a lot of business in China, that's where you would seek a trademark registration.

If you're doing business in Canada or in the United States, there are certain treaties and conventions in place so that we can quite easily basically double or triple or whatever register your mark internationally. So that is a lot easier than it used to be 20 years ago but long story short, you can definitely register your name. I don't know where you got that information from.

[00:07:22.0] RP: I feel like I've heard it in a couple of different places. I'm just curious.

[00:07:24.4] CS: Yeah, I've had people come to me and say that. I've also had people come to me and say, "I really want a trademark but the last part of my name ends in Co like "Reina & Co." and that's also not true. Basically anything that, like I said, is a source identifier can be applied for and then registered as a trademark. The only thing that would hinder that is that you have some kind of a really generic name. Like if your name is Jane Smith.

[00:07:51.1] RP: John Smith.

[00:07:51.9] CS: Yeah, exactly and there's already something out there. I'm trying to think of a name base. If you try to start a business that was amalgamation service of wedding vendors and it was called "Angie's Bliss List", I can't say 100% for sure, but my gut is like, "You're not going to get that trademark." I wouldn't take that on as a client. I'd be like, "I think there's Angie's List and it already is a vendor search and here's another trademark attorney that might help."

So I don't want to waste people's money like that. So yeah, I mean there's definitely things that can stop but it's not necessarily just the fact that it's a name in itself that's barring the registration. So for example, Ralph Lauren is a trademark, a registered trademark of Ralph Lauren, I think a lot of those fashion designer brands, whatever Cole Haan or Michael Kors, all those kinds of things.

I know for sure off the top of my head that Ralph Lauren is, I remember seeing that registration. The other ones, I'm assuming they have a registration but I don't know for sure what the serial number is or anything.

[00:08:56.1] RP: Sure so when do people start to, I mean you have talked a little bit about being established and all that stuff but what specifically in a business could be trademarked?

[00:09:07.3] CS: Yeah, great question.

[00:09:07.9] RP: Not just a name, right? There's lots of other things.

[00:09:10.1] CS: No, exactly. There's a lot that you can register as a trademark. So for example, if you have a catch phrase that you use over and over again, that's something that you could either register or claim as a trademark and that's something that we haven't talked about yet today is claiming something as a trademark even though it's not registered, and so the way you do that, trademarks are actually based on use not necessarily registration.

Though the registration obviously is what gives you certain protections under the law and makes it a lot easier to enforce your rights. Remind me to talk about Instagram and social media in a second but I can talk more about if you have a registration versus if you don't but yeah, so basically anything that you use as a catch phrase or the actual design of your logo or the name obviously of your business. A lot of people get confused and they think that their domain name is their trademark even though on their website they're using a certain name.

So for example, if I had the domain name Christinascaleracreates.com, that's just a domain name especially if I'm only using Christina Scalera on that website and not Christina Scalera Creates as my name or my logo or whatever. So it's actually what you're using in "commerce". So like on any kind of service or product that's for sale. For example, if you are just blogging and you're not actually selling anything, you'd have a really hard time showing the USPTO, The United States Patent and Trademark Office, that you're actually using a trademark even.

Because if you have some ads or something like that that's different but if you're a purely a brand new baby blogger and you don't have any kind of revenue scores and no plans to do anything with your blog, well there's a class nine that protects blogs and digital downloads and products and things like that. There's no protection available because you can't even prove that you're using it on something for sale or something that could even reasonably foreseeably be for sale. So those are all things that you can register as trademarks.

The other thing that you can register as trademarks is if you are some kind of, you know, like we had Tanya Dalton on the podcast and I don't know if she could or not but I'm just going to use it as an example. If she had some kind of fanciful packaging that was around her planners, that might be something that she could register as a trademark but it's actually trade dress so you register in the same way. So I work at Pepsi Co for a while and so one of the things that we had to protect was that the way that the Doritos bags looked, right? And that was a really hard thing to do for a couple different reasons.

But like that red packaging with the streak or the chip on the front, a lot of people try to copy that because they just want the quick sale. They want to tradeoff in the marketing and the ad value that Frito Lay has put into the market and just put their red bag next to a Frito's red bag and just

hope that people grab the cheaper option even though Frito Lay is one with the Super Bowl ads and all that kind of stuff and so I'm not saying that they're good, bad or different or the other.

I'm just saying that's a good example of where there might be a trademark infringement where the trade dress of the bags looks too similar to each other and so that could be the same thing in the creative world with someone's planner or with someone's packaging or something like that that's really distinctive of a certain brand.

[00:12:21.9] RP: So that's really interesting because I feel like there's a lot of unique things in the creative industry but there are a lot of things that are possibly copycat and so can you talk a little bit about, I think you were going to go to the Instagram thing anyway, so can you talk to us a little bit about what you're seeing either copycatting or possible trademark infringement stuff that's happening in the creative industry?

[00:12:46.3] CS: Yeah, sure and I remember the third thing now that you asked that question. So the third group of people are the people that get trademarks and copyrights confused. So that's a whole new topic.

[00:12:55.3] RP: So that's probably me as I use that.

[00:12:57.5] CS: Yeah, so a trademark is just, like I said, anything that identifies as source of goods or services. A copyright is actually like a physical work itself. So a song or a book or a blog post or something like that but not like the logo or the short phrase.

[00:13:12.3] RP: I got it, okay.

[00:13:13.1] CS: You wouldn't look at a song or you wouldn't read a blog post without anything else like just the words were on a page. You probably wouldn't be able to read that and know where it came from. That's not a trademark but if you saw the logo, of like the "Reina & Co" logo or something like that, you'd be like, "Oh that's Reina's." So that's the difference there. That was the third group that I forgot. Then that leads me into social media.

So the reason why having a registration is so important is because, let's just say and I'm dealing right now, I am actually dealing with this as we speak with a client. Unfortunately, there's a shop that popped up and in my opinion, from what I've seen in the research, it appears to be a shady shop. There's a lot of comments on there that are like, "I ordered something from you a million years ago and I haven't gotten it yet and you still have my money and you won't refund it."

Unfortunately, they are using a very similar name to my client's trademark and so what we're having to do and what we're having to battle is she doesn't have the registration yet and so Instagram, Facebook, those kinds of channels that are hosting this content aren't taking us seriously because we don't have the registration yet and so that's like an uphill battle that we're struggling against and so, had she had that registration earlier and she knows this but had we had that registration earlier, it would have taken down immediately.

There wouldn't be confusion there, all the traffic would be going right to her Instagram, to her website and unfortunately, that's just not going to happen until that registration issue. So strategically, we've cut down on the wait time hopefully for that on my end just with some things that we've done and I can't talk about that but yeah, I mean that's why having a registration is really important if you do have a legitimate business.

So that somebody can't just pop up and start selling an inferior product or a product that is too similar to yours. Or coaching services that are too similar to yours and then someone else, there's a whole swamp of people now that thinks that like "Reina's Coaching Services" are some weird thing that's popped up on the internet.

[00:15:15.9] RP: Yeah, well I think there are a lot of things that could be copied. So I'm really interested that copyright and trademark are different. It makes sense to me. You've talked a little bit of the classes, so can you break down what the classes mean, what the process is? And I know there's a long wait time in receiving the actual registration. So can you walk us through if we were going through the process with you, what would that look like?

[00:15:41.7] CS: Yeah, I'd be happy to.

[BREAK]

[00:15:43.3] ANNOUNCER: Are you enjoying the show? It would mean so much to Reina and Christina if you take two minutes and head to our iTunes and leave a review. It doesn't take much time but it helps them bring you more value packed content.

Back to the convo ladies.

[BACK TO INTERVIEW]

[00:15:59.9] CS: I'm going to direct everybody to this podcast from now on.

[00:16:03.2] RP: Yes, exactly. If you have a question, go to minute 30 or whatever it is.

[00:16:07.2] CS: Yeah, for real. So that's a great question. So when you register a trademark, you have to pick certain classes of goods or services and so the reason for that is because you can't just say, "I have a trademark." You guys know as business owners, you go to get that new domain and everything is taken. All of your ideas, we're into the top level domains like the dot legal and dot coaching or whatever now instead of dot com and so, it's the same thing with the trademark office.

What they did to cut back on that way back in the day I think in the 40's is when they implemented the classes. You have to choose the classes of goods or services that you actually sell in. So if you're a blogger, you're looking at class nine. If you're a stationary, you're looking at class 16. If you're a photographer or a coach or something like that that provides a service and not necessarily a product, you're looking at class 41.

So everybody is going to fall into a different class. You might fall into more than one like if you're a calligrapher, you're in class 41 but if you also sell prints, well that falls under stationery so that's class 16 and so you are going to be registering in both of those classes and unfortunately, there's an additional fee obviously to register in a second class but a good trademark attorney won't charge you a full whole new application for a second class because they have already done the search.

So the search should have been done in all of the classes that you're even potentially thinking about registering in so that you can catch anything that's even related and just because you don't register in a certain class, doesn't mean that you've totally loss out on rights and other classes. The example that I gave with the calligrapher is a good one. If you're a calligrapher and someone comes along in they're a hand letterer and they're trying to register in class nine with the same name as you, that's something that I would oppose that registration for my clients.

So it's not that if you only can register — I don't want to give out legal advice so I won't say that. But if you could only register in one class, I think it's important to look at what the bulk of your business is, is that a product or a service, and then obviously talk to your trademark attorney about that and pick the one that is more relevant to you at the time.

[00:18:19.2] RP: Yeah and how long? I know the filing process is pretty long, what does that look like?

[00:18:24.6] CS: Yeah so the process, basically this is what happens whether you approach me or another attorney. Hopefully they are similar to me because I feel like I have a really great process in place for my clients and it definitely is more comprehensive than some of the other services I've seen offered out there. Basically, I allow people to come to my website.

They have the 20 minute consultation with me if they are interested in a trademark where I walk them through this process and the process is this: After that consult I send out the proposal. It includes my invoice and my contract. I do all that through HoneyBook which is great and it's very organized and I like it because it's also secure because I can make a password on the other side. It's not just like I'm sending it out into the void and hoping it gets to their e-mail.

So that's how that happens and then once I have that, automatically through HoneyBook, I can send them a questionnaire to ask them all the questions that I need to know about for their applications so that they can fill it out on their own time and then I can get their application process. Once I have their questionnaire back, I search their mark. So that's a crucial part of the entire process is making sure that you have an attorney that has a really, really good search system or company or something like that that performs a search for them.

Because the searches are going to be crucial later on when you get to the opposition period. We'll cover that in a minute. But after the search is done, I have another consultation with the client. I talk to them like, "Hey, this is what we found, this is what I think it means, this is what I think we should proceed," and hopefully, it's a good consultation and I just am like, "Well," — I have this one sort and I haven't found anything else and I'm like, "This was great" but pretty much other than that, there's always red flags or we get little flags I should say.

If there's any huge red flags, for example, I had unfortunately I couldn't register someone's mark because, I don't know what happened but there was actually a company that was in their same area even that was using almost the same mark and they've been using it since the 1980's. So that's like, "Well if we go forward with this, I'm afraid that we're going to admit that you're infringing." Not just you won't get a trademark registration but you might actually get sued.

So those are the kinds of things that you need an attorney there to interpret the search results for you rather than just trying to do it on your own. The other thing that probably a lot of attorneys don't know about yet, they didn't announce it into, or at least in here, the Trademark Attorney Conference but the USPTO in June and to happen before this in all fairness but in June the USPTO that registers and monitors trademarks and things like that, they announced that their software is faulty and that you cannot rely on it as a database to search.

So a lot of people have been searching on the TESS Database is what it's called. If you just Google TESS USPTO, that's what it will come up and you could search marks. But yeah they've been having some problems with it and so they no longer guarantee the accuracy of it which is another reason why you have to have a reputable attorney perform the search. I'm not trying to plug, I'm saying if you want to be really proactive and do the right thing.

It's just that I've seen too many people try to cut corners on their trademark registration and then it just bites them in the butt later. It's just more expensive to go back and do it the right way rather than doing it right from the start. So yeah, after the search, we have that consultation. We decide how to go forward, I let them know if there are some yellow or red flags like, "This is what I think might happen later and this is how much I estimate it will cost." I know cost is a huge

thing so I will just say right now most trademark applications cost anywhere from a thousand to \$3,000.

[00:22:04.4] RP: Per mark?

[00:22:05.0] CS: Yes, per mark and then obviously per class it's an additional — like it starts at \$225 it goes up to \$375 with that, so that's what you're looking at additionally plus any lawyers fees on top of that. But I would say it would be safe to budget about \$2,000 for a trademark and just expect to maybe spends a couple hundred dollars more than that, maybe less and again, it really depends on the attorney that you go with.

If you go with a baby attorney or if you go with one of the big legal websites, you're probably going to spend less money but you're also taking a really big risk because they don't go through all of the safeguard steps like the really great search and all that kind of stuff. If you go with the more experienced attorney, you're going to get more for your money.

A lot of attorneys are moving towards flat fees. Like I do flat fees, so you know all the cost straight up front and then most attorneys don't include opposition fees in their package. That's the additional money that I would say you're budgeting for later and that's why I say it's \$2,000 and not less than that.

[00:23:05.5] RP: So I am hearing you say, if it's important enough for you to pay to file it in the first place than do it right and hire an attorney rather than try to DIY it yourself, try to search it yourself and then get kicked back nine months later and say, "No, no that's not going to happen," and then have to pay again to do it the proper way.

[00:23:23.5] CS: Yeah or worst, get sued for infringement.

[00:23:26.0] RP: Or that, yeah.

[00:23:27.1] CS: There's these things called office actions and so you could get something like that where you don't have a docketing system like I do as an attorney and so I know exactly when I have something to do with USPTO. You might not know how to even look up your record

after you submit your application and so those are all things that, as an attorney, I know exactly where to go and how to look and what it means.

So those are all things that you need that attorney there for and really, I like to look at it as an investment because you do it once. Like realistically speaking, you do it once, you do it the right way and that's it for 10 years. You don't have to do anything, I mean there are some documents to file and stuff like that that in the interim, but you don't actually have to spend any more on your application during that 10 year period other than if someone were to use yours, then obviously, that's something different.

But just going back to the process, I want to quickly walk people through it because we touched on cost and hopefully, that answers a lot of questions about that. It gives people at least a ballpark to budget for. So yeah, initial consult, contracts and invoice go out, the questionnaire comes back, search happens, I have another client consult about the search and then I actually apply for the mark.

All this for me, because I love my search firm, they do such a great job. All these for me takes and depending how fast the clients is, a week to two weeks which is really exceptionally fast for the industry. I think most people probably take about a month and so once that application is submitted, we wait. So it takes about three to four months for the application to even get assigned to an examiner at the United States Patent and Trademark Office, the USPTO.

Then once it's assigned to them, they will take a look at your application and say, you know, they will go through their search and do this search that the attorney did, maybe not as comprehensive depending on who your attorney is but they will go through and they will try to find stuff that either would bar the registration where there's already things existing and it would just be too confusingly similar or they find that you're not using the mark in a particular way.

So maybe you claimed that you're using it on calligraphy but you're actually not using it all for calligraphy. You're just using it on mugs or something and it's typed up and instead of calligraphy, I don't know, something like that. They'll look and see if you're specimen, so you have to send in a specimen to show proof that you're using it in each class. They'll look to see if that actually has the mark on it. So if you, this is another common mistake that people make.

They'll send in a specimen and it will be a screenshot of their website but for whatever reason, their name isn't on there or their logo is different from the name that they sent in the registration and then their mark is cancelled or abandoned because they send in the wrong name. That happens all the time. So yeah, I mean, all of those kinds of things are what they USPTO examiner's looking for and he takes about — he or she, I should be fair.

I've only had he's so far this year. We'll see what happens. Anyway, yeah, he or she, the examiner's going to take a peek at your application, look for those things that we just talked about and they'll either send you an outgoing office action, which is really common and nothing to freak out about in my opinion.

And you'll basically get — no, they don't send a letter in the mail, if you do certain applications, if you spend more, you'll get a letter in the mail but if you spend less which is what I do, you're just going to email. That's just to cut back on the paper trail really, it's not really like a big thing anyway. So you will get this outgoing office action, it says you have six months to respond, you have to respond in that timer period obviously or the mark is just abandoned. It's like you didn't apply for it. You don't get any registration.

Or there's no office action, good job, your attorney, whatever or actually an office action is not a reflection of the attorney at all. I get office actions back all the time and it's because I'm purposefully going for as broad of a classification to capture as many things in that class as I can. So yeah, either way, you're entering the office action or you're not even getting one and then after that happens, once that is all settled, the mark gets published of opposition. This is a 30 day period where somebody can — anybody that has any kind of legitimate claims.

So maybe they're using the trade mark on something or maybe they don't have a registration yet but they've been using the name since like 1960 at their dad's shop or whatever or they do have a trademark registration but it's whatever. Hopefully it's not in the same class, hopefully your attorney did a great search and that's not a big deal. But yeah, so anyway, that's the period of time is called the opposition period that someone can file notice of opposition or extend to then later file the notice of opposition.

If you do get an opposition, that's where the extra big bucks come in because that means your attorney has to work it out with that other side, they have to answer the opposition. That's done through a brief, the legal writing comes in and that usually takes a little bit of time to put together and it's not just like something really quick. Once all that's taken care of or if you don't get any opposition, you can wait another one to three months depending on how quick the USPTO is, the registration issue and you have that pretty little certificate in your hand.

[0:28:32.0] RP: That says R on it right?

[0:28:34.2] CS: No, it actually says I'm blanking off the top of my head but I think it says Certificate of Registration it has like a little gold medal like scholastic looking thing on it and then they'll have like in big letters what your actual name or logo or design is.

[0:28:46.8] RP: Doesn't it have the register R next to it or no?

[0:28:49.9] CS: I don't remember off the top of my head. I don't think so, I just think it's the standard character mark. You actually are the one who gets to do that later. That's called marking. Yeah, you're allowed to mark at that point with the circle R, which secret guys, it's just the option command on your keyboard with the R and then the trademark is the Alt or option command at the same time as you press two and so you can use the TM, you can use the R, it doesn't matter.

I mean obviously if you have a registration, it's great to tell people you have a registration by using the R, putting them on notice but it's no longer a big deal if you don't, it's just a lot easier for your attorney later if there's a problem to say, "Hey look, we showed everybody that there was a circle R next to it, it's registered." Yeah, so at that point you have the registration and then between your five and six, after that registration issues, you have to send in proof that you're still using that mark otherwise you're at risk of abandoning that mark and somebody else could come in and register something.

Then again at year 10, you have to file your renewal, which is just a \$400 fee right now every 10 years. So that's what you're looking at. ~|| in, it's like every 10 years after the initial registration

period, you're spending \$40, what does that break down to per year? It's like \$40 per year which per month is like nothing.

Then the initial fee of whatever, 1,500 to \$2,500. I think lawyers are hopefully moving in the direction where there are more client centric and friendly and not so money centric which drives me nuts. You have to get paid for what you do right? You're not working for free, I'm not saying that but I like to take payment plans and a lot of attorneys think I'm crazy because they're like, "One day that's going to stiff you and you're not going to get paid." I am very fortunate to work with only people that I really love and enjoy working with.

I'm really picky about my clients at this point, so I don't think that's ever going to happen to me. I think that if you need a payment plan, if you want to work with an attorney but maybe he or she is outside of your price range, that's something that you could always approach them with and that's a good money saving tactic but obviously for some us it's easier to pay whatever, \$400 for six months or something rather than a lump sum of a lot.

[0:31:03.5] RP: Yeah that's cool that you offer that service because I don't see that happen all over. Is there anything else that people should know about trade marking before we wrap this up?

[0:31:13.7] CS: I feel like I've given them way too much to chew on and I'm really sorry guys that I put my legal hat on and threw it all at you all at once but...

[0:31:21.9] RP: I think it's easier than going to Legal Zoom and being I have no idea what I'm supposed to do because that's...

[0:31:26.9] CS: Legal Zoom o scary to me guys like I am horrified and I'm not saying that as like...

[0:31:31.7] RP: "Pick me, pick me."

[0:31:33.8] RP: Don't pick me, we're having Autumn on the show if you'd rather pick her, that's fine, if you would rather pick somebody in your area, that's fine but like Legal Zoom is so scary

to me because it's just a legal information services and actually, one of the clients I have now ended up spending more, way more than she spent with me on Legal Zoom just on the search.

That to me was just like heartbreaking that she spent that much money where that money could have been spent to like build her business or whatever, she didn't even get like a search results consultation or anything, she just got a stack of documents 12 inches high and had no idea what to do with it.

[0:32:09.2] RP: Oh my gosh. That's horrifying.

[0:32:09.2] CS: It is.

[0:32:10.2] RP: Well go ahead and hire your closest neighborhood or creative attorney.

[0:32:18.8] CS: Yeah, you can hire a trademark attorney from anywhere, same thing with copywriter patent, we didn't talk about patents, I don't really think — If you need a patent, you know you need a patent. But yeah, for copyright and trade mark law, you can hire an attorney anywhere that's licensed in the US. If you have somebody that you really like in Washington, you live in Georgia, fine, hire them.

[0:32:36.2] RP: Can you talk about IP? What IP really means?

[0:32:38.8] CS: Yeah, IP, it just stands for intellectual property and intellectual property, IP means it encompasses the whole field of IP which is trademarks, which we talked about at length today, copyrights, patents, trade trust and I am like blanking on the last one right now, sorry guy.

[0:32:57.4] RP: We probably don't even...

[0:32:59.4] CS: Trade secrets, duh. Sorry.

[0:32:58.2] RP: Oh trade secrets, got it.

[0:33:00.9] CS: It's Friday afternoon as we're recording this, this is our third episode in a row so I'm going to play that card. But yeah, that's all of the IP world and so actually right now, it's really interesting because the senate is looking at possibly doing more with trade secrets rather than as they stand right now, which is just like you don't tell anybody and hopefully it doesn't get out and you have good confidentiality clauses. Like, the coke recipe.

Right now, the government or the legislative congress, I cannot talk right now. Guys I'm sorry. My brain is so fried.

[0:33:34.3] RP: That's okay. You've dropped a lot of knowledge on us. So tell us, if we were to take one step towards deciding whether or not we need a trademark today, what would you recommend people do?

[0:33:45.3] CS: Yeah, I would recommend that they go out and they look for an attorney in their area where in their field of law like an IP attorney from anywhere is obviously a good option as long as they're licensed here in the US if that's where they do business or if someone's listening in China or something like that.

[END OF INTERVIEW]

[00:34:05] ANNOUNCER: Are you ready to build your own empire? For more information, show notes, downloads and tips on how to do it, head to www.creativeempire.co where you can find out more about this week's episode and the two lovely ladies behind it all, encouraging you to build your own creative empire.

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[END]