

Naming a New Company

A client formed a new company. In order to create a memorable name, the client enlisted us to help ensure the name did not conflict with other trademarks. If a new company name conflicts with an older, established name the older company could force the new trademark to cease use.

If the older trademark has superior rights, the old company can force the new company to change their name, destroy materials and brochures, change website copy, and pay damages. The damages can be tripled by the Courts if the Court decides that the new trademark user intentionally infringed the old trademark. In addition, the intentional infringer can be forced to pay the attorney's fees of the older trademark.

Since the damages are significant, the client wisely decided to choose a unique, new name unlike any company name preceding it. By doing this, potential customers more easily remember the name of your product or company. When you follow up with a potential customer, the customer more readily remembers your company's name or product.