



Protection & Maintenance

If you have a trademark, you know the importance of protecting it from theft, infringement or misuse. But you might not realize the importance of maintaining it.

Olive & Olive makes sure our clients meet all government deadlines, pay the required fees, and take the other steps necessary to maintain their trademarks.

We've been doing it for more than 60 years. We can do it for you.

We understand the importance of your brand.

Your trademark is an essential part of your business brand. Don't put it at risk. Step one is determining if your trademark is protectable. Not every trademark is available for use. That's true even if you select a strong mark.

And just because you incorporate your business under a particular name, you may not have the right to use the corporate name publicly. Neither does purchasing a domain name.

Why not? Because someone else may have gotten there first. In the U.S., their prior rights may have come either from use or registration. Overseas, their rights must typically be established by registration.

Thinking your trademark is protected simply by incorporating your business or buying a domain name is a mistake that sometimes even experienced attorneys in general practice s make.

That's why you need an expert.

Your trademark deserves expert care and diligence.

The U.S. recognizes “common law trademark rights.” That means if you are the first user of a particular brand in a particular market, you can keep using the mark.

So why register? Because common law rights are very limited. They only cover the existing use, in the existing location. If you want to expand, you may not be able to do so. You need to know if anyone else is using a business mark that will impede your professional goals.

The trademark team at Olive & Olive can do that for you. We conduct comprehensive trademark searches for our clients. We discover what’s out there, analyze the circumstances, and counsel our clients on the best way to proceed – all within budget parameters that reasonably fit their needs. We’ve been doing that—and teaching others how to do it—for decades.

Of course, nobody can guarantee that any trademark will be 100 percent conflict-free. But so far, in more than half a century of practice, no client whose mark we’ve cleared has been forced to change their brand. A track record like that speaks for itself.

We know how to use trademark registrations to increase your protection.

Trademark registration protects your trademark from being infringed, diluted or misappropriated. Registration can occur at the state, federal or international level. We will counsel you on the best route to take.

Federal trademark registration provides protection nationwide (both ground-based and on the Internet). Since most businesses and product lines start small and grow over time, that’s important. National protection is also important if you plan to advertise or sell on the Internet.

Federal trademark registration prohibits others from using not only your exact mark for your exact goods, but also from using confusingly similar marks in connection with goods or services that are related to your own. Uses that are likely to confuse consumers aren't allowed. State trademark registrations and foreign trademark registrations provide similar protection, though the exact scope varies by state and nation.

Trademark registrations make it easier to sue infringers and provide better remedies – including, in some instances, attorney's fees – if you have to sue. They also make it far easier to obtain and defend domain rights. Click to read more about intellectual property lawsuits, domain disputes, and what Olive & Olive can offer in these areas.

We will counsel you on the benefits and costs of registering your trademark in different states and nations. We'll help you develop a cost-effective approach to protection in the territories that matter.

We maintain and monitor your trademark – so you don't have to.

All trademark registrations require regular payments to the government that issued them, in order to keep them in force. Typically, affidavits and evidence also must be presented.

Doing that yourself is hard. It requires keeping calendars and reminders that extend at least a decade into the future and then taking the proper action when the time comes. Far too many trademark owners neglect this follow-up aspect of the process. Sadly, some of them lose their rights.

Olive & Olive won't let that happen. We keep a docket of our clients' marks and remind them when deadlines are coming up. Then we work with them to gather and present the necessary evidence to keep the registrations in force.

We've been doing this since our firm was founded in 1957. With more than half a century of experience – and thousands of trademarks under our protection – it's a job we don't take lightly.

Want that kind of legal care and attention for your intellectual property? Just call the experienced IP lawyers at Olive & Olive today.