

“To Clear a Name For a Company of New Business Venture”

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Upon choosing a name for a new company or business venture, many entrepreneurs within the United States struggle with the assumption that it is safe or “okay,” to proceed with new titles seemingly deemed “available” by the appropriate state offices. However, as described by Gotlieb, Rackman and Reisman, P.C. Intellectual Property Law in, “The Difference Between Corporate Name Clearance and Trademark Searching,” doing so is wrong.

Although the application process includes a perfunctory search by each state’s designated authority, this action of investigation alone does not suffice as clearance to do business under a new name. Rather, the process fails to check and see if another entity outside of the individual state has the same name and lacks the ability to verify if this new name conflicts with any other name within a similar or closely related field.

Entrepreneurs must choose a name which may be protected. Therefore, to ensure that a proposed name for an entity does not conflict with any other established trademark, it is always advised to check that the domain name is available. To do so, a meaningful trademark search must be performed by an experienced trademark attorney.

Thus, once it is deemed safe to proceed with a new name steps must be taken to file for federal trademark registration in order to protect the new entity’s rights within the United States.