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# **Naming your Business**

## **Do Not Fall In Love Just Yet**

### Naming your Business – Things to Consider

- 1) Choose a Unique Name – with an eye to creating your brand
- 2) Brief – make the name brief (three to six words)
- 3) Descriptive of your product or services
- 4) Memorable – make the name memorable

# Legal Implications in Naming your Business

- 1) Avoid Misleading names
- 2) Avoid Similarity to Other Company – Copyright and Trademark implications – Cease and desist notices
- 3) Do Not Imply Professional Credentials

# DEFINITION OF A BRAND

AMA defines :

*“A name, term, design, symbol, or any other feature that identifies one seller's good or service as distinct from those of other sellers. The legal term for brand is trademark.*

*A brand may identify one item, a family of items, or all items of that seller. If used for the firm as a whole, the preferred term is trade name.”*

# WHY IS BRAND PROTECTION IMPORTANT

- Brand Drives Business
- Customer Loyalty
- Avoid Dilution/Genericity
- Easier to Sell
- Consumer Search Costs
- Quality Control

# EFFECTS OF BRAND ABUSE

- Decline in Revenue
- Increased Marketing to Offset
- Traffic Diversion Reduce ROI
- Dilution of Brand
- Harm to Reputation

# EXAMPLES OF BRAND ABUSE

- Traffic Diversion: Keyword / PPC Abuse, Cyber / Typosquatting (Twitter handles)
- Counterfeiting
- Defamation
- False Association

# MARKETING ONLINE

- Multiple Platforms
- New and Traditional Media
- Easier to Quantify ROI
- Depending on Sector: Facebook, Twitter, Yelp, YouTube, eBay, Amazon, Craigslist

# SELF MONITOR

- Identify your audience, product, service, etc.
- Google Alerts based on identified IP or Paid Monitoring Service
- Twitter apps to monitor 'chatter'
- Establish business presence on Yelp
- Analytics - Where is your traffic coming from?
- Own Your Domain Portfolio

# WHAT TO LOOK FOR

- Trademark Infringement
- Copyright Infringement
- Defamation
- Cybersquatting
- Misappropriation of Name/Likeness
- General Harm to Reputation

# WAYS TO RESEARCH POTENTIAL NAME

Popular Search Engines  
Patent and Trademark Office  
In Your Market

# **New York State Rules and Regulation for Naming Your Business**

- A) Sole Proprietorship
- B) Limited Liability Company
- C) Corporation

# New York State Rules and Regulation for Naming Your Business

## A) Sole Proprietorship

- 1) Usually operation is under Owner's Name
- 2) Doing Business Under a different name (DBA) “doing business as” (e.g., Candy’s Treats) company must register the name under each county where operating by filing a business certificate in county where operating business.

[http://www.nyc.gov/html/sbs/downloads/pdf/biz\\_express/nys\\_cert\\_of\\_assumed\\_name.pdf](http://www.nyc.gov/html/sbs/downloads/pdf/biz_express/nys_cert_of_assumed_name.pdf)

If operating in all five Boughs – DBA must be registered in all five (5) counties: Kings, Bronx, Queens, Richmond & New York Counties

# **New York State Rules and Regulation for Naming Your Business**

## **Sole Proprietorship Con't**

- a) **Kings County Clerk's Office**  
(<http://www.nycourts.gov/courts/2jd/kingsclerk/filing.shtml>)
- b) **Bronx County Clerk's Office**  
<http://www.bronxcountyclerksoffice.com/en/notary/business.htm>
- c) **Queens County Clerk's Office**  
<http://www.nycourts.gov/courts/11jd/queensclerk/businessCertificates.shtml>
- d) **New York County Clerk's Office**  
([http://www.courts.state.ny.us/suptctmanh/Business\\_Certificates.htm](http://www.courts.state.ny.us/suptctmanh/Business_Certificates.htm))
- e) **Richmond County Clerk's Office**

# New York State Rules and Regulation for Naming Your Business

## B) Limited Liability Companies

- 1) Registered with the Secretary of State's Office
- 2) Can be reserved for up to sixty days prior to filing with Articles of Incorporation and publication within the county where business will operate
- 3) The name of the company must end with “LLC” for Limited Liability Company

# New York State Rules and Regulation for Naming Your Business

## C) Corporations (C-Corp and S-Corp)

- 1) Registered with the Secretary of State's Office
- 2) Can be reserved for up to sixty days prior to filing with Certificate of Incorporation NO publication is required
- 3) The name of the company must end with “Inc”, “Incorporated”, “Corp.”, “Corporation”.

# Navigating the Department of State Website

Checking Your Company Name

Search the Business Entity Database - (DOS)

a) Check Corporate Name Availability

b) Reserving Your Company Name (Sixty (60) days)

[http://appsext8.dos.state.ny.us/corp\\_public/CORPSEARCH.ENTITY\\_SEARCH\\_ENTRY](http://appsext8.dos.state.ny.us/corp_public/CORPSEARCH.ENTITY_SEARCH_ENTRY)

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