

Easy paths to profit loss

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By **Rachel Blue**

Tired of kicking over piles of cash as you walk through your startup's luxurious offices? Here are three easy ways to whittle down your profit margins.

- Give your business a generic or descriptive name. Generic names are simply the name of your goods or services; descriptive ones convey quality. With a name like Lawn and Leaf Care, you won't have to worry about whether people know what kind of business you're in, and lots of other businesses will have a similar name. You'll reduce your bottom line spending a lot of time and energy fielding calls from customers who can't tell your business from the guy who ruined their shrubs. Plus, you won't be able to protect the name with a federal trademark registration, since generic and descriptive names aren't eligible for registration.

- Pick a name someone else is already using on some type of related product or service.

This efficient cash reduction strategy lets you waste time and money on confused consumers looking for your competitor, pay your lawyer to defend you from a trademark infringement claim, spend twice as much on marketing to rebrand and spend money luring back customers who knew you by your old name. Avoid checking to see if the domain name or trademark is available first. Avoid professional trademark searches or the U.S. Patent and Trademark Office's trademark database.

- Cut and paste website content from someone else's website.

Infringe on more than one area of intellectual property law at once! Stealing content (or letting your Web designer do it without an enforceable indemnity clause to protect you) means you violate copyright law. If the website has a copyright notice on it, you can rack up statutory damages for the infringement and accrue extra damages for doing it intentionally! If you don't see the copyright symbol or words on the site or in the terms of use, you can still infringe by simply cutting and pasting someone else's content. Don't be afraid to take the look and feel of another website to add a trade dress claim.

Still have cash left? There's a guy trying to get some money out of Nigeria that needs your account number.



Rachel Blue is an intellectual property lawyer with McAfee & Taft and a former trademark examining attorney with the U.S. Patent and Trademark Office.

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