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## Ask The Expert - Mass High Tech

### Should I register my company name as a federal trademark?

Sunday, October 31, 2004

Usually, the answer is "yes." Here's why: In 1999, Robert formed "PCBs R Us, LLC" in Massachusetts. By 2001 Robert's company had acquired a large piece of the PCB design market in Greater Boston. In 2002, Robert received a letter from a Florida attorney demanding that Robert cease and desist using the name "PCBs R Us" because a Florida firm called PCB Heaven, Inc. had registered "PCBs R Us" with the U.S. Patent and Trademark Office in 1998.

Because PCB Heaven, Inc. had registered "PCBs R Us" prior to Robert's use of the name in Massachusetts, PCB Heaven had nationwide priority to use the trademark and it could legally prohibit Robert from using the name.

To avoid the problem faced by Robert, we recommend that you obtain federal trademark registration of your company name, minus the "LLC," "Inc.," or other legal designation, or that you at least search the PTO database for conflicts before deciding upon a name for your company.