

The first thing I tell clients when they come to me with a potential infringement situation is to slow down before we react. Before we take any action, we want to actually assess what we're dealing with. Is this business in the same industry or a completely different one? Are they operating in the same geographic market? Is there genuine consumer confusion happening or just a superficial resemblance? You also want to look at their registration status. Have they filed a trademark of their own? When did they start using their mark? Priority - meaning who used the mark first in commerce - matters a lot in trademark law, and you want to understand the full picture before you react. This assessment shows your strategy. A business that's unknowingly using a similar mark in a completely different industry is a very different situation from a direct competitor who appears to be deliberately riding your coattails.