

Before we get into your options, it helps to understand what trademark infringement actually means - because it's not just about an exact copy. The legal standard is "likelihood of confusion." That means if another business is using a name or mark that is similar enough to yours, that consumers might confuse the two - who they're buying from - who's affiliated with whom - that could constitute infringement, even if the mark isn't exactly identical. Courts look at a number of factors: how similar the marks are, how similar the goods or services are, how strong your mark is, and whether there's any evidence of actual consumer confusion. The key point is that you don't have to prove someone deliberately copied you. Infringement doesn't require intent. If the result is consumer confusion, that's what matters.