

Trademark



Point of Sale



Knowledge Drop / Trademarks & Licensing

Your Brand Is Your Competitive Advantage. Think Broadly.

Trademark rights are not limited to your brand or logo. Consider that color schemes, uniquely crafted packaging, shapes, sounds, scents, even holographic images are protectable. Seeking broad protection for your intellectual property will increase your brand's value at the corporate level and to the consumer.

Copyrights Matter, Too.

In addition to securing trademark rights, recipes, textual copy, photographic and other artistic images may be protectable in copyright, and like trademarks, can be licensed to third parties. There is no legal issue with seeking copyrights at the federal level.

Licenses Should Be State Focused.

If one licensee will be operating in two states, consider creating two independent agreements. Licensors should also register in states where they do business, and confirm that licensees are registered in the state where the services will be rendered. Licenses should use clear, plain English.

The Devil Is In The Details – License With Care.

A license is a legal document that sets forth the rights and responsibilities of the parties. A licensor has a legal obligation to control the quality of the products or services offered in a license. Accordingly, each license can and should be different, and licensors should do business with companies they trust to protect the value of the brand.

Not All Brands Are Created Equal.

At the federal level, marijuana use of any kind remains illegal, although the current administration has stopped prosecuting cases in states where the use would otherwise be legal. This means all contracts and legal documents involving marijuana may be invalidated, and engaging in business involving marijuana could subject you to criminal liability. Careful attention to securing intellectual property rights and formulating strong license agreements lowers that risk.

Procuring Trademark Rights Is A Three Step Process.

Selling marijuana is illegal at the federal level so you cannot procure a trademark registration for your brand at the U.S. Patent and Trademark Office, even for medical purposes. You can, however, still secure intellectual property rights.

- Use and police your trademarks properly. Improper use will damage your ability to claim rights.
- Seek registrations in any state where you conduct business or license your trademark.
- Seek federal registration for services related to marijuana, but that are not illegal.

<http://cobaltlaw.com/on-marijuana-trademarks-licensing/>

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