Advertising for Small Businesses Can Be a Critical Decision

Jim Randall
Cindy Randall

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Consider registering trademarks, copyrights

As e-commerce expands and access to digital work on the Internet increases, the need for businesses to protect intellectual property has become increasingly urgent.

Trademark protection can be obtained for original works of authorship that have been fixed in a tangible medium of expression. Books, songs, paintings, plays, architecture and works of art are distinct forms of intellectual property, are governed by different bodies of law.

A copyright protects original works of authorship in which the author has claimed exclusive rights to reproduce, prepare derivative works, distribute copies to the public, and display the work publicly.

A trademark protects a name, term, symbol, design, or combination thereof that identifies and distinguishes the goods or services of one business from those of others.

When registering a trademark, the first step is to conduct a search for identical or similar trademarks in the Office of the United States Patent and Trademark Office.

Trademark applications, which are filed with the USPTO, can be a relatively simple and inexpensive process. An attorney can conduct a search, prepare the application, and file it with the USPTO. The application process can take several months to be reviewed, and the trademark holder will receive a registration if the application is approved.

A federal trademark registration provides the owner with exclusive rights to use the mark in commerce for goods and services. A federal trademark registration is valid for an infinite duration, provided it is renewed every 10 years.

Companies that sell products that are purchased frequently, advertising is needed on a regular basis. The purpose of advertising will be much more intense than when advertising is simply being used as a reminder.

It is important for companies to consider the purpose of advertising. If the purpose of advertising is to let potential customers know about a new business, advertising expenditures become more critical to the welfare of the company.

A potential customer must hear a message many times before action is taken. This is especially onerous for a new business that needs consumers to alter existing purchasing habits.

Normally an advertisement must be heard three times before it is noticed or it sinks into a consumer’s consciousness.

A general rule of thumb is that a potential customer must hear an advertisement nine times before s/he will visit that business. Therefore, the consumer must be exposed to an advertisement or a promotion 27 times before action is taken.

The cumulative effect of advertising and promotion is critical. Unfortunately, on an average day consumers are barraged with hundreds of sundry advertisements. This leads to the filtering of advertising messages by potential customers.

Frequently a business owner places a trademark or trade name, media, such as a newspaper, and waits for customers. If the owner feels the response was inadequate, s/he will conclude the particular medium tested was ineffective. A different medium might be selected, possibly radio.

A few advertisements are run and still no customers. The business owner will be even more frustrated and may decide neither of those media work for his or her business.

In reality a strong promotional plan is one that reaches a consumer 27 times. The consumer will then begin to notice and possibly patronize the business. An existing business does not have the same formidable challenge as a new business. However, an existing business must continue to remind the customer of its presence to retain the customer’s loyalty.

At its best, advertising provides a “coherent direction” of effort for a company. There are no magic answers to determine how much to budget, when to advertise or which medium is best. Possible media outlets include television, radio, print, email, billboards, word-of-mouth, the Internet, direct mail and social media (Facebook and Twitter).

Most businesses need to use a combination of advertising media to reach customers. For advertising to be effective, the customer must hear or see the advertisements many times. The business that is persistent in advertising will reap the greatest benefit.

Advertise for small businesses can be a critical decision

After a company creates the key ingredients of product excellence and superior service, its goal is to find a means of reaching potential customers. This requires promotion, which is one of the greatest challenges confronting any company.

Since most small businesses operate on tight budgets, advertising and promotion are frequently viewed as expendable cash outlays.

Initially, the business owner needs to set company goals and determine the purpose of advertising. Next he or she must determine which advertising media will help the company meet its goals. Finally, the owner should decide when to advertise.

For companies that sell products that are purchased frequently, advertising is needed on a regular basis. In the case of products and services that have seasonal sales, advertising should lead the seasonal trends. If the mission of advertising is to let potential customers know about a new business, advertising expenditures will be much more intense than when advertising is simply being used as a reminder.

In times when business is good and sales are strong, a company can cut back on advertising. When sales slump, advertising expenditures become even more critical to the welfare of the company.

A potential customer must hear a message many times before action is taken. This is especially onerous for a new business that needs consumers to alter existing purchasing habits. Normally an advertisement must be heard three times before it is noticed or it sinks into a consumer’s consciousness.

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A trademark protects a name, term, symbol, design, or combination thereof that identifies and distinguishes the goods or services of one business from those of others. As with copyrights, certain protection automatically attaches to a trademark by virtue of its use in commerce. Such protection, however, is limited to the geographic region in which the trademark is actually used to sell goods or services.

Finding a state or federal trademark application can be an important business strategy, including notifying others of your claim to be the exclusive owner of the mark and the right to keep others from providing the same or similar goods or services using the same or a similar mark.

When registering a trademark, the first step is to conduct a search for identical or similar trademarks in the Office of the United States Patent and Trademark Office.

For a Georgia state registration, the applicant can search the trademark database maintained by the Georgia Secretary of State’s Office. Trademark applications can be filed with the U.S. Patent and Trademark Office or the Secretary of State’s Office, depending on the extent of protection sought. An applicant must identify the goods or services provided under the mark and show actual use in commerce before a trademark can be registered with either office.

A federal trademark application may be submitted as an “intent-to-use” application if the mark is not yet in use in commerce, but the registration will not issue until the applicant files a “statement of use” declaring the mark is in use in commerce.

State trademark registrations, like copyright registrations, are relatively simple and inexpensive to obtain. Federal trademark registrations are often more difficult and expensive. Trademark registrations can have infinite duration, provided they are properly renewed and the trademark owner can demonstrate ongoing use of the mark in commerce.

Businesses seeking to register a trademark or copyright should consult an attorney for legal advice and assistance with filing a registration. In addition, an attorney can help business owners assess whether they own protectable intellectual property and assist in achieving maximum levels of legal protection for their intellectual property.

Rachel C. Young is an associate at HunterMaclean who practices in the areas of business litigation and intellectual property. She can be reached at ryoung@huntermaclean.com or 912-236-0261.