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THE WALL STREET JOURNAL.

WSJ.com

SMALL TALK | FEBRUARY 3, 2009

Small Talk

Q: *Are there resources to help figure out whether a business name is already taken? What do you do if the name you want is already claimed?*

— J.B., Chicago

A: There isn't a one-stop place to find out whether a business name is already in use, so it requires some checking around.

A good start is a thorough Internet search, says Rich Sloan, co-founder of StartupNation.com, a Sonoma, Calif.-based Web site for start-up entrepreneurs. If you do come across another business using the name, there are a couple questions to ask: Is the business in the same industry as yours? Is it operating nationally or solely in its local area? Would prospective customers confuse your business with the other business?

Under federal trademark law, a business can claim rights to a name if it's first to use a name in a particular category of business in the geographic area it serves.

So you want to determine whether another business in your industry is using the same name in the same geographic region you are. A business still has rights to the name if it is using the name publicly -- even if it hasn't officially registered it for trademark protection.

The next step is to go to the U.S. Patent and Trademark Office's Web site, www.uspto.gov, to see whether another business has officially registered the name for federal trademark protection. Click on "Trademarks" on the left navigation bar. Then click on "Search TM database" on the left to access the trademark search database.

If another business has registered the name, you're typically restricted from using it only if that business is registered in the same category of business as yours or sells the same goods and services. If the businesses are totally different -- say, you're a bakery and the other business using your chosen name is a florist -- then it probably isn't a problem.

But you do want to ensure that your business name won't be confused with another business in your area, Mr. Sloan says. "The last thing you want is your potential customers to be confused," he adds, and end up having to change the name.

Some businesses register trademarks only in their state, so check with your state's trademark authority as well. Many states have online databases. You also can hire a naming consultant or a trademark attorney to conduct an exhaustive name search.

Another issue: Make sure there's a domain name available that closely matches the name for your company, since that will be important if you want your business to have a Web presence. You can check to see if a domain name is available on sites including Register.com and GoDaddy.com.

- Send your small-business questions to smalltalk@wsj.com.

Printed in The Wall Street Journal, page B7

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