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Is Your Company's Trademark Being Hijacked?

Wednesday, November 10, 2010
by: [David Lilienfeld](#)

Did you know that the Google AdWord bonanza is triggering rampant use of other business' trademarks? Companies, in fact, are buying the use of their competitors' trademarks for their own benefit. When someone finds your company on the Web, they may see the Google-sponsored links of your competition to the right of the search results.

Many companies like GEICO claim this practice is trademark infringement. And, in a market where Google earned more than \$23 billion in AdWord revenue last year, this is big news for thousands of businesspeople investing hard-earned dollars in building a brand.

"This practice affects all kinds of businesses—from home maintenance companies to software firms," said David Lilienfeld of Lilienfeld, PC, an intellectual property law firm in Atlanta. "A client who sees its brand being used by a competitor on the Internet typically boils over in anger. Having a competitor leverage your good will is frustrating, to say the least."

What can your business do to protect itself from this trademark infringement trap?

Lilienfeld recommends these three strategies for protecting your company's name:

- 1) Register your company's name with the federal trademark office to ensure broader rights and possible higher damages if violated. This frequently overlooked legal step goes a long way in protecting your brand on a national basis, not just in your locale.
- 2) Monitor your company's name to determine if there is infringement. In addition to Googling your company's name on a weekly basis, enter it in the free Google alert service so you will be notified by email when your company's name appears on the Web. And, due to nuances with Google's search algorithms, use another search engine, like Microsoft's Bing, which might find something Google missed.
- 3) Take action as soon as you discover infringement. Start by contacting the offending company

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and request that they cease using your company's name in their AdWord keywords. If they refuse, seek legal counsel from a qualified intellectual property attorney. But don't delay: If you are slow to respond and allow the infringer to build up the mark, you could be accused of laches (similar to statute of limitations) which may hurt your chances of recovering damages. Once your trademark rights are diluted, it will be more difficult to defend them later on.

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