



# EDISON INVENTORS Association

Volume 18, Number 9

September 2010

## September 2010 Regular Membership Meeting

(Wednesday, Sept 15, 2010 @  
7 PM) Edison-Ford Estates

### Main Program:

**“How to Conduct Product Focus Groups”  
(Member Workshop)**

### Board of Directors Meeting

(Wednesday, Sept 8, 2010  
@ 7 PM)

Perkins Restaurant Just S. of Crystal Drive  
on Hwy. 41

Members welcome to network.

### Edison Quote of the Month:

*“A good idea is never lost. Even though its  
originator or possessor may die without  
publicizing it, it will someday be reborn in the  
mind of another”*

### Newsletter Highlights

Invention Contests

Edison Inventors Association  
PO Box 07398, Ft. Myers, FL 33919

[www.edisoninventors.org](http://www.edisoninventors.org)

### Mission Statement

A non profit, educational organization with goals to promote creativity and entrepreneurial success in our schools and community. We are a diversified group of people sharing time, information, experiences and resources to this effect.

### Attending a Meeting?

The doors open by 6:15 p.m. The meeting will begin promptly at 7p.m. In respect to our speakers please arrive on time and give them your full attention. There is time before the meeting and at the end of the meeting to network.

*The Edison-Ford Winter Estates parking area will only be accessible from the East entrance. The McGregor Blvd gates will be closed for security purposes.*

**Directions off Hwy 41:** At the Edison Ave traffic light, go west onto Cortes Blvd. Go past Euclid Ave. and veer right onto Monte Vista Street. Take Monte Vista to the very end crossing over, Harvard Road. You have arrived!

**Directions off McGregor Blvd:** Proceed to Larchmont Ave. on the north border of the Edison-Ford Estates property. Turn right on to Larchmont and the next right turn on Harvard Rd. Watch closely for the Estate signs on the right side of this road. Private homes border this drive or, go to [www.googlemaps.com](http://www.googlemaps.com) and type in, Monte Vista Street, Fort Myers, FL

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**TREASURER'S REPORT**

As of 8/31/10

General Account \$ 7,023.68

Bernard A. CousinoMemorial Fund \$ 4,600.93

**DISCLAIMER**

Information is offered in an open forum for discussion.  
Opinions expressed may not represent the views of the  
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All articles and paid ads must be submitted by the third  
Wednesday of the month to be included in the  
following month's e-letter. All information will be  
reviewed prior to publication and may appear as time  
and space permit. Reprints must be accompanied by  
proper credits to be considered for this e-letter.

Submit articles/ads to:

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C/O Mike Kirby  
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**Or e-mail [mikekirby07@comcast.net](mailto:mikekirby07@comcast.net)**

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**NEW**

A one line complementary listing is being provided to  
all member service providers in good standing, as a  
service to our members.

**Message from the President:**

Greetings Fellow Inventors,

I hope everyone found last month's main program  
on Injection Molding interesting and informative.  
As we learned from Don Bryant's presentation,  
Injection Molding is not cheap or something that  
most inventors should consider until they have  
done their homework. Building a proof of concept  
prototype, conducting marketing studies, as well as  
completing both a business plan and a financial  
feasibility plan should be done first. Many times  
there are manufacturing alternatives to Injection  
Molding, which may allow you to have your  
product made for a substantially lower cost. If you  
are planning on Licensing your product, and you  
just need several pre-production prototypes to  
show potential licensees, there are several  
companies which can make you a limited number  
of rapid molded parts which look, feel and perform  
exactly like final Injection Molded components,  
but without the major costs of having a mold built.

This month for the main program we are going to  
have a workshop on conducting Focus Groups.  
Focus Groups are extremely valuable to you the  
inventor because it will allow you to get some  
unbiased feedback on what your potential  
customers think about your new product. i.e.... will  
someone want to buy and use your new product?  
Focus Group testing should be done before you  
commit to manufacturing your product, and before  
you spend the money and time on a utility patent  
application. In many cases, Focus Group testing of  
your product will show that your product has no  
market. If that is the case, all is not lost, make  
changes or improvements to your product and try  
the Focus Group again, and see if you now get  
positive feedback. If modifying your product is not  
an option, don't give up on innovating; just come  
up with another idea! Remember: most successful  
inventors are very prolific, and have scores of  
ideas. Some ideas are winners, and some are losers,  
but you will never know unless you try...

Joe Gross

Share your thoughts with the President,  
Email: [grossrdlab@yahoo.com](mailto:grossrdlab@yahoo.com)  
Please put EIA in the Subject box

## LaPointe Law Group, PL

### Intellectual Property Law Firm

Dennis G. LaPointe

Registered Patent Attorney

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\* U.S. Reg. Patent Attorney

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## **NEW \* COMPLEMENTARY \* NEW**

### **INVENTORS SERVICE PROVIDERS LISTINGS**

*Disclaimer: The EIA does not endorse or approve any service provider listed in this, or any EIA publication. This List is provided as a service to our members, and as a courtesy for our service providers. All contracts and service agreements are between the members and the service providers exclusively. This list is for information & educational purposes only. The Edison Inventors Association Inc. shall be held harmless shall any dispute arise between a member and a service provider.*

<i>In alphabetical order by last name:</i>				
<i>Name</i>	<i>Company</i>	<i>Services Provided</i>	<i>Phone</i>	<i>Email &amp; Website</i>
<i>Wojciech Beldycki</i>	<i>Duracon</i>	<i>Prototypes, Precision Machining</i>	<i>(941) 486-0565</i>	<a href="mailto:voytek@duraconinc.com">voytek@duraconinc.com</a>
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## Links to Websites Important to Inventors

[www.uspto.gov/](http://www.uspto.gov/) - The United States Patent & Trademark Office

[www.uia.org](http://www.uia.org) – United Inventors Association – The most respected and best all around site for inventors

[www.Inventors.about.com](http://www.Inventors.about.com) – One of the first sites for inventors

## Commercial Invention Sites

[www.edisonnation.com](http://www.edisonnation.com) – The best product search site, blogs and forums site we know of

[www.everydayedisons.com](http://www.everydayedisons.com) – A television series designed to pick inventions and complete them, they have a newsletter and casting calls

[www.inventright.com](http://www.inventright.com) – Steven Key's site, newsletter

## Journals & Magazines

[www.inventorsdigest.com](http://www.inventorsdigest.com) – The defacto magazine for inventors today

## Current Product Searches

Edison Nation Product Searches [www.edisonnation.com](http://www.edisonnation.com)

**As Seen On TV (ASOTV)** The infomercial business. Toys, Fitness, Beauty and Health, Weight Loss, Kitchen Gadgets, Household Cleaning Products, Pain Relief, Pet Products, Self Improvement, Sleep Aids (Snoring remedies), Lawn & Garden. **Deadline:** Monday, September 6th, 2010 at 11:59PM *Pacific Time (US & Canada)*

**Sportcraft** - is looking for activity-based water products.

**Deadline:** Monday September 13, 2010

**Westpoint** - WestPoint Home seeks textile-based organization and storage innovations for the home.

**Deadline:** Monday Sept 20, 2010

**Apps for the Army** - <http://armylive.dodlive.mil/index.php/2009/09/apps-for-the-army-competition/>

The U.S. Army is reaching out to increase its technology applications-and they need your help. Lt. Gen. Jeffrey Sorenson, Army Chief Information Officer/G-6, recently announced an "Apps for the Army" competition for the .mil community. Sorenson seeks to harness the untapped potential of the .mil community and reduce the time it takes to develop new technology for the Army.

**L Prize US Dept of Energy** – <http://www.lightingprize.org/>

The L Prize competition will substantially accelerate America's shift from inefficient, dated lighting products to innovative, high-performance products. Just as Thomas Edison transformed illumination over a century ago, the L Prize will drive innovation and market adoption. Sponsored by the U.S. Department of Energy, the L Prize is the first government-sponsored technology competition designed to spur lighting manufacturers to develop high-quality, high-efficiency solid-state lighting products to replace the common light bulb.

## Business Resources

Upcoming seminars and workshops in your community [www.sbdcseminars.org](http://www.sbdcseminars.org) .

**SWFL Small Business Workshop – Sept 18, 10-1**

**PB&J Brown Bag Lunch – Accounting 101, Sept 15, 11am-1pm**

**Frequently Asked Question about Starting a Resteraunt/Franchise Business, Sept 23, 1-2:30pm**

**5th Annual SBDC Business and Breakfast – Sept 25, 9-12**

**Securing a Business Loan – Sept 27, 2-4:30pm**

## Television

Shark Tank – Returns Thursday July 15, at 8pm on ABC

## Patent Search Websites

[www.uspto.gov/](http://www.uspto.gov/)

[www.freepatentsonline.com/](http://www.freepatentsonline.com/)

[www.google.com/patents](http://www.google.com/patents)

## Other Florida Inventor Groups

Inventor's Society of South Florida, Ft. Lauderdale, FL

<http://www.inventorssociety.net/>

Inventors Council of Central Florida, Orlando, FL

Website coming soon [drdavidflinchbaugh@bellsouth.net](mailto:drdavidflinchbaugh@bellsouth.net)

Space Coast Inventors Guild, Melbourne, FL Website coming soon [angelsnr@cfl.rr.com](mailto:angelsnr@cfl.rr.com)

Tampa Bay Inventors Council, Largo, FL [www.tbic.us](http://www.tbic.us)

## Passion to Profit (P2P) – Oct 23, 9-3 (\$69)

FGCU Regional Economic Indicators [www.floridaedo.com/pdf\\_folder/Regional\\_EIR\\_Current.pdf](http://www.floridaedo.com/pdf_folder/Regional_EIR_Current.pdf)

### ***Keep Your Money In Your Wallet “Until you do a Proof of Concept Analysis”***

Article found at IPwatchdog.com. Permission from Leo Mazure & IPwatchdog.com to reprint this article was obtained.

As President of a local inventors group I can't tell you how many inventors I meet who have spent big bucks to procure a patent but never built a prototype. So they have no idea if the invention really works. Others who have a garage full of product, just collecting dust because they never tested the market before hand. However, most successful inventors and product development companies that I know, start off with a Proof of Concept Analysis BEFORE they start spending money. So if they do it, why not you?

A full Proof of Concept Analysis consists of three equally important parts: Business Analysis, Ownership Analysis and Product Analysis. These steps should be developed simultaneously or at least completed before moving on to development or you WILL certainly regret it later. I usually start with the one that I consider to be the weakest link in the chain. For example, if I think ownership might be an issue I will do a pretty strong patent, product and industry search especially if I think I have seen something similar.

After you savor that wonderful “Moment of Discovery” and you have finished daydreaming about striking it rich, you really do need to move forward to take a cold hard honest look at your new product. At this point you don't have to go into excruciating detail, just a quick overview to make sure it is worth pursuing. The questions generated will form the basis of your development process.

Let's take a look at each part individually.

#### **Business Analysis**

Here you want to identify the market and get a rough idea of its' size. This can be done using statistics found in trade magazines and websites, the Census, the Bureau of Labor Statistics or by comparing a similar or competitive product.

I once was developing a tool for use with PVC for electricians. I looked up the category on [www.bls.gov](http://www.bls.gov). There are 579,150. That sounds pretty good until you derate it by all the electricians in the category who do not work with PVC on a regular basis and you come up with maybe 50,000 to 75,000.

Now derate that by the attitude of the average field tech. What I mean is those that will think like this: “What's wrong with the way that I've been doing this for years?” Now you are lucky to have a market of 10,000 and a likely sustainable market, which is made up of new people needing your product after the initial surge, of under 1,000. Do you wonder why that lovely prototype that I built is collecting dust on the shelf? No sense wasting time on an invention without a reasonable market. Move on.

In addition to market size, under any business analysis you should consider basic cost and price point, which can be derived by comparison. For example a motorized sheet metal cutter could be guesstimated by adding the cost of a manual cutter and a drill with a motor approximately the size you would need. A pool toy may have several parts of similar complexity and made from the same foam material as those inexpensive ice chests and bottle holders. Simply add them up with a factor for assembly and you've got your retail price point. Now, do you think that is in the price range of your potential customer? If so, your good to go! If not that should inform you about what to do.

Retail to retail pricing can give you an idea of possible price point. To get an idea of investment cost, do a reverse calculation based on the “rules of three.” This is where you need to make three times the basic cost to produce the item to

cover your overhead (of one third) and leave you a profit (of one third). The store will need to sell it for three times the amount of cost to cover their overhead and make a profit.

So if your price point is around twenty dollars, you can guesstimate it will cost you around five dollars of investment per unit to get it to the store (\$2.25 for production and \$2.50 for overhead). Multiply that by the minimum order, do you have or can you generate that type of investment? Is \$2.50 per unit a good enough profit for the effort?

No business analysis can be complete without getting an understanding of the industry and how it works. Who are the players? Can you penetrate the market or is licensing the only option with little or no opportunity due to the “Not Invented Here Syndrome”? This information you can get from trade/industry magazines and websites as well as the first page of related patents. You can also get information like this, in some cases, from inventors at your local inventors group who may have experiences to share.

## **Ownership Analysis**

When researching here you will need to do a preliminary Patent, Product and Industry Search to determine how much you could conceivably own and how important it will be to your products success. IPWatchdog has some fantastic articles on searching regarding patents and PAIR. See [Patent Searching 101](#) and [Patent Searching 102: Using Public PAIR](#). However, you will also need to look in the stores, catalogs and on the web for non-patented competitive products. Don't forget to look at company/manufacturers catalogs and websites to find products that may not have a patent and may have failed miserably in the market and therefore will not be found for sale. They still count!

I, personally, came up with a fantastic idea for a product that I planned to enter in the Staples Product Hunt one year. I realize a significant problem before I even completed the first prototype. As I was playing with the idea trying to overcome the issue. I decided to do a product search. I was dumbfounded when I was holding my prototype in one hand and looking at it on the Avery Online Catalog. It was exact!!! Obviously, a good idea because Avery already considered it. Now if only I can overcome the reason it is not on Staples shelves, I could have a winner! Another one for my shelf.

In researching your strategy should also consider the cost of litigation as required by your industry. If you are planning to enter a very litigious industry and you don't have the resources to compete, you will be giving your invention away to the first challenger.

## **Product Analysis**

“Product Is King.” This phase is credited to Ron “Ronco” Popeal, who was made famous by the Veg-O-Matic (it slices, it dices...), the Pocket Fisherman and was one of the founding fathers of direct response TV. He feels the reason for his success over his competition is his use of a system similar to what I am describing here while others just “...throw a lot of stuff against the wall and hope it sticks.”

I don't care what some of the books say, you NEED a working prototype! At first a Frankenstein model made from parts you find lying around or easily purchased just to prove it works will do. Followed by something fairly close so you can live with it. Work with the prototype and find the flaws. That is how you will discover all kinds of useful information.

One of my first inventions, that I DIDN'T make, started with a product I had thought about for years. I knew exactly how it would work. As I was building the “virtual prototype” I needed some measurements to make it perfect but in retrieving those measurements some of the parts I thought would work were looking kind of iffy. So I decided to build a prototype just for the heck of it. I didn't even finish cutting the first piece of wood when I realized a major flaw. In less than a minute the entire design changed and I was on the road to riches again.

I started to use my invention on the job whenever I could without making a public disclosure and began to see certain flaws, which I would overcome, one by one. This IS why they call it “Product Development.”

One day, I was up on the third floor of a building and there arose the perfect opportunity to test my product for the work it was intended. However, remember it was the THIRD floor and my truck was way on the other end of the parking lot so I thought, “The heck with it.” No sooner did that thought cross my mind that I realized, if I am not willing to go that extra step to use my own product nobody else will either. And so another dust collector was born and is still sitting on my shelf.

But what if I submitted the product anyway? If I submitted the item prematurely to an industry giant, it may have sparked a “Wonderful Moment of Discovery” for the Company. With their vast resources of experience, talent and wealth, I am sure the New and Improved Model would be on the market without me. At least, this way, I can still toy with new embodiments as I am so inspired. Who knows, maybe someday I’ll come up with something that will make it more appealing.

## **Conclusion**

You may have guessed by now, I have a pretty big shelf full of dust collectors but I still have my money in my wallet. Every one of them seemed like a winner, at least at one point. Every one of them may still have that potential, who knows? However, every one of them has some significant flaw that was discovered in the Proof of Concept Analysis.

As Kenny Rodgers once sang, “You got to know when to hold ‘um...Know when to fold ‘um...” Using this method, as long as you are honest in your analysis, you can better allocate your hard earned resources to a winner or run away to come back with a better product another day.

Credits: Leo Mazur

President of the [Inventors Society of South Florida](#), which is a 501 (C) (3) non-profit organization dedicated to the advancement of the Independent Inventors through the use of Education, Motivation and Collaborative Support. He is a true Do-It-Yourself Inventor, when he is not helping members and friends of the Society, you can find him either at his computer, developing CAD drawings and doing extensive research for his projects, or in his shop building his latest candidate for the “Dust Pile”.



## **DOMAIN NAME DISPUTES**

Frequently, a client will come to our office having just received a cease and desist letter from a trademark/servicemark owner demanding that the client cease using the domain that the client has registered and/or that they transfer ownership of the domain name to the trademark/servicemark owner. Conversely, many of our clients have asked us to send such letters to the owners of domains who have registered our client’s trademark/servicemark as a domain. In such cases, how does one determine whose rights are superior?

In today's market, a company's domain name is a valuable business asset. The general rule is that the first to register the domain owns it. However, in the United States, trademark/servicemark rights are secured by the first user of the trademark/servicemark. Therefore, if your client has registered a domain name that is the same or substantially similar to a mark owned by a person or entity who has obtained federal, state or common law trademark/servicemark rights to that mark, then your client as the domain owner may be infringing that person's or entity's rights.

Disputes over domain names are often resolved administratively by the Internet Corporation for Assigned Names and Numbers ("ICANN") under its Uniform Domain Name Dispute Resolution Policy ("UDRP"). The owner of a trademark/servicemark may file a Complaint against the domain owner, thereby initiating a UDRP arbitration proceeding. The complaining party must prove each of the following in order to win a UDRP arbitration:

1. The domain name is identical or confusingly similar to a trademark/servicemark in which the complaining party has rights;
2. The domain owner does not have any rights or legitimate interest in respect of the domain name; and
3. The domain owner registered the domain name and is using it in "bad faith."

Once a UDRP proceeding is instituted, the responding party will have twenty days in which to respond to the Complaint. Although it is up to the complaining party to prove the three elements above, the domain owner may establish rights and legitimate interests to the domain name by demonstrating the following:

1. the domain owner's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services before receiving any notice of the dispute; or
2. the domain owner (as an individual, business, or other organization) has been commonly known by the domain name, even if the domain owner has acquired no trademark/servicemark rights; or
3. the domain owner is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark/servicemark at issue.

Alternatively, the domain owner may show that he/she/it actually has trademark/servicemark rights that are superior to the accuser.

In addition to or in lieu of filing a Complaint with ICANN, the owner of the trademark/servicemark may also choose to file a lawsuit for trademark infringement and/or violations of anti-cybersquatting laws in state or federal court. As you can imagine, such lawsuits can be very costly and in some cases the prevailing party may be entitled to recover its attorneys' fees. However, it is generally less expensive and faster to file a UDRP proceeding. Of course, it is better to avoid these disputes altogether by performing the proper due diligence.

## CONCLUSION

To avoid a domain name dispute, trademark/servicemark and domain name searches should be performed to ensure that the domain owner is not infringing on another's trademark/servicemark rights. These searches should be performed before expending time and money on the creation and maintenance of a website. However, once a dispute has arisen, a UDRP arbitration proceeding under the ICANN is a less expensive and quicker alternative to litigation.

Performing trademark/servicemark and domain name searches to determine the availability of a domain name for use and determining and defending the domain owner's rights in domain name disputes is a service that is offered by the Livingston Firm.

The Livingston Firm specializes in all areas of intellectual property law including patents, trademarks, copyrights, trade secrets, franchising, litigation and business law. As the largest full-service intellectual property law firm in Southwest Florida with over forty years of combined experience, The Livingston Firm can be there to assist you from beginning to end with protecting your ideas and inventions and getting those ideas and inventions to market. For more information, please visit our website [www.thelivingstonfirm.com](http://www.thelivingstonfirm.com) or call us at 239-262-8502.

With offices in Fort Myers

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*It is because of them, we are free...*