

# Spiegel & Utrera, P.C.

Counselors & Attorneys at Law

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**Offices Located In:**

Chicago, Dover, DE, Fort Lauderdale;  
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New York City, Northern New Jersey,  
Orlando, Tampa

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## THANKS FOR INQUIRING ABOUT CALIFORNIA TRADEMARKS AND CALIFORNIA SERVICEMARKS

**Just think. Within minutes you can be on your way to registration of your California Trademark or California Servicemark.**

**It's easy. It's quick. And you'll save a substantial amount of money.**

Listen: We are glad you inquired about our services because there's no reason for you to spend a ton of money to register your California Trademark or California Servicemark when you don't have to. More and more people like yourself are increasingly realizing the importance of protecting their valuable intellectual property with an California Trademark or California Servicemark and choose us as their attorneys because of our experience, convenience, but most importantly because of our value prices!

If you've priced the same identical services locally, you know that being there "in person" is costly. Very costly. Yet the services you receive are no better than those you can get from us directly on the phone.

We will register your California Trademark or California Servicemark with the direction of an attorney at Spiegel & Utrera, P.C. and we will make certain it meets all legal requirements. California Trademark or California Servicemark Registration without a logo or design is \$89.95 plus California filing fee. All fees are for a single class, each additional class is \$75 plus filing fee. All fees include Spiegel & Utrera, P.C. as your attorney for filing your California Trademark or California Servicemark application.

### CALIFORNIA INTELLECTUAL PROPERTY PROTECTION

Why get a California Trademark or California Servicemark?

- A name or logo in many cases overtime becomes a company's most valuable asset.
- Registering a California Trademark or California Servicemark prevents others from adopting your name or design and gives you very favorable enforcement powers throughout California.
- If you do not register your California Trademark or California Servicemark you get no protection.
- A registered California Trademark or California Servicemark allows you to put everyone on notice with the Trademark symbol "TM" or Servicemark symbol "SM" once the California Trademark process is complete.

- A registered California Trademark or California Servicemark allows you to advertise and promote your Mark and build name recognition and goodwill for your business with out fear of losing the Mark to another.

### **LIMITED LIABILITY = ASSET PROTECTION**

If you personally own a California Trademark or California Servicemark, you may be opening yourself up to lawsuit in connection with the products or services offered under the Mark. You will want to form a Corporation or organize a Limited Liability Company that would own the California Trademark or California Servicemark. Call us and we can form your Corporation or organize your Limited Liability Company.

### **LEGAL AND STRATEGIC BUSINESS ADVICE**

Let us help in many ways. For instance, just ask as a member of what we call the General Counsel Club and you can take advantage of our general legal and strategic business advice. We'll show you: how to avoid probate...get maximum privacy...seize business opportunities... build a profitable business...prepare business plans...make BIG profits... solve finance, tax and related problems, become a powerful negotiator...

And all this is just for starters. More: How to sharpen your business skills... select the right franchise...avoid costly pitfalls in leases...push profit centers...set and achieve business goals ON TIME!

Still more: How to pick, manage and inspire employees...develop real estate buying and leasing expertise...acquire real estate with zero down...make huge profits off real estate...even make sure your competitors don't steal customers from you.

**CALL TODAY WITH YOUR CREDIT CARD HANDY. ONLY \$89.95 PLUS CALIFORNIA FILING FEE GETS YOU ON THE WAY TO CALIFORNIA TRADEMARK OR CALIFORNIA SERVICEMARK REGISTRATION.**

#### **LOS ANGELES OFFICE**

|            |              |
|------------|--------------|
| Call:      | 323-936-3400 |
| Toll Free: | 888-520-7800 |
| Fax:       | 323-939-5600 |

Do call today. You'll be off the phone and on the way to intellectual property protection.

P.S. Not sure? Have questions? Call the numbers above today. Let us answer all your questions for you obligation free. We want to help. Thanks.

P.S.S. Please feel free to call our free faxback service. It's loaded with lots of information for you. Just dial 800-303-3300.

P.S.S.S. Need Federal Trademark or Federal Servicemark registration? We can help. We have offices in Miami, Fort Lauderdale, Tampa, Orlando, New York City, Long Island, New Jersey, Chicago, Las Vegas, Los Angeles and Delaware. Visit our website at [www.amerilawyer.com](http://www.amerilawyer.com) or call 18006033900.

## ***SAVE TIME AND MONEY.... SUCCESS STARTS WITH PLANNING!***

*Spiegel & Utrera, P.A. is a full service law firm that can help you solve most of the problems associated with Trademark and Servicemark registration before it happens. Here are solutions to most of your Trademark and Servicemark registration needs....*

### **Federal Trademark or Servicemark Registration**

Let Spiegel & Utrera, P.A. register your Trademark or Servicemark with the U.S. Government. U.S. Government filing fees are not included. Trademark Registration without a logo or design is \$119.95 plus filing fees. Trademark Registration with a logo or design is \$169.95 plus filing fees. **All fees are for a single class, each additional class is \$75 plus filing fee.** For a list containing the Schedule of Classes and Goods click here. All fees include Spiegel & Utrera, P.A. as your attorney for filing your Trademark application. In the event agency action is necessary, Spiegel & Utrera, P.A. stands ready to assist you in completing the registration process.

### **Federal Trademark or Servicemark Search and Attorney Opinion**

A search of the United States Government's records including Marks that have been registered and are currently pending registration and an opinion as to the results of the search. Up to 3 words - **\$275**. More than 3 words would be **\$50** per additional word.

### **State Trademark or Servicemark Search and Attorney Opinion**

The state search includes a thorough examination of Trademarks registered in a particular state and an opinion as to the results of the search. The price for a Trademark search is **\$99.95** per State for up to three words. More than 3 words would be **\$50** per additional word per state.

### **Common Law Trademark Search and Attorney Opinion**

Search includes Marks that are in use but may not be registered with the United States Government and an opinion as to the results of the search. The results of a Common Law Search can be very important because whoever uses a Mark first generally has a superior right to the name - **\$250**.

### **Combo Search and Attorney Opinion**

Combo search includes the U.S. Government, one State and Common Law search and an opinion as to the results of the search. This assures the most comprehensive investigation. The Mark must only consist of up to three words - **\$524.95**. *You receive a savings of \$100 by ordering these searches now.* More than 3 words would be **\$50** per additional word per state. Additional states are **\$50** per state.

Registering your Trademark or Servicemark with the U.S. Government will prevent copycats from confusing customers and damaging your reputation. **Spiegel & Utrera, P.A., has helped numerous clients to register their Trademarks and Servicemarks.** Allow Spiegel & Utrera, P.A. to use its legal understanding to ease you through the Trademark or Servicemark registration process.

Trademark can be registered at the Federal and or State Level. The type of Trademark you register will determine how much protection you receive.

## **ADDITIONAL SERVICES**

### **General Counsel Club & Registered Agent Service**

**Let Spiegel & Utrera, P.A., help you grow your business!**

Our firm has what we call the "General Counsel Club". Select this valuable service at the time of ordering your Trademark or Servicemark and receive an additional one month Bonus – so that your first year of service will cover 13 months PLUS take a \$50 discount, so you **pay only \$89.95 for the first 13 months of service**. You get unlimited telephone consultations all year long on all your legal and strategic business advice, plus our firm will prepare the Notice and Minutes of your business's Annual Meeting; our firm will comply with all statutes and applicable laws relating to your business's Registered Agent & Registered Office; our firm will review all mandatory State filing documents as required by the Secretary of State; our firm will act as your business' General Counsel; you will receive our firm's newsletter, "Entrepreneur's Alert®", which is published six times a year and provides valuable insight into running your business from a legal and business point of view.

### **Detours and Contradictions**

Want more out of your business? Then don't miss Lawrence Spiegel's, 223 page *Detours and Contradictions*. Use this book, and all your available resources, to begin the challenging yet fulfilling journey of entrepreneurship. As we'll see... having a marketable idea is only the first step in a lengthy process. Along the way you'll encounter numerous detours and contradictions, risks and rewards. The price of *Detours and Contradictions* is just \$13.50 if you order when forming your business. PLUS there is no extra charge for shipping, handling and processing as your book will be shipped with your company. **Also, as an added bonus, your copy of *Detours and Contradictions* will be personally autographed by Lawrence J. Spiegel.**

### **Charlie's Entrepreneurial Journey**

Building your business, or selecting the type of business to start, is easy when using *Charlie's Entrepreneurial Journey* as a guide and applying Lawrence J. Spiegel's thirty eight "Principles of Entrepreneurship" to your business. Spiegel's latest book provides 416 pages of insight into the world of an aspiring entrepreneur named Charlie. Charlie's journey leads him through topics never discussed in business books but essential to success. Topics include: costs associated with Acquiring a Customer, Urgency to Purchase, Saturation Advertising, Success Leaves Tracks and Repetitive Business. Spiegel's "Principles of Entrepreneurship" cannot be found anywhere else. In fact, no one has ever exposed the business secrets Spiegel discloses. If you are seeking to spark your business you will find an **EXPLOSION** in this book. Order this book at the time of forming your business and you will get *Charlie's Entrepreneurial Journey* for \$19.50 which includes shipping, handling and processing, when ordered with the formation of your business. **PLUS Lawrence J. Spiegel will personally autograph your copy of *Charlie's Entrepreneurial Journey*.**

### **Licensing Agreement**

You will want to protect your valuable intellectual property with a licensing agreement. Typically, there are two arrangements involving a licensing agreement. The first situation, let's call it the Liability Isolation Arrangement, is where the individual creator and owner of intellectual property forms a company to manufacture, promote and sell goods in connection with the intellectual property, but the intellectual property is transferred to be owned by its own, separate and independent business entity that leases or grants rights to the company that is doing the manufacturing, promoting and selling. That way, the intellectual property cannot be jeopardized by the liabilities associated with the business operations of the manufacturing and sales entity. In the second situation, let's call it the Successful Producer

Arrangement, a company is so successful, outsiders are interested in promoting and selling the products and the intellectual property connected with them, so that they want the opportunity to sell in a given area. You will be interested in learning about the exciting and fast-growing area of marketing and brand extension.

In the licensing agreement, the Licensor (person who owns the rights to the Mark) grants to the Licensee the exclusive, personal and nontransferable right to the Mark. For example, a license could be specifically limited to one outlet (store) in a particular geographic territory and the Licensee may only use the Mark in connection with the sale and distribution of a particular product(s), and Licensee may not represent that it has any ownership right in the Mark. In exchange for the license, Licensee pays to the Licensor a fee, which typically involves a "per unit" royalty, but the parties may agree on other fee arrangements. The agreement should designate the authority to determine the mode and method of advertising, merchandising, promoting, manufacturing, selling, and distributing of the intellectual property and the products associated with it. Also, who has authority to fix the prices, discounts, and terms of sale, whether for consumers, dealers, distributors, wholesale or retail. Furthermore, you will want to protect the intellectual property with restrictive covenants that afford the Licensor statutory remedies for violation and often prevent the Licensee from disclosing confidential business information about the Licensor with others. We can prepare the licensing agreement for only \$350 when ordered with your business.

## **PROTECT YOURSELF!**

### **Lender's Agreement & Promissory Note**

Initially a business needs a cash infusion. Additionally, the business may require a continuing advance of funds for some time. How does it get the money? After the initial purchase of shares of the business for at least their par value, generally, the business has two choices on obtaining additional money; (1) shareholders pay for their initial shares in excess of their par value thereby creating excess Paid-in Capital or (2) loan money to the business. Lending money to the business is the preferred method to advance money to the business because the lender is seen as a creditor of the business. The lending of money to the business is accomplished with a Lender's Agreement and a Promissory Note. Both of these instruments together provide for an initial amount of a loan to the business and also provide for future advances of money the lender might make to the business. In the event of failure of the business, the loan will be fully tax deductible by the lender as a bad debt. The fee for the Lender's Agreement and Promissory Note is \$150 at the time of ordering a Trademark or Servicemark registration.

### **Security Agreement for Business**

Once you have decided to use the Spiegel & Utrera, P.A. Lenders Agreement and Promissory Note, the next step is to collateralize the personal property assets of the company in favor of you, the lender with a Security Agreement. A Security Agreement is a contract between a lender and borrower. The Security Agreement gives the lender a security interest and the right to repossess personal property that a borrower has offered as collateral if a note is not paid per its agreed terms. This right is superior to all subsequent creditors provided the lien given by the Security Agreement is perfected. The Security Agreement available from Spiegel & Utrera, P.A. is complete and includes provisions relating to type of collateral being secured, address where collateral will be kept, executing further documents, events that shall constitute a default, assignment of secured collateral by holder, a listing of events that would constitute default by the borrower and the rights of the lender should the borrower default. Provided you have ordered the Spiegel & Utrera, P.A. Lenders Agreement and Promissory Note, the fee for the Security Agreement, if ordering a Trademark or Servicemark registration, is an additional \$75.

## **Perfecting the Lien Created by the Security Agreement - Uniform Commercial Code**

Liens against personal property are perfected differently than liens on real property. The use of the phrase “personal property” does not mean property owned personally by the owner of a business. Instead, the term refers to all property used inside or outside of a business (with the exception of real property) including equipment, furniture, inventory, etc. To perfect a lien against personal property used in a business, strict adherence must be followed pursuant to the Uniform Commercial Code, documentation must be created, executed and filed with the appropriate government agencies. Once recorded, the Uniform Commercial Code makes a lien valid and serves as notice that the lien exists. Usually, the first recorded lien takes priority. Provided you have ordered the Spiegel & Utrera, P.A. Lenders Agreement and Promissory Note and the Spiegel & Utrera, P.A. Security Agreement, the documentation required to perfect the lien under the Uniform Commercial Code is \$75, if ordered at the time of forming the business.

## **LEASE/AGREEMENT CONSULTATIONS**

Avoid costly mistakes, **always**, *always*, always have any type of Contract/Lease or otherwise legally binding agreement reviewed by an Attorney **BEFORE** you sign it. We offer Consultations at our office and over the phone for \$100. per half hour or a fraction thereof. For your convenience, you can fax us the documents that need to be reviewed and the attorney can advise you over the phone. Some of the topics you may wish to discuss include:

**Real Estate Purchase Reviews:** Review of purchase/sale agreements associated with the purchase of real property.

**Business Purchase Review:** Review of purchase/sale agreements associated with the purchase or sale of a business.

**Commercial Lease Reviews:** (including Business Spaces such as: Offices, Stores, Warehouses, and Commercial Lofts)

Our staff has many years of experience representing Tenants. Having your lease reviewed **BEFORE** you sign on the dotted line can save you thousands of dollars.

### **In our review we address issues such as:**

- Rentable vs. Usable Space
- Reasonable Rental Rates
- Free Rent
- Best Length of Lease
- Options to Extend the Lease & Purchase the Premises
- Leasing contiguous space for expansion
- Assignment and Subletting
- Caps on Rent increases and expenses demanded by Landlords
- Repair Responsibilities

- Exclusivity of Tenant's Business
- Early Termination Rights
- Personal Guarantees, should you or should you not
- Renewal Terms
- Zoning Issues
- Landlord build out costs
- Change of Control of Tenant
- Signage Protection

## **TAX SAVING LEASE AGREEMENTS**

### **Home Office Lease**

Agreement detailing the leasing of office space by a homeowner or tenant with a business for use as the Business's principal place of business. The typical tax savings under this agreement can exceed \$1,200. – per year. The Home Office Lease is only \$150 when ordering a Trademark or Servicemark registration, and as an added bonus to our clients, we draft the Lease in such a manner that it is automatically renewable.

### **Motor Vehicle Lease**

If you use your vehicle for business purposes, it is usually much more advantageous to keep the vehicle in your name and lease the vehicle to the Business. The typical tax savings under this type of arrangement ranges between \$1,500. and \$3,000. per tax year. We can prepare the lease for only \$150. when ordering a Trademark or Servicemark registration.

### **Office Equipment Lease**

A lease which details the leasing of office equipment by a business. Once again, by leasing equipment to the Business, you create a legitimate business expense for the Business and a Tax Deduction. Typically, the tax savings under this type of arrangement can exceed \$1,000 per tax year. The cost for an Office Equipment Lease is only \$150. when ordering a Trademark or Servicemark registration.

## **EMPLOYEES / INDEPENDENT CONTRACTORS**

### **Employment Agreement**

If you are using employees in your business, it is important to have a written Employment Agreement to document the conditions of Employment. An Employment Agreement can be very advantageous for a business and should be required for all employees, whether new or existing. It creates a clear understanding of the arrangement between the employee and the Business and provides protection for the business. The Employment Agreement also contains other important provisions:

- It spells out the terms of employment, such as the duties, responsibilities and compensation of the employee.

- It states that the employee will not compete against the Business for a specific period of time after leaving its employment.
- It prohibits the employee from disclosing any of the Business's business records, computer data, trade secrets, methods of operation, et cetera.
- It prevents the employee from soliciting customers or clients of the Business.
- It prevents an employee, after leaving the Business's employment, from soliciting the Business's employees to work elsewhere.

The Employment Agreement is prepared in such a way that you can use it over and over again to avoid additional costs in the future. By having this Employment Agreement, the Business is given substantial clout in preventing an employee from joining a competitor, or competing against the Business and disclosing business secrets to anyone. The Agreement may be re-used by the Business as it hires additional employees, the cost of the Employment Agreement is just \$150 when ordering a Trademark or Servicemark registration.

### **Independent Contractor Agreement**

There are many reasons for using Independent Contractors, however, simply verbally stating that a worker is an Independent Contractor is not enough according to the IRS. Certain criteria must be met. The IRS considers 11 factors in three specified areas: Behavioral Control, Financial Control and Type of Relationship. So, before you engage the services of an Independent Contractor, it is essential that you document that relationship with a written Independent Contractor's Agreement, otherwise the IRS could hold your Company and you personally liable for the Independent Contractor's Income Tax, Social Security, Medicare Tax and Federal Unemployment Tax, which should have been withheld. As a signatory on the check used to pay the Independent Contractor, you could be held personally liable for these taxes. The Independent Contractor's Agreement also contains other important provisions:

- It spells out the duties, responsibilities and compensation of the Contractor.
- It states that the Contractor will not compete against the Company for a specific period of time after the project is completed.
- It prohibits the Contractor from disclosing any of the Company's business records, computer data, trade secrets, methods of operation, et cetera.
- It prevents the Contractor from soliciting customers or clients of the Company.
- It prevents the Contractor, after leaving the Company, from stealing the Company's employees.

For a detailed explanation of the Benefits of using Independent Contractors' Agreements, including a breakdown of the 11 factors the IRS analyzes and Industry examples provided by the IRS, please refer to document 239 of this **Free Faxback Service**. We can provide an Independent Contractor's Agreement that covers all the legal requirements and many business advantages for your Company for only \$150 when ordering a Trademark or Servicemark registration

## **SHIPPING**

### **SHIPPING INFORMATION**

Trademark or Servicemark Packages generally weigh approximately 2 pounds and are available for Pick up at our office or may be shipped to you via Ground (2-3 business day) Service for a charge of \$17.95 or via Overnight Delivery for a charge of \$30.95. Please note, shipping and handling charges may vary.

### **SPEED OF SERVICE OPTIONS**

#### **NEXT BUSINESS DAY SERVICE**

If you need your Trademark or Servicemark urgently, for an additional \$150, we will expedite the preparation of Trademark and Servicemark registration documents and the Trademark and Servicemark registration documents will be ready the **next business day**, after receipt of payment.

#### **3 BUSINESS DAY SERVICE**

If you need to register your Trademark or Servicemark fast, we offer a 3 Business Day Service for an additional \$75. We will expedite the preparation of the Trademark and Servicemark registration documents and they will be ready in **3 business days**, after receipt of payment.

#### **REGULAR SERVICE**

The regular processing time for Trademark or Servicemark document preparation is **approximately two weeks**.

*Orders received after 3:30 pm will be processed the following business day.*

#### **LOS ANGELES OFFICE**

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