

TradeMark Express Cautions Business Owners That Skipping Trademark Checks May Quietly Weaken Legal Position

Los Altos trademark research firm explains how courts can treat a business as though it should have discovered a conflict, even if it genuinely did not.

LOS ALTOS, CA, UNITED STATES, July 15, 2026 /EINPresswire.com/ -- [TradeMark Express](#), a

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Protecting a business name is an ongoing responsibility. The strongest businesses have a trademark search done before choosing a name, before filing, and every couple of years after that.”

Chris DeMassa, Founder of TradeMark Express

trademark research and application preparation company founded in 1992, is calling attention to an overlooked risk of treating trademark research as a single, one-time task. The company recommends that business owners think of [comprehensive trademark research](#) as something to do at three separate points: before a name or logo is finalized, again before a trademark application is filed if that wasn't done at the same time, and then periodically afterward, roughly every two to three years.

The first two checkpoints help a business avoid adopting a name that conflicts with one already in use, since availability can change between when a name is first

chosen and when the application is eventually submitted. The third checkpoint, rechecking every few years after the business is up and running, serves a different purpose: it helps protect the business's ability to enforce its own rights later, under a legal principle called laches.

Under laches, waiting too long to speak up about a similar name can cost a business its ability to do anything about it later — and "too long" doesn't start counting only from the moment a business actually notices. If a similar name would have been easy enough to find, a court can treat the clock as having started earlier, back when the business reasonably should have found it. In other words, not looking isn't the same as not knowing.

"Trademark rights don't stay strong on their own," said Chris DeMassa, Founder at TradeMark Express. "A business can do everything right at the start and still run into trouble years later if it never checks again. That ongoing recheck is what protects a business's ability to actually enforce its rights down the road."

Simply using a business name creates limited rights automatically, sometimes called common law rights, but those rights typically only apply in the specific area where the business operates and can be difficult to enforce elsewhere. Registering a trademark with the U.S. Patent and Trademark Office (USPTO), by contrast, generally gives a business protection across the entire country and stronger legal tools to stop others from using a name that sounds, looks, or means something close enough to cause customer confusion, even in states where the business does not yet operate.

TRADEMARK CHECKLIST: 3 TIMES FOR A TRADEMARK SEARCH



BEFORE YOU NAME IT

Make sure no one already has it



BEFORE YOU FILE YOUR TRADEMARK

Confirm it's still clear before you apply



EVERY 2-3 YEARS

Recheck to look for potential infringers

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Trademark Checklist: 3 Times for a Trademark Search

In its 34 years in the trademark business, TradeMark Express has heard from many business owners who initially handle all of this on their own, using a basic internet search, an AI tool, or a search of the USPTO's own database, and often only at the very beginning, when the business is first getting started. TradeMark Express says this approach can miss names that are not identical but are still legally too close, such as names that sound alike, look alike, or are used for closely related products or services, as well as businesses that have never registered their name but still hold rights under common law.

"Protecting a business name is an ongoing responsibility, not a one-time task," DeMassa added. "The strongest businesses have a trademark search done before choosing a name, before filing, and every couple of years after that."

TradeMark Express has provided trademark clearance research and application preparation services since 1992 and has been referenced in Nolo Press trademark guides since 1994. The company is not a law firm and does not provide legal advice. Business owners interested in learning more about trademark clearance research can contact TradeMark Express directly.

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