
Startup & Emerging Growth

Buzz, Buzz! Startups spend enormous energy generating attention – but often don't take steps necessary to select and protect their brands – steps that can save lots of time and money if handled earlier in the life of the brand. Specialized knowledge is crucial to efficiently navigate branding law – both at founding and as you hike up that growth curve.

When ambitions are high and revenue has not yet caught up, only the most experienced lawyers can best advise which investments should be made into brand protection and when.

Fross Zelnick is in a unique position. Our firm has spent five decades protecting iconic brands throughout the world markets and has devoted the last decade to helping the newest crop of disruptive bootstrappers go global. Our experience shepherding the most creative and innovative tech and consumer brands will prove invaluable to your company. We often meet clients only when they receive their first demand letter or encounter their first copycat.

When we join your team, we educate key decision-makers about trademark basics, clear and protect key brand marks and intellectual property, provide savvy practical guidance on preparing for international expansion, efficiently handle enforcement of your IP assets – both offensively and defensively – litigate vigorously, and advise on corporate transactions. And throughout, we are a quick call away. Our chief goal is to grow the strongest possible brand capable of matching and exceeding the founders' vision.

And, boy, our brands sure do grow

Strengths that Matter to our Clients

When startups come to us at an early stage, our work frequently includes trademark searches, clearance, and registration for a primary mark, providing best practices for the brand and securing important IP rights from key contractors. We are proud to handle all aspects of our client's trademark, copyright, design, and domain name portfolios.

Our startup and emerging growth clients value the responsiveness, efficiency, and specialty knowledge we offer. All three drive the quality and value of our work and, while we appreciate better than anyone the fundamental importance of the brand, we know that our founders have other fires to put out too. We

also know full well that a young company's risk tolerance is, by necessity, higher than many of our more established brand owners. And we only relish the challenge when a goal shifts, a new market opens up, or a growth curve comes sooner than expected — which is important, since startups must pivot quickly.

And our brands sure do grow! Our clients in this sector include companies at every stage of success, including some of the most famous unicorns to some of the most promising pre-revenue ventures.

Our startup and emerging growth clients include:

- Business Services
- Apparel
- Fitness
- Financial Services
- Real Estate
- Health
- Hospitality
- Consumer Products and Services

Our startup clients most appreciate the deep knowledge at our fingertips on critical issues. They also appreciate that our efficient work and reasonable pricing keeps the spend manageable.

Whether your team is in those early days of hatching an idea, just on the cusp of a big launch, or gearing up for the next raise, it is never too early (or too late!) to get your brand squared away with the proper protection.

Representative Experience

- When one of our SAAS clients came to us, the company was pre-launch. We walked the CFO through the key principles of trademark law and how they came to bear on the trademark the company was pursuing. Armed with this knowledge, he instructed us to search and clear the mark in the United States and then file the most protective trademark application possible. We next advised the company how to ensure that it owned the copyright in its logo, which had been drawn by a friend. We then reviewed the key terms of the company's website developer agreement and counseled the company about what additional assurances it needed from the developer to obtain all necessary branding rights in the website.

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- When a young consumer products company in the midst of its Series B raise needed to respond to a demand letter asserting trademark and copyright infringement, it came to us for help. We quickly sent a strong response letter, pointing out all of the weaknesses in the infringement claims. The other side never wrote back.
 - When an innovative product design company sought design protection for its cooking products, we advised how best to combine copyright, trademark and design patent protection to secure the maximum scope of rights available, including implementing savvy filing strategies to reduce and spread out cost to align with an upcoming raise.
 - A quickly-growing business services company turned to Fross Zelnick when it saw that it needed more sophisticated trademark counsel. We analyzed the company's existing coverage, recommended obtaining key gap coverage, mapped out a timeline to invest in key foreign jurisdictions, recommended a more rigorous enforcement protocol, and then, once the company concurred, we got to work.
 - When a late-stage U.S. clothing startup poised for international success learned that it would not be able to expand into dozens of key foreign markets because a competitor had prior rights in a nearly identical trademark, the company hired Fross Zelnick to devise a solution. We engaged in a complex, multi-jurisdictional set of litigations to apply maximum pressure and gain leverage in a worldwide settlement negotiation.