



PARDALIS & NOHAVICKA, LLP  
ATTORNEYS

*Protecting Your Brand and Business  
Importance of Trademarks*

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

# Joseph D. Nohavicka, Esq.



*Partner*

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With over 25 years of experience in the law, Joe is fully-qualified to take on any kind of case at any given moment. Joe's areas of practice range widely and include: employment law, insurance, ethics, criminal and general appellate, and trial litigation.

Although Joe is acknowledged in the profession for his performance in the courtroom, he is also a prolific legal commentator with multiple publications in the prestigious New York Law Journal and the New York State Bar Journal.

His love for the law transcends normal business hours making Joe easily accessible to his clients on any given day and time.

His experience in the business arena has made him sensitive to the time and efficiency needs of all the firm's commercial clients and has a deep personal understanding that the marketplace will sustain neither the fear of risk nor the disrespect for time.

# About Us

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Pardalis & Nohavicka is a boutique full service law firm based out of Manhattan and Queens in New York City.

We handle an eclectic array of matters globally representing individuals and business owners in:

- ❑ Civil Litigation
- ❑ Trademark Services
- ❑ Business Transactions
- ❑ Employment Law
- ❑ Intellectual Property Protection
- ❑ Patents

Our mission is to approach each matter with the utmost in ethical standards and integrity. We cannot help but consider it a professional honor to be entrusted with your business and personal matters.

We are counsel to innovative companies, start-ups, and brands around the world, and are thrilled to be back in Colombia to offer you and your business full protection!

Manhattan Flagship  
950 3rd Ave., 25th Floor  
New York, NY 10022

212-213-8511

Queens Flagship  
3510 Broadway, 2nd Floor  
Astoria, NY 11106

718-777-0400

WeWork Office  
135 E 57th St., 14th Floor  
New York, NY 10022

212-213-8511



# We're Global



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- Korea
- Japan
- South Africa

Counsel to innovative companies, start-ups,  
and brands around the world.





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PN Lawyers is proud to be joined by  
our partner firm in Colombia:

*AGT Attorneys!*

# Why WeWork

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PN Lawyers has been in operation for eleven years and apart of the WeWork family as of Fall 2016, when we established our "Giving Back Initiative."

Our firm humbly began out of a windowless office above a taxi garage in Queens. We too have been exposed to the expected hardships and obstacles that come with starting your own business. After several years of paying our dues by putting in hard work, endless office hours and always giving our clients 100% of our attention and time, we have reached our goal and tripled our growth. Today, PN Lawyers has 3 offices throughout New York City and many clients globally. Therefore, we are now at a position to finally "Give Back" and help other business and startup owners jumpstart their professional journey to proper career success.



As WeWork is providing workspace for startups, small businesses, and freelancers, we're offering necessary, affordable legal protection and hand-holding for these same companies..

**We are happily available 24 hours a day and 7 days a week.** Give us a call and you will receive a live person, not an automated message. Send us an email and you will receive a reply back instantly.

# Intellectual Property

**Intellectual Property:** a work or invention that is the result of creativity, such as a manuscript or a design, to which one has rights and for which one may apply for a trademark, copyright, patent etc...

## Four Kinds of Intellectual Property

- ❑ Trademarks
- ❑ Patents
- ❑ Copyrights
- ❑ Trade Secrets



## Protecting Your Intellectual Property Is Crucial

Without protection of ideas, businesses and individuals would not reap the full benefits of their inventions and would focus less on research and development.

***If you do not protect your intellectual property proactively and early, you might have to protect it defensively later. Which is not only time consuming, but also very costly.***

# Trademark or Copyright?

It is vital to differentiate between what type of protection is best for your business before investing.

## Trademarks

- ❑ Protects words, logos, etc... used in commerce and also for those not used in commerce yet.
- ❑ Serves as a source identifier connecting a particular good/service to its owner.
- ❑ Must renew 6 years after registration, then every 10 years.
- ❑ By registering, you can sue for trademark infringement & recover monetary damages.
- ❑ Trademark applications can be filed even if the trademark is not actually used in commerce yet.
- ❑ Publicly build your brand and increase consumer recognition and trust.

## Copyright

- ❑ Protects "original works of authorships" in "tangible form" (no ideas!).
- ❑ Gives authors the right to control their works in anyway they see fit.
- ❑ For individuals, lasts for life of the author, plus 70 years; no need to renew.
- ❑ Covers both published and unpublished works





# Why Your Company Needs a U.S. Trademark

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While acquiring a trademark is generally a good idea, investing in registering your trademark in the United States gives your company/brand a big advantage and allows you to instantly enter the competitive U.S. market with the following rights:

- ❑ Exclusively use the trademark in connection with specific goods or services
- ❑ Grant licenses for use of the trademark to third parties
- ❑ The right to sue for trademark infringement
- ❑ Empowers US Customs & Border Protection to block imports that infringe the mark or are counterfeits once the registration is separately "recorded" with Customs. At no extra cost, you will have Customs in your corner in preventing infringement



# Your Questions, Answered



Many of our clients have similar questions regarding trademark registration. We will go over the most frequently asked questions to ameliorate your understanding of the process!

## Why do I need to register a trademark?

**Here are the top three (of many) reasons why:**

1. By registering for a trademark you build the brand and value of your company. It will allow for greater business opportunities as you gain the ability to expand geographically in a faster pace.
2. By registering your mark, you prevent others from obtaining a similar mark, as you then have the right to use the registered trademark symbol: ®
3. Not only can you prevent others from obtaining your mark, you can also rightfully sue for damages.

## **Do I need an attorney to file a trademark?**

While you do not need an attorney, it is advisable to consult a trademark attorney prior to filing for a large range of reasons:

The USPTO has very specific procedures and complex formatting requirements that must be exactly followed or else you risk your application being refused or delayed.

- ❑ If you fill in the application yourself and it is rejected due to mistakes, you will have to re-apply and potentially wait another 8 months for your trademark protection.
- ❑ Your competitors have an opportunity to oppose your trademark application as part of the registration process. If this happens, you will have to defend your application, if you fail to do so, it is deemed abandoned.

## **How long does it take to have my trademark registered?**

The application process, up to the final registration of the trademark, takes approximately 4-6 months.

## **Can I use my trademark before registration is complete?**

Yes, you can use your trademark before the registration is complete. Additionally, you get priority over similar subsequently filed marks.



# Do trademarks, copyrights, and patents protect the same things?

No - they each protect different types of intellectual property.

- ❑ **Trademarks:** protect the names and/or logos under which companies market their goods/services to consumers.
- ❑ **Copyright:** protects original works of authorship including literary, dramatic, musical, and artistic works.
- ❑ **Patents:** protect inventions that are useful, novel, and non-obvious.



**For Example:** You invent a new kind of mobile device. It would be advisable to apply for a **patent** to protect the invention. You would then need to register a **trademark**, to protect the brand name and logo under which the device is sold. Then, depending on the case, you might need to register a **copyright** for your website, if it includes original copyrightable content.



# *We Make Filing a Trademark Easy*

**Our attorneys are readily available to serve you 24 hours a day/7 days a week no matter your geographical location.**

**Here are the simple steps to file your trademark QUICKLY & SECURELY:**



**1. Contact us for your free legal consultation.**

For your convenience, we are available in person, via email, phone, or video conference.  
[contact@pnlawyers.com](mailto:contact@pnlawyers.com) | 212.213.8511

**2. We file your trademark.**

**3. We hold your hand through the process.**

You will receive period updates and our attorneys will be available to answer any questions you may have.

**4. Congratulations! Your trademark has been registered.**

# Schedule Your Free Legal Consultation

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**We know how expensive it can be to receive proper legal counsel. Take the opportunity to have your legal questions answered in complete confidentiality...**

- We offer 100% free legal 1-on-1 consultations to discuss your legal issue at hand and work with you to develop an action plan.
- There are no strings attached. Simply contact us at **212.213.8511** or **contact@pnlawyers.com** to get started.
- You can also find a sign up sheet at one of the nearby tables and meet with Joe this week while he is in Bogotá.



## NICOLÁS ALVIAR

Abogado / Universidad de La Sabana / Especialista de la Universidad de los Andes

Nicolás es abogado de la Universidad de La Sabana, especialista en Derecho de los Negocios Internacionales de la Universidad de los Andes, y se encuentra cursando una Maestría en Derecho Privado en la Facultad de Derecho de la Universidad de Los Andes. Es socio fundador de la firma y actualmente ocupa el cargo de socio director general, en el pasado se ha desempeñado como abogado interno una firma de inversión extranjera y desde la su incorporación a la firma ha sido apoderado general de compañías nacionales y extranjeras, miembro de varias juntas directivas y representante legal para asuntos judiciales de reconocidas empresas nacionales y extranjeras.

Lo reconocen por brindar soluciones a los obstáculos legales de las compañías a nivel gerencial, y por haber asesorado hasta la fecha cerca 300 empresas de manera satisfactoria en sus áreas de práctica.

Idiomas: Inglés / Español



### ÁREAS DE PRÁCTICA

- Derecho Corporativo.
- Competencia Desleal.
- Propiedad Intelectual.
- Litigios e Insolvencia Económica.
- Derecho Penal.
- Contratación Pública e Infraestructura.

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## MARÍA FERNANDA TOLOSA

Abogada / Universidad de la Sabana / Especialista de la Universidad de los Andes

María Fernanda es abogada de la Universidad de la Sabana Especialista en Derecho Comercial de la Universidad de los Andes, en la actualidad ejerce el cargo de Gerente Legal de nuestra firma, donde lidera y supervisa los diferentes equipos de abogados que se encargan de prestar asesoría a nuestros clientes para procurar por una excelente calidad de nuestros servicios. Tiene amplia experiencia en Derecho Corporativo, Propiedad Intelectual, Derecho Regulatorio y Sanitario y Derecho de la Competencia, áreas en la que asesora a varias de las compañías más reconocidas en sectores como: consumo masivo, alimentos, medicamentos, cosméticos, nutrición deportiva, equipos médicos, salud, transporte, textiles, productos veterinarios, entre otros.

Los directivos, gerentes y accionistas de las empresas resaltan su detalle, cuidado, profundidad en los asuntos encargados, así como su disciplina y rigor en los litigios que representa en estas áreas de práctica.

Idiomas: Inglés / Español



### ÁREAS DE PRÁCTICA

- Derecho Regulatorio y Sanitario.
- Propiedad Intelectual.
- Derecho Corporativo.
- Derecho de la Competencia.

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## ANGELA CAMARGO

Abogada / Universidad Católica de Colombia

Angela es abogada de la Universidad Católica de Colombia, actualmente cursa una especialización en Derecho de los Negocios en la Universidad Externado de Colombia, se desempeña como abogada en la gerencia legal de nuestra firma donde participa en asuntos de Derecho Corporativo, Litigio Societario, Derecho de la Competencia y Propiedad de Industria. Durante su estadía, en la firma ha venido representando, participando y asesorando a diferentes clientes en litigios complejos en estas áreas de práctica, para lo cual ha culminado el curso de perfeccionamiento en Derecho de la Competencia de la Universidad Externado.

Igualmente tiene amplia experiencia en litigios penales por usurpación de derechos de Propiedad Intelectual. Asimismo, tiene experiencia en procesos de Contratación Estatal relacionados con construcción e interventoría de vías.

No obstante, en experiencias laborales anteriores, también adquirió conocimientos en Derecho de Seguros, en cuanto a Accidentes de Tránsito, reclamaciones por Pólizas de Vida, realizando el análisis de siniestros y de procesos de Responsabilidad Civil Contractual y Extracontractual.

Idioma: Español



### ÁREAS DE PRÁCTICA

- Antipiratería.
- Derecho de la Competencia.
- Propiedad Intelectual.
- Derecho Corporativo.

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## NOSOTROS

**ALVIAR GONZÁLEZ & TOLOSA ABOGADOS**, nace con el fin de proveer soluciones y prevenciones eficaces en asuntos jurídicos a nuestros clientes, con los cuales trabajamos en estrecha relación buscando alcanzar el éxito de las labores encomendadas. Nuestra firma está conformada por abogados con excelente preparación académica y experiencia profesional en más de 20 áreas legales para el asesoramiento de empresas locales, internacionales y personas naturales.

Trabajamos sobre los pilares de relaciones muy cercanas con nuestros clientes y buscando siempre los mejores resultados en sus asuntos legales.

## LA GLOBALIZACIÓN Y LA IMPORTANCIA DEL REGISTRO DE MARCAS EN COLOMBIA

### **La marca facilita a los consumidores la identificación de un bien o servicio**

Una marca es el activo intangible de mayor valor de una empresa, es el conjunto de elementos que distingue un bien o servicio de otros ofrecidos por competidores en el mercado y sirve para distinguir los productos y/o servicios que presta a sus clientes actuales y potenciales, razón por la cual es muy importante protegerlo.

Como comerciante en territorio colombiano, es importante realizar el [registro de marcas en Colombia](#) pues éste permite evitar que terceros realicen operaciones utilizando un signo distintivo protegido y de uso exclusivo, lo que contribuye a que otras personas obtengan provecho del fruto del trabajo y la reputación que el oferente ha forjado en determinado mercado.

## Pasos para solicitar el registro de una marca

- 1.** Realizar la consulta de antecedentes marcarios.
- 2.** Clasificar los productos o servicios a identificar, mediante el uso de la Clasificación Internacional de Niza (Versión No. 11)
- 3.** Presentar la solicitud vía web o físico ante la Dirección de Signos Distintivos de la Superintendencia de Industria y Comercio.
  - Poder (Sí se realiza a través de apoderado)
  - Constancia del pago de la tasa.
- 4.** Realizar el seguimiento del trámite.



## **ETAPAS**

- a.** Estudio de Forma (Lo realiza la Superintendencia de Industria y Comercio- durante este periodo de tiempo, la Entidad puede realizar requerimientos al solicitante para que complete o complemente la información relacionada en el petitorio, con el fin de cumplir con los requisitos exigidos por el art. 138 y s.s. de la Decisión 486 de 2000 de la Comunidad Andina de Naciones).
- b.** Publicación en la Gaceta par la Propiedad Industrial (Término durante el cual terceros interesados pueden oponerse al registro solicitado).
- c.** Examen de fondo (Estudio de Registrabilidad)
- d.** Concesión o negación del registro.

# We're In Bogotá All Week!

Check out our other events & office hours to get more information on protecting your business!

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## TALLER LEGAL

Lo Esencial Para Empresas Pequeñas  
y Empresas Emprendedoras

### LUGAR

WeWork Usaquén  
Carrera 7 # 116-50  
Bogotá DC

### FECHA

Junio 27, 2018  
12:00 - 2:00 P.M.

## ALMUERZO EDUCATIVO

- Cómo proteger su propiedad intelectual
- Por qué necesitas una marca registrada
- Aprenda como su marca sea reconocida globalmente



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## TALLER LEGAL

Lo Esencial Para Empresas Pequeñas  
y Empresas Emprendedoras

### LUGAR

WeWork La 93  
Calle 93 #19-55  
Bogotá DC 110221

### FECHA

Junio 28, 2018  
6:00 - 8:00 P.M.

## EVENTO SOCIAL DESPUÉS DEL TRABAJO

- Cómo proteger su propiedad intelectual
- Por qué necesitas una marca registrada
- Aprenda como su marca sea reconocida globalmente



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## CONSULTA LEGAL

CON NUESTRO ABOGADO  
JOE NOHAVICKA



### ¿TIENE MÁS PREGUNTAS?

Si tiene preguntas específicas sobre su negocio o su empresa emprendedora,  
consulte en privado con nuestro abogado Joe!

### FECHA

JUNIO 29  
9AM - 12PM

### LUGAR

WeWork La 93  
Room 8A

JUNIO 29  
2PM - 5PM

WeWork Usaquen  
Room 5A



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PARDALIS & NOHAVICKA, LLP  
ATTORNEYS

PN Lawyers is a New York City based firm that specializes in trademarks, intellectual property litigation, contracts, and business transactions.

This summer, we are launching our very first International Legal Workshop Tour!

See Dates and Information below to find out if PN Lawyers is coming to your city!

September 25 - WeWork London

September 26 - WeWork London

September 27 - WeWork Paris

September 28 - WeWork Paris

October 2 - WeWork Amsterdam



*Join Us!*

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