

**SECRETS**

**OF SERIAL ENTREPRENEURS  
TO CLOSING THE DEAL**

# Entrepreneur®

How To

# START A RESTAURANT

PLUS—

# 117 BEST

# Restaurant Franchises

● **HOT OPPORTUNITY:**  
**Selling Wine Online**

APRIL 2008  
\$4.99



ENTREPRENEUR.COM  
AOL KEYWORD: ENTREPRENEUR

# What's Cooking?

## HUNGERING TO LAUNCH YOUR OWN RESTAURANT?

BY EILEEN FIGURE SANDLIN

### FINDERS KEEPERS

**DON'T LET YOUR WINNING CONCEPT MAKE ITS WAY INTO SOMEONE ELSE'S RESTAURANT. HERE'S HOW TO HOLD ON TO WHAT'S YOURS**

It's never too early to register your restaurant's name and trademark, even if you don't expect to branch out anytime in the foreseeable future. "Even a mom-and-pop restaurant owner should file a trademark application right away," says Richard Frazer, a partner with Pryor Cashman LLP. "You might swear that you only want one restaurant, but you never know what might happen later. Also, if you're successful, someone else might replicate your concept. And while the law gives you certain rights of use in commerce, you have greater rights if you observe the appropriate legal formalities from the start."

You can file for a trademark on the U.S. Patent and Trademark Office website ([upsto.gov](http://upsto.gov)). But since navigating the form can be tricky, you might want to hire an attorney to help you protect your rights. Because there's no such thing as "restaurant law," an attorney experienced in intellectual property and/or real estate law is usually a good choice for overseeing the application process.



Pryor Cashman has been representing clients in the restaurant, food and beverage industries for more than 20 years, addressing the unique needs of these businesses from "soup to nuts." Our clients include national and local restaurant chains, startup restaurant, food and beverage ventures and established luxury restaurants as well as investors, franchisees, owners and chefs of these businesses.



**Richard S. Frazer**  
Partner

410 Park Avenue  
New York, NY 10022

[rfrazer@pryorcashman.com](mailto:rfrazer@pryorcashman.com)  
Direct Tel: 212-326-0416  
Direct Fax: 212-798-6312