

Called To Both Episode 90

Alright, so let's talk about that one time someone tried to steal my brand, what it taught me, and what it could also teach you as well. So I'm going to be sharing a story of something that happened this year in my business that was super challenging to walk through, but actually taught me a lot. And I think that it's some really important lessons hidden in this that you can also take forward in your business. Hello, and welcome to the call to both podcast, I'm your host Joy Michelle, and you're in the right place. If you're ready to grow your business, while also being the intentional and present mom, you want to be. This show will leave you feeling inspired, equipped with tangible tips and encouraged to go after your own version of being called spoke. Let's dive in.

Okay, so this all starts March of 2023. I wake up, I go on Instagram, and I get a message from a friend of mine letting me know someone else online had started using my name, the photo boss name. And initially I'm I'm devastated. But first, let me back up. Let me explain to you what Photobox is and how this is mine. Not just in meaning or holding a special place in my heart, but it's actually my registered trademark. So football is actually started as a Facebook community in 2017. I created this name, just like out of thin air. I remember where I was standing. I was in Gold's Gym on the elliptical, creative photo boss, and it has grown. It's over 11,000 members now photographers from around the world. And after becoming a trademarked name, I've developed programs courses, business coaching for photographers. And it Yeah, so it's mine, I have a piece of paper to prove it. But it was also my original creation. So I get this message on Instagram from a dear friend of mine saying that someone had started a photo boss podcast.

So like, of course, immediate disappointment, immediate confusion, I'm not exactly sure what to do because I hold the trademark for it. But what exactly do you do when someone just comes out into the world and takes your name. So I contacted the lawyer who first helped me file for this trademark to begin with. And she told me that I would likely need to contact this person and the podcast host and tell them that they have to rename the show, basically send them a cease and desist, let them know that by a set date, they're going to have to change this. Otherwise, it would be costly for me to get a lawyer involved, of course, and that my best bet was to contact them directly. Now the host of this podcast, it's a little it's a little interesting. The host of this podcast was podcasting from another country, and podcasting in Spanish. So while this is all happening, I'm thinking about this trying to figure out okay, what's my next move going to be? As soon as I felt that feeling of what it felt like for someone to take a name and a business and a brand name that I had poured so much into that I owned, and then use it in their company in the same industry for the same purpose, my mind immediately jumped to my podcast and my other brand called to both.

And I distinctly remember, my husband and I are looking at each other. I'm telling him about this. I know where he's standing, I know where I'm standing. And he says, You need to trademark called to both. Because, yes, this is upsetting that it happened with photo boss, but like imagine if this happened was called to both we don't have the trademark on call to both yet. So in the middle of all of this hoopla on infringement of my trademark, I actually decided to start the process of trademarking the name for this

show. And for the whole overarching call to both brand because called to both is more than just a podcast. So if you have a program name, or a show name, that you would be truly just so upset and so devastated to see someone else use that is such a good indication that you should probably protect that name with a trademark. Okay, so back to the story.

Now, this podcast is being broadcast from another country. And it's in Spanish, which is kind of odd that they chose an English title, but whatever, it just made it more complicated. So I start to go through some of the trademark claims platforms. So every platform that people put content on, especially Facebook, Spotify, Instagram, and so on, they do have a place where you can say, hey, this is trademark infringement. This is copyright infringement. This is my content. Now, I'm going to tell you Facebook did not care. Instagram did not care real people did not review those things. But Spotify was broadcasting in the US and took my copyright claim seriously. So Spotify actually, I'm pleasantly surprised to say that they removed this show while they were investigating My copyright claim. So I took time to go on and put all of my trademark information about the trademark that I legally held and why this was an infringement. And they actually took the podcast down. And I was going to personally reach out to this person and ask them to change the name.

But I was trying to decide whether I should send a cease and desist in English or in Spanish or both. And it didn't end up being necessary. So a week or two went by, and the podcast is still down. But then I saw they renamed it, they renamed the show something very similar to, to photo boss but not technically football. So I was happy that I was like, Okay, that's all I wanted. I just that name is mine. But it gets a little it gets a little dicey here because this individual ended up posting this super emotional episode about how they were devastated. They had to change the name, they didn't understand why they were super sentimentally attached to the name. And they didn't understand why they couldn't just use the name because when they looked for the name, all they found was a Facebook group. And they didn't realize they were like, there is no photoboss podcast. So why can't I use this? Now, keep in mind, I use a registered trademark symbol. Everywhere that I talk about photoboss online. That's the R in a circle. And there's a lesson in this that I think I need everybody here to understand. The lesson is just because you do not see the name that you want being used in the exact format does not mean that it's free for you to claim. So while there isn't a photo boss, podcast, photo boss is still my trademark. And it's still photography, education being broadcast in the US where I hold a registered federal trademark, so it is still an infringement. So if you see the RS symbol with the circle around it, that signifies a registered trademark, that is ownership.

That is completely different than the little TM symbol. That person is saying, Hey, this is mine, but I don't own the trademark. And I think this is so important, because I have seen friends of mine go to battle over this type of stuff. Because they have either they hold a trademark and someone infringes upon it, or they never got the trademark, but they were the first one to use the names. And unfortunately, if you do not hold the trademark, it makes this process so much more difficult. A trademark is like a final trump card, you get to put that down and say, Nope, this is my line in the sand. I have a date, the federal government told me it's mine. But if you don't have that leverage, it's going to be really hard for you to defend the name of whatever it is that you're defending. That's your intellectual property. It could be your podcast could be a course could be a program.

So that's that's the first lesson is really understanding that just because you don't see a podcast with that name does not mean the name that you want to use in that specific format like a podcast, for example, is yours to take. The sponsor of today's episode is Riverside FM. Riverside allows you to

record studio quality audio and video, either by yourself or with remote guests. It's what I've used to record all of my guests episodes here on the show from the very beginning. And there are so many reasons why I personally chose Riverside to create my podcast, but let me just share a few. The first one is the audio quality and ease of use, I can just send a link to my guests and they can join me in the studio.

I love that Riverside allows me to chat with my guests from anywhere in the world. Even when our internet connection is a little iffy. It records everything locally to the computer, so we don't miss a beat, no more glitchy interviews, which I love. Another great feature is the video editor. And they have an AI powered clip creation tool for quick creation of social media size clips. So this is making it so much easier for me to create those vertical clips that I need for social media. And it helps me to pick the best moments from the show, click on the link in the description and head over to Riverside to start for free. And be sure to use the code joy for 15% off. Okay, so the next lesson in this is that if you don't hold the trademark on something, then you're gonna have to take someone to court to settle it. And a lot of small business owners are not in this position where they could defend ownership of something like intellectual property because this is costly to send cease and desist to take people to court. So don't depend on people doing the right thing or being good humans. Protect your ideas and your intellectual property. And then you don't have to write. The next lesson in this that I feel like upon reflection became more clear was that when you're handling situations that arise in your business, sometimes you're going to be seen as the bad guy in their eyes. Sometimes they're going to think you didn't do the right thing. But you know what, that doesn't make them right. In this situation, this particular podcast host thinks that I didn't have claim to the name that they were sentimentally attached to it. And that because it was just a Facebook group that they could take the name and run with it. And that doesn't make them right.

So in this, I wanted to be understood, I was frustrated at this person, I was feeling like, Hey, this is mine, I've been using this since 2017. We have a whole like movement of photographers around the world behind this name. It's not just a Facebook group, by the way. But then I had to sit and just say, You know what, sometimes they're gonna think you're the bad guy. But it doesn't make them right, you're defending your brand, and you're defending your business. And that's what matters. And then the final lesson on all of this is get trademarked be ready to protect your trademark, check that a name is available before you use it on a product or program, or course, I think sometimes when people do this, it is unintentional. They don't know that they are infringing upon someone else's intellectual property, I totally get it. But we absolutely need to do our due diligence before we name a program, or product or service or thing, and really search the US patent trademark database and make sure with a couple of searches online to make sure like very thoroughly looking into this, before you sink, your time and your effort and by the domain and all the things you really need to know that that name is actually available for you to use, because it could be very costly to change it.

And right there in what I said, just buying the domain, that's a common misunderstanding that like, just because you own a domain doesn't mean you have trademark rights to use it, if that makes sense. So I personally used in the law, when I filed for my called to both trademark they have like a course on filing your own trademark, if that's something that you want to do, but they also have services to do it for you. I had them file it for me and they have I'll put some information in the show notes about that they have like a free call where you can have them do the research to see if the name or the course title or whatever your trademarking is even available or worth pursuing. I think one of the biggest takeaways in all of this is asking yourself, if there is something in your business that is worth you taking that next step

towards officially protecting it with a trademark. I think so often we wait too long on this. And we wait until someone has quite literally taken the brand name to be able to defend it. But I was upset Yes, when someone tried to use Photo boss, but I felt so much more confident knowing that I held the trademark paperwork for it.

And so yeah, if there's something in your business that you feel is original to you, you should protect that thing pursue it, because the trademarks can become very valuable intellectual property. And yeah, hopefully in the next couple of months here, I will have great news about call to both being my trademark we are in the process of getting it. But yes, this has been the story of how someone stole one of my brand names, and then how we got it back, I hope that there was a little something in here for you that it encouraged you or taught you something new. If you're interested in joining either one of my Facebook groups, either photo boss or the call to both Facebook group, I will have those linked in the show notes. And of course, those are also available on my website. If you ever want to check out my website, it's joy michelle.co. Thank you so much for listening all the way here to the end. And hey, since you are here at the very end, you're probably pretty invested in this. And so if you haven't already, I would just be so grateful if you took a moment to leave a review on Apple. And we'll be back next week for a brand new episode and we'll see you then. Thank you so much for listening to the show. If you enjoyed this episode, please help me get the word out about the call to both podcast by taking a screenshot of this episode right now and sharing it on your social media. I would also appreciate it if you would subscribe and leave me a five star review. Thanks again and I'll see you in the next episode.