

'Who Are We Without Our Names?'

TAL GRINBLAT

Firm: Lewitt Hackman, Encino

Tal Grinblat has worked 23 years as an attorney. He specializes in franchise, distribution, trademark and copyright law.

Most surprising aspect of IP law:

For most businesses, protecting their trademark is not top of mind. Startups like to focus, rightfully so, on their product and service offerings, supply chain, etc. However, I frequently ask clients "How important is your name and brand identity?" When they realize that their name/brand is the key to how the customer identifies them, then trademark and other IP protection steps take a more leading role. After all, who are we without our names?

Best part of the job:

Facing difficult issues and figuring out how to overcome them. In the trademark context, this often arises when a client's trademark application is refused and I need to implement a plan to try to overcome the refusal. In the franchise context, this may involve figuring out how to overcome comments from the government administrator that will not unduly limit the client's operations in a state.



Memorable experience:

I assisted a client with a novel device, at its infancy stage, register its trademarks both domestically and abroad. As the client grew and became a popular fixture in many homes around the world, it was eventually acquired by Amazon.com Inc. I see that as a real success story and am proud of my contributions in the early days of the company's existence to have laid a crucial foundation that later made it attractive to Amazon, the world's largest online retailer.

How law is changing:

More and more people are considering using alternate legal platforms, such as online services to file trademarks, and using non-attorneys to draft franchise documents. This can create a headache for clients later if the filings are not done correctly, especially when the costs to fix the issue are more than had the filing been done correctly from the outset.

Role within the firm:

I am involved in and network in various organizations, including the California Lawyers Association Business Law Section, Provisors and Los Angeles Copyright Society with the goal of developing clients and acting as a resource to others. I also manage client work (either by working on matters directly or supervising associate attorneys). There are less than 50 franchise and distribution attorney specialists certified by the State Bar Board of Legal Specialization in the entire state of California.

Personality traits of a power lawyer:

I would like to think of myself as approachable and easy going. I also don't like giving clients "No" as an answer and strive to find creative solutions to problems.

Source of power for a "power attorney":

From the person's work ethic, trying to do what is in the client's best interests, getting out into the community and becoming a resource for others.

One legal rule/practice that needs changing:

The newly passed Assembly Bill 5 is threatening the franchise model, making it harder for the franchise industry to function in California. The franchise model envisioned franchisees using the franchisor's trademarks and system to operate their own business. AB5 now may potentially permit franchisees to make employment claims against the franchisor which is inconsistent with the franchise model. I support a limited exemption to AB5 to exempt franchising in those circumstances where the franchisor does not exert more control than necessary to control their brand and quality of products and services.

What clients should do:

Contact me before adopting a trademark, to assess availability. On the franchise side, contact me before entering into agreements with licensees that may be deemed a franchise under the law.

Favorite out-of-office activities:

Travel and spending time with my kids. While I enjoy my work, there is nothing better than spending time with my children, whether that involves visiting the Grand Canyon, going on road trips, travelling to foreign countries or going camping.

Advice to prospective lawyers:

Work hard and focus on a specialty. Being an attorney involves spending long hours on client matters. It is critical to work in an area of the law you love.

— Amy Stulick