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## Seattle salon shares trademark warning for small businesses

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What's in a name? A whole lot, it turns out, in the world of trademark law. It's a lesson that the owner of a Seattle hair salon recently learned the hard way.

Now, [Tart Beauty Studio](#) is sharing its story as a cautionary tale to other small businesses.

Owner Lauren George says her shop has been operating under the same name, out of the same location in Ballard for the last twelve years.

So she was stunned when a cosmetics company based out of New York started sending her cease and desist letters a few months ago.

[Tarte Cosmetics](#) sells makeup and other beauty products throughout the country, and has a federal trademark registration that gives it national rights and protections."

The letters demand that Tart Beauty Studio change its name immediately, or face legal action due to a trademark infringement -- and despite the fact that the name is spelled differently.

"I don't feel like I'm a threat to them, but they just don't want the confusion, and they said there is confusion," said George. "It's big business bullying is what they're doing."

George is frustrated, but says she doesn't have the resources to fight a big company like Tarte Cosmetics.

KING 5 spoke to a trademark attorney who is not affiliated with this particular case, but said it's a situation that's much more common than most people think.

"The fact that they're spelled differently in this case really doesn't offer much protection," said attorney Robert Cumbow of [Miller Nash Graham & Dunn](#). "How much do they look alike? How much do they sound alike? How close are they in meaning? And in this case, they look a lot alike. There's one extra extra letter in them. And they sound identical."

Cumbow said he knows it's a costly and frustrating experience for small business owners. His advice is for those business owners to do extensive research before choosing the name of their company.

"You've got to do your homework," he said. "So the very first thing for someone who is choosing a name for their business, product, or services is to get a search done, and make sure you aren't accidentally picking a name or product name that somebody else is already using."

It's advice George wishes she'd heard sooner. So now, she is sharing that advice with everyone who will listen, hoping to spare another small business owner from a similar experience.

"It's really hard, I feel like there are a lot of things about being a small business owner that are hard and there's a lot of learning that goes into it," she said. "There's a lot of really rewarding things too, but when something like this comes up I just feel there's not a whole lot I can do."

George says her lawyer has tried to negotiate with Tarte Cosmetics, and they even designed a new logo for her salon, but she says the cosmetics company wasn't satisfied.

In a letter dated August 29, 2016, an attorney for Tarte Cosmetics wrote in part:

"Our client has carefully considered this proposed resolution and does not agree that the proposed logo will diminish the likelihood of confusion that is likely to occur if Tart continues to use the Tart Beauty Studio mark in any stylization and with any design.

Accordingly, we must insist that Tart cease all use of the Tart Beauty Studio mark in all forms and comply with all of the demands set forth in our initial letter."

George has not yet made any final decisions about whether she will adhere to the request, though she says she's leaning in that direction.

She estimates it would cost close to \$10,000 to change the salon's name, her business license, signage, business cards, and website.

"It's a big setback," she said. "And the biggest cost would be just our reputation, losing our name and the good word of mouth we have."

KING 5 reached out to Tarte Cosmetics for comment, but we haven't yet heard back.

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