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Attorney at Law

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A boutique law firm representing creative entrepreneurs-retailers, wholesalers, artists, bloggers, event planners, and interior designers.



Why “Asked and Answered”?

Why call the newsletter “Asked and Answered”? What does it mean? Simply put, it is a play on words. Historically, the phrase “asked and answered” is an objection that attorneys love to use in court when opposing counsel has asked a question repeatedly, maybe in several different versions, but nonetheless, it is the same question. The witness is sick and tired of answering the same questions. Everyone is sick and tired of hearing the same answers. So, the attorney objects. Maybe it’s overruled; maybe it is sustained. Well, here we are in quite a different setting. This is not a court room. We are not in adversarial proceedings. And NO ONE is tired of hearing the same questions. I know because you have asked them of me for the last 20 years!

Second, you have questions; you have asked. I will try to help explore those answers; I will do my best to teach, to answer. We will walk down this creative path together.

As I am sure you have already gathered, the shortest distance between two points is a straight line. Not so for the creative entrepreneur; part of the creative process is meandering, sprinting, taking a breath, falling, dare I say, failing, and getting back up. I want this to be a tool that you will use to think and further your knowledge and deepen your understanding of the business behind your craft. So here we go!



Creativity is a habit, and the best creativity is the result of good work habits. Twyla Tharp

Fab Five

Great reads for creative entrepreneurs by women!

1. [Lean In: Women, Work, and the Will to Lead](#) by: Cheryl Sandberg
 2. [Secrets of Six Figure Women](#), by: Barbara Stanny
 3. [Beginner's Pluck](#) by: Liz Bohannon
 4. [Hitting Rock Middle](#) by: Sallie Holder
 5. [We Should All Be Millionaires](#), by: Rachel Rodgers
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In the Spotlight: Women's Small Business Month

7 Reasons Women-Owned Small Businesses Are Crucial

Since October is National Women's Small Business Month, it's a fitting time to recognize the critical role women-owned small businesses play. As more and more women enter the entrepreneurial ranks, their contribution to the economy is impressive. This growth in numbers is crucial to the nation's overall economic health.

What Constitutes a Small Business?

People are often surprised to learn just how big a small business can be. The [Small Business Administration \(SBA\)](#) sets size standards based on a company's industry. In general, however, an enterprise with fewer than 1500 employees and less than \$38.5 million in revenue falls under the small business category.

Many small businesses are so small that they are considered micro-businesses. This designation typically applies to companies that have ten or fewer employees. Many freelancers, creatives, and consultants fall into this category.

[Women own and operate 39% of all small businesses in the US](#), up from less than 5% in 1972. With that growth in mind, here are seven reasons women-owned small businesses are crucial.

1. Women-Owned Small Businesses Provide Millions of Jobs

Women-owned companies employ more than nine million people, and a [large percentage of those employees are other women](#). Since women start hundreds of new businesses every day, their ability to hire even more people is growing by leaps and bounds.

Many of these jobs are in professional services and healthcare, but the variety is increasing each year. In particular, the number of women-owned construction and trade companies is escalating rapidly.

Words to Live By

“I learned to create boundaries around work and life. My work was scheduled, and then I scheduled my work”

Michele Williams

Interior Design
Business Coach

IG: [@scarletthreadati](#)

Learning Legalese

Non-Disclosure Agreement

An agreement where one or more parties agree not to disclose confidential information that they have shared with each other as a necessary part of doing business together or collaborating.

Synonyms: confidentiality agreement, nondisclosure clause, proprietary information agreement

Antonyms: open discussions without protection or agreement

Creative Law A to Z

by Angie Avard Turner, J.D., LL.M.

A is for...Attorney
B is for ...Branding

2. They Create Healthy Work Environments

Women who own companies tend to establish a collaborative and supportive work culture for their employees. Some consistent hallmarks in women-owned businesses include:

- Flexible Work Schedules
- Adequate Time Off To Care For Children
- Remote Work Options
- Encouraging Vacations and Self-Care

More and more frequently, job seekers purposely look for companies with women at the helm because of these attractive opportunities.

3. Women-Owned Companies Are Transformational

Despite being kept out of leadership roles for centuries, women are tremendous leaders. And they are particularly excellent at heading up transformations for organizations.

[Women routinely rank higher than men in key leadership qualities, including:](#)

- Integrity
- Relationship-Building
- Initiative
- Self-Development
- Honesty
- Strategy
- Problem Solving
- Communication

Women often begin their businesses from a desire to transform their lives and the lives of others. This goal lets them create an intuitive workplace that allows change and revolution in the world. Leadership in the hands of women creates transformation.

4. Women Guide Most Household Spending

Globally, [women determine nearly 90% of how their households spend and purchase](#). This number represents a tremendous amount of power in the economy. And when women start businesses, they have that much more influence over how money moves.

Small businesses, in general, are essential to the marketplace. And [48% of the money spent at small businesses stays in the local economy](#). Combining that stat with the financial decision-making of women creates powerful opportunities.

C is for ... Copyright
D is for ...Distinctiveness (in TM law)
E is for ...Examiner's Action
F is for ...Franchising
G is for ...Generic Mark
H is for ... Hire, Work for
I is for ... Interstate Commerce
J is for ...Judgment, declaratory
K is for ...Knock-out Search
L is for ...Library of Congress
M is for ...Maintenance
N is for ...Non-Disclosure Agreement
O is for ...Original Works
P is for ...Patent
Q is for ...
R is for ...Royalties
S is for ...Specimen
T is for ... Trademark
U is for ...US Patent+ Trademark
Office
V is for ...Visual Arts
W is for ...Willful Infringement
X is for ...eXamining Attorney
Y is for ... Your Mark (word or
design)
Z is for ...Zealous Protection of IP

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5. Women Entrepreneurs Place Mission First

Research shows us that employees who [connect with their employer's mission](#) are more engaged and productive. Studies also show that [women business owners](#) are better at helping develop this connection to the company's vision and mission.

With effective, heartfelt communication, women-owned small businesses can help their employees feel valued and nurtured. They foster connectedness and pride in the values of the company.

6. Women-Owned Businesses Embrace Diversity

[BIPOC women make up 50% of women-owned businesses](#), helping to bring diverse voices, experiences, and expertise to the marketplace. Women also tend to be more aware of diversity and inclusion in their hiring decisions and seek out a diverse group of candidates when building their teams.

7. They Create Success

Although women-owned companies do not seek funding at high rates, they are successful when they do it. They have [nearly a 70% success rate with crowdfunding](#), compared to just over 60% for men.

Some studies indicate that, compared to those led by men, companies led by women are more likely to:

- Hit their financial targets.
- [See a higher ROI \(particularly in the tech industry\)](#).
- Create a loyal and engaged team of employees.

Women-owned businesses generate \$1.8 trillion in revenue each year. Yes, that's *trillion* with a "t." This level of success may have been unimaginable for previous generations, but it's a clear reality now. And that number will only continue to grow.

Women-Owned Small Business (WOSB) Certification

Many women who own companies seek [WOSB certification through the SBA](#). This designation allows eligible companies to apply for certain federal contracts. The aim is to have at least 5% of federal contracts going to women-owned small businesses.

To be eligible for this certification, a company must meet the following requirements:

- Women who are US citizens must own at least 51% of the company.
- Women must be responsible for day-to-day operations and long-term decisions.
- The company must qualify as a small business.

Achieving WOSB certification allows business owners to take advantage of education and mentorship. It also provides owners with leads for proposals and bids and connects them with contractors looking for WOSB-certified companies. Many women find that the certification opens doors to lucrative opportunities.

Changing the Face of Business

As more and more women start companies, traditional networking and collaboration are changing, too. One national organization, [The MOB Nation](#), created a unique networking space specifically for Mom-Owned Businesses (hence, the MOB).

Founded in Portland, OR, by Aria Leighty, The MOB Nation is a group that values community over competition as it seeks to empower its members. They aim to get more money into the hands of women who are running businesses.

Another organization, [The Southern Coterie](#), supports creative entrepreneurs in the South through inspiration, masterminds, membership, and ongoing training. Founders Cheri Leavy and Whitney Long created TSC as a “virtual front porch” for business owners. They also offer an annual conference for live, in-person networking and community building.

The [New England Coastal Creative](#) also seeks to elevate women makers and creators through community and business development. Its members represent a wide range of entrepreneurs and industries. Founder Kim Thomas cherishes the opportunity to energize, excite, and engage creatives in their business journey. The [first in-person conference for this community](#) will take place in Newport, Rhode Island, at the end of September.

More and more groups are popping up with the express purpose of nurturing and strengthening women-owned businesses. The traditional schmoozing of networking is giving way to a more intuitive relationship-based atmosphere.

Protect Your Small Business

No matter where you are in your business journey, it's crucial to protect what you create. From contracts to trademarks and everything in between, guarding your work is essential.

If you'd like help working through any of these processes, [schedule your time with me today](#). We will dig into the legal side of your business so that you understand the right next step to take. Let's get started!

Legal Learning: Trademark Myths and Misconceptions

“If It's Worth Creating, It's Worth Protecting.”

What's in a Name? A Logo? A Tagline? Short Answer- The value of your entire brand. Of all of the types of intellectual property, trademarks are THE most powerful. Why? Simple answer, if the business owner has continuous and consistent use, they never expire. That means that the trademark can live on long after you or I do! So, why are business owners, so slow to take care of something that has so much value? Taking care of the legal side of business, not just trademarks, can be similar to bolstering the foundation of your home or purchasing a new roof. Not exactly the most exciting way to spend money, however what happens when those things are ignored? The entire structure is compromised. It is the same way with legal aspects in business, particularly your brand and trademark. Let's take a look at some of the most common myths and misconceptions I hear on the regular.

1. Trademark, Domain Name, and Incorporating = the Same

I hear this one a lot. “I registered my domain name, or I incorporated so I have protected my business name.” Although those actions do protect your business and may be evidence that you are using a certain mark to identify your brand, that is NOT trademark protection. Registering your domain name is similar to purchase your virtual window front. It is where you are going to conduct some or all of your business. Incorporating your business registers your name with the state where your business is primarily located. It separates you as the individual from your business; it separates your personal assets from your business assets. Incorporating puts the public on notice that you are an actual business rather than a occasional money making hobby.



Registering your trademark, whether it is a word mark or design mark, puts the entire country on notice that you are using that mark in connection with certain goods or services, therefore you are the presumptive owner of the mark. That means if someone else comes along and begins using your mark, or something similar, the

burden is on that party to show how or why they should be allowed to use their mark. If registered, you have the exclusive right to use that mark within your specific class of goods.

2. My Business Isn't Big Enough, So I Don't Need to Worry About It.

Nothing begins big. However, if you do not protect what you begin with, you run the risk of staying small and not being able to expand. The courts are jammed with decisions that bear this out. Here is a typical scenario. Small business begins, but it does not protect their trademark. The business continues to grow over a period of months, then years. At that time, the business decides, they are "big enough" to protect their mark only to find out that someone else has already registered the same mark! Now what happens to the little business that grew? There are a few scenarios that could play out. First, it is possible that both companies could agree to coexist without limitations. That infrequently happens. The more likely scenarios are that the company that registered would seek to limit the other business from using the brand name, or worse, that company would demand the business change its name all together, or the worst the business could file suit for infringement.

3. My Branding Team Will Help Me with That

While branding professionals are a wealth of knowledge and have great experience, they are not usually trained in how the law affects branding. A branding professional can advise on the aesthetics, the crafting of a story, and the over all look, feel, and sound of a brand, however it is outside of their job description to advise on whether the name can legally be used. I have been in and witnessed situations where the brand name was beautiful and "on-target," so to speak, but for legal reasons would be a problem. As is frequently the case though, the business owner does not know this because they hire the branding before they take care of the legal. Often, order affects outcome. Truly, the only way to know with any degree of certainty if you can use a name or a logo is to have a trademark attorney perform a search. Short of that, you are playing Russian roulette with you brand.

4. It's Easy; I Can DIY It

There are many who DIY taking care of their trademarks. There is nothing that says that you must hire an attorney, although the

regulations are beginning to change because the US Patent and Trademark Office, are receiving a record number of fraudulent and inadequate applications. Still, you can try. However, intellectual property law, which includes trademark law, is highly nuanced. In this day of Google and DIY, the Internet has no shortage of information, however much of it is 100% incorrect or half correct. Either way, you don't want to make a decision that affects your entire brand based on either of those percentages.

5. I Can't Afford It

This is the truth; it may sting a bit. You can't afford not to protect your brand! You may invest \$2000 to protect a mark. The cost of not protecting your mark could be upwards of \$10,000 or more depending on whether, down the road, another company demands that you are stop using your name, or worse yet you find yourself in an infringement lawsuit. If sued, the costs could rise to 6 figures. Relatively speaking, \$2000 is a small amount to invest to ensure that, going forward, you brand is in a position of strength in the marketplace.

6. No One Would Copy My Name, So There's No Need to Protect It

It could be true that no one would copy your name intentionally, and visa versa. You would be amazed at how many people have the same idea for a brand name. Registering not only protects you from those who may want to use the name you are using, it also protects you from using another business' name that has already been using the name in the stream of commerce.

Hopefully, dispelling the most common trademark myths and misconceptions helps clarify why and how your trademark is a vital part of your business. If you are considering beginning a business, this should be part of your budget. If you have already begun your business, you should make it a goal in the imminent future. The trademark process is not a short one, so assuming you hire a trademark attorney, you will be working with that person, for a minimum of 12 to 15 months. Not only factoring the cost but also the time it will take to secure the trademark protection is an important business consideration. As I tell my clients, and really anyone that will listen, "if it's worth creating, it's worth protecting."

About Angie

Angie Avard Turner Law, LLC

Angie Avard Turner is an attorney with a fancy for all things patterned with a punch of piping hot color. After almost 20 years in retail, 10 years in wholesale, and 5 years in licensing, Angie decided to give the people what they were asking for—an attorney who was familiar with the needs of the creative entrepreneurs. She doesn't just represent those in this industry, she's part of it. As a designer, artist, and



entrepreneur, she understands the legal needs of creative businesses because she has owned and operated one herself, and still does!

Angie has always loved being creative; since she started Hype Strype, a wholesale stationery and gift brand in 2003, when people learned she was an attorney too, they were very quick to ask all sorts of legal questions pertaining to the gift industry. She also knew if she practiced law, it would never

be in a conventional brick and mortar, “law office” setting. So now she is combining both of her loves—creativity and law.

Her goal is to provide outstanding service by giving sound legal advice and helping you protect your business interests. Here’s what Angie believes. You deserve great service. Your attorney should be part of your business resources team (just like your accountant or banker). And last, the legal advice you receive should be easy to understand.

In addition to practicing business law and intellectual property law for creatives, she is also a contributing writer to GIFT SHOP Magazine, and several other blogs. Angie is also a frequent speaker and guest at various conferences and podcasts where creative entrepreneurs can be found.

The Resource Guide

OCTOBER THEME: Women Owned Small Businesses

Each month, as added value to our readers, we will present to you various brands, small business owners, products, and services that we think may be fun to purchase from or beneficial to you. These companies have not paid for this placement, nor does our firm receive any added benefit from highlighting each. This is simply our way of spotlighting small businesses we love and we hope you will, too.

DARLINGS FINE THINGS



THE BUSINESS

Darling's Fine Things offers a collection of hand-selected pieces from around the globe, including clothing, jewelry, accessories, gifts, and home goods. In store you'll find recognizable designer names from the likes of Current/Elliott, Bella Dahl, Donald J Pilner, Love Tokens Jewelry, French Kande, Peace of Cloth and more.

WHERE TO FIND THEM

IG: @darlingsfinethings

FB: Darling's Fine Things

URL: <https://darlingsfinethings.com/>

TWO FRIENDS



ABOUT

Established in 2000, owner and curator, Marti Tolleson designed her boutique to capture the essence of this southern resort destination and her style and philosophy on life.

THE BUSINESS

Nestled under the moss draped live oaks of St. Simons Island, Two Friends is a shop that showcases an impeccable mix of clothing, shoes, jewelry, art, home accessories & gifts. Two Friends has evolved from an appointment only micro boutique to one of the most popular shops on Georgia's Golden Isle. As one customer described it, "It's the type of store you walk in, throw your arms open wide and exclaim...I want everything!"

WHERE TO FIND THEM

IG: twofriends_stsimons

FB: Two Friends

URL: <https://www.twofriends2.com/>

THE TINY TASSEL



ABOUT

Meet Mimi! When Mimi received a pair of earrings as a birthday gift from her sister, she was inspired to put her own twist on her earring collection and took to making tassels. Following her undergraduate education at College of Charleston, The Tiny Tassel was born. What started as a creative outlet in the summer of 2015, evolved into a jewelry, clothing and accessories brand based in Charleston, SC. Mimi creates each tassel by-hand and designs handmade garments with her mom, while her sister helps to design various styles included in the Curated Collection. Inspired by her favorite city, Mimi names each piece after a street name or special place in Charleston. Our collection is made up of bright colors and classic prints, which Mimi hopes will bring joy to others with her statement pieces.



THE BUSINESS

The Tiny Tassel is a jewelry and accessories brand inspired by the vibrant colors of Charleston, SC. Founded in 2015 with the Signature Tassel Earring, The Tiny Tassel has expanded to include earrings, bracelets and necklaces, hand-made garments, and a curated collection of jewelry, accessories, and party goods. With happiness at the heart of the business, each collection includes hand-made and curated pieces in bright colors and classic prints. The Tiny Tassel is designed with the everyday woman in mind and wearing one of The Tiny Tassel's colorful statement pieces will make you feel vibrant.

WHERE TO FIND THEM

IG: @thetinytassel

FB: The Tiny Tassel

URL: <https://thetinytassel.com/>

MARY HAWTHORNE INTERIORS



ABOUT

Mary Hawthorne Interiors became a brick-and-mortar reality after many years as a “someday” idea. The retail shop is a thoughtfully curated collection of gifts, home decor, furniture and so much more. The design aesthetic of the store is reminiscent of the sophistication and comfort that so many clients seek for their own homes. “I want my customers and my design clients to feel at home when they enter my shop.” Mary is a wife, mother of 3 grown sons and owner of Mary Hawthorne Interiors. Her love for design began early with great influence from both her mother, who was an accomplished seamstress and homemaker, and her dad, who studied architecture. Mary graduated from Georgia Tech and worked in the business world for many years before staying home to raise her boys. She pursued design at every opportunity, including antique booths, styling spaces for other vendors, flipping houses with her husband and eventually decorating homes of friends before finally opening a full-service design studio. Four years ago, with the support of her husband, Keith, Mary added a retail space. Keith is in the store many nights and weekends helping Mary build displays, move furniture or just keeping her company. They have both enjoyed the daily activity that comes with a retail store. The future holds great possibilities as Mary continues to pursue opportunities outside of the brick-and-mortar studio. Her desire to meet and collaborate with other creatives has led to new friendships and ideas that she hopes to continue to develop.

THE BUSINESS

In the shop, you will find a sophisticated collection of tabletop design elements, gifts, home decor and furniture. Their full-service design



studio offers custom designed bedding, furniture, and soft treatments for your home or office. In addition to the retail shop, Mary Hawthorne Interiors is a full-service design studio. The MHI design team works with clients on projects at any stage from conception to completion. MHI offers custom designed furniture, bedding and decor options, and any of their designers can work with clients

to achieve a unique and stylish design.

WHERE TO FIND THEM

IG: @maryhawthorneinteriors

FB: Mary Hawthorne Interiors

URL: <https://maryhawthorneinteriors.com/>

GAINES JEWELERS



ABOUT

Jewelry, bridal & gifts for every occasion. A Lakeland staple since 1935.

THE BUSINESS

Fine Jewelry, Wedding Registry, & Gifts for Every Occasion. Shop In Store, Online, Local Delivery & Shipping Available

WHERE TO FIND HER

IG: @gaines_jewelers

FB: Gaines Jewelers

URL: <https://www.gainesjewelers.com/>

J. ALDEN CLOTHIERS

ABOUT



Jim D'Alessio and Amy Wilson D'Alessio have been friends since both attending Franklin Pierce University in the 1980s. Jim had been a manager at Henry Miller in Hartford, CT, as well as Men's Department Manager at Polo/Ralph Lauren in Farmington, CT. Amy had been a graphic artist with the Aetna Insurance Company before becoming a stay-at-home mom. She went on to be a partner, buyer, and merchandiser with "Newbury Place", a gift shop in Southbury CT. Due

to the “magic” of Match.com, the two become reacquainted in 2011, were married in 2019, and are now co-owners of J. Alden. Both Amy and Jim are past Presidents of, and remain active members in, The Essex Board of Trade/ “Experience Essex.” The couple reside in Westbrook.

THE BUSINESS



J. Alden Clothiers opened its doors in 1993 in the historic village of Essex, Connecticut. Our intention has always been to offer the finest clothing and furnishings while providing the highest measure of service possible. As the need for our clothing and services increased, we found it necessary to move to a larger location on Main Street in the center of the village. We have always been fortunate to have a large clientele from the Connecticut shore and from around the world. Our business continues to grow thanks to the influx of new families moving to the Essex area as well as the increased number of visitors through the Internet. In January 2020, a fire at the adjacent Black Seal Restaurant caused massive smoke damage within J. Alden. A full month’s detailed cleaning and painting inspired their theme of “Refresh and Renew”, as well as a new direction for the brand. Upon its re-opening in spring 2020, J. Alden officially launched a women’s clothing and accessories arm of the business, overseen by founder Jim D’Alessio’s beloved wife, Amy. Together, Jim and Amy remain committed to serving the Essex community with high-quality products and customer service that has been synonymous with J. Alden since 1993.

WHERE TO FIND THEM

IG: @jaldenclothiers

FB: J. Alden Clothiers

URL: <https://www.jaldenclothiers.com/>