

2018 Business Success Checklist



CONTIGUGLIA LAW FIRM

A PROFESSIONAL CORPORATION

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Providing original, success-focused strategies to help you grow your business.

2018 Business Success Checklist

Good planning and education improves your potential business success and growth.

This Checklist is a general guide outlining business and legal issues to consider as you seek success in your business. Some of the issues addressed include selecting legal structure, financing, choosing a business name and location, hiring employees, obtaining licenses and permits, supply chain issues, advertising and marketing, intellectual property, and insurance considerations.

Note: This checklist is meant to be a general overview of the legal issues presented to new and established business owners. It is not comprehensive and does not consider every legal issue a business owner might face.

This material is for educational and informational purposes only and is not a substitute for legal advice. Every case is different and you are encouraged to seek your own counsel. Your reading of this material does not create an attorney client relationship and past performance is not indicative of future results. To your success! Enjoy!

Your 11 Steps to legal fitness.

- * DEVELOPING A BUSINESS PLAN.
- * SELECTING A LEGAL STRUCTURE.
- * FINANCING THE BUSINESS.
- * SELECTING A BUSINESS NAME.
- * CHOOSING A BUSINESS LOCATION.
- * RECRUITING AND HIRING EMPLOYEES.
- * BUSINESS LICENSING AND PERMITS.
- * SUPPLIER, DISTRIBUTOR AND CUSTOMER LOGISTICS.
- * ADVERTISING AND MARKETING STRATEGIES.
- * ACQUIRING AND PROTECTING INTELLECTUAL PROPERTY (IP).
- * EVALUATING INSURANCE NEEDS.

solutions for your business needs

CONSIDERING YOUR LEGAL OPTIONS BEFORE YOU ACTUALLY NEED THE HELP OF A LAWYER CAN SAVE YOU A LOT OF TROUBLE

GET EDUCATED ABOUT YOUR NEEDS

Entrepreneurs, startups, and established companies must each consider many of the same business and legal issues before setting up a new business or moving forward with an existing one. This Checklist will provide and educate the new or established business owner with general knowledge and information about some of these legal issues.

As a business owner, you should use this information to help facilitate a more detailed understanding about the legal pitfalls you can encounter while running and managing your business in the US.

HOW IS YOUR BUSINESS'S "LEGAL FITNESS"?

"Legal Fitness", or the concept of preventive law, is not only one of the most important keys to a successful business, it is the basis of security and peace of mind.

Businesses that think they have no time for legal planning will sooner or later have to find time for legal disputes.

Take care of your business. It's your livelihood.

WHO ARE THE KEY PLAYERS IN YOUR BUSINESS?

- Lenders and equity investors.
- Customers.
- Suppliers and distributors.
- Management.
- Employees.

WHAT SHOULD YOU INCLUDE IN YOUR BUSINESS PLAN?

- Include an executive summary. What are the goals and how are they going to be achieved?
- Describe the products or services to be offered.
- Summarize business history, management, and goals.
- Profile the target customer. Who is this person? Your Avatar.
- Analyze the competition and market trends.
- Provide advertising and marketing strategies.
- List assets, liabilities, budgets, and time lines.

THE THREE MOST COMMON TYPES OF BUSINESS ENTITIES ARE

- Limited Partnerships. (Ltd.)
- Limited liability companies. (LLC)
- Corporations. (S-Corp; C-Corp)

- Other business entities include, joint ventures, Limited Liability Partnerships, Limited Liability Limited Partnerships,



Developing a Business Plan

Business plans are not a legal requirement. However, business organizations should clearly define their business' objectives in a concise, dynamic business plan in order to communicate the mission and business goals to key players in the business.

Selecting a Legal Structure

Probably the most important decision for your business is deciding the appropriate legal structure. Your choice will impact your choice of entity, management, liability, taxation, financing, and some other key issues. You should consider consulting with a lawyer before making this decision.

Financing the Business

Depending on the type of business entity you select and its financial goals, financing can be done in several ways. Typically, the business owner will decide to finance the business with debt and/or equity. Such ways include obtaining loans from a bank or another lender, issuing short-term or long-term debt securities, and issuing equity securities. Because of the legal complexities and risks associated with issuing securities, consulting with a lawyer is imperative.

Selecting a Business Name

A new business name should be legally cleared before its first use. This means you should complete some research to make sure there are no similar names. You can do this by searching relevant secretary of state databases, performing trademark searches, internet searches, and verifying name availability with domain registrars. www.whois.com. The best practice is to engage an outside vendor to perform a comprehensive search.

Once cleared for use, your business name should be protected by filing it with the relevant secretary of state office, registering as an Internet domain name, filing an application for federal or state trademark registration, and filing applications for foreign trademark and service mark registrations in key international markets, if you're planning on operating outside of the US.

ONLINE RESOURCES FOR SELECTING YOUR BUSINESS

- www.copyright.gov
- www.uspto.gov
- www.google.com
- www.whois.com
- Local secretary of state office

DOCUMENT YOUR EMPLOYMENT RELATIONSHIP WITH

- Offer letters.
- Employment agreements.
- Confidentiality and inventions assignment agreements.
- Non-competition and non-solicitation agreements, to the extent allowed by your state law.
- Mandatory arbitration agreements.

ELEMENTS OF A SUCCESSFUL ADVERTISING AND MARKETING

- Product packaging that complies with product labeling laws.
- Traditional print and media advertising.
- Direct marketing (CAN-SPAM Act Compliance).
- Sponsorship arrangements.
- Sales promotions, contests, and sweepstakes.
- A website (Contractual Issues).
- Online advertising and marketing, including social media.



Choosing a Business Location

Factors to consider when choosing a business location include your proximity to customers, suppliers and distributors. Consider your minimum business requirements, like office space size, access to public transportation, and parking. Do you want to rent or buy your real estate? What are the local zoning requirements? Also, don't forget an office lease or the leasing of equipment.

Recruiting and Hiring Employees

Recruiting and hiring employees creates new legal obligations for the business to consider. Some of these considerations include: complying with federal, state, and local anti-discrimination laws in the hiring, interviewing, and selection process; satisfying I-9 requirements; maintaining the "at-will" status of employees, unless an employment agreement states otherwise; complying with wage/hour laws; employee benefits; drafting and maintaining employee policies or an employee handbook.

Obtaining Business Licenses and Permits

The nature and location of the business will determine whether licensing and permits are necessary. Check your state and local laws and regulations. Also check Federal law for businesses that are federally regulated. Your new business will also need to apply for an employer identification number (EIN) with the IRS.

Identify Suppliers, Distributors, Logistics Providers, and Customers

Depending on the type of your business and the kinds of goods and services you provide, you will need to identify and contract with: Suppliers; Distributors; Logistic Providers; and Customers. Don't rely on handshake deals. The best practice is to maintain written agreements with all these individuals.

Some businesses use letters of credit to finance transactions with their suppliers, distributors, and customer while others sell or assign their receivables to factoring companies

ACQUIRING AND PROTECTING INTELLECTUAL PROPERTY

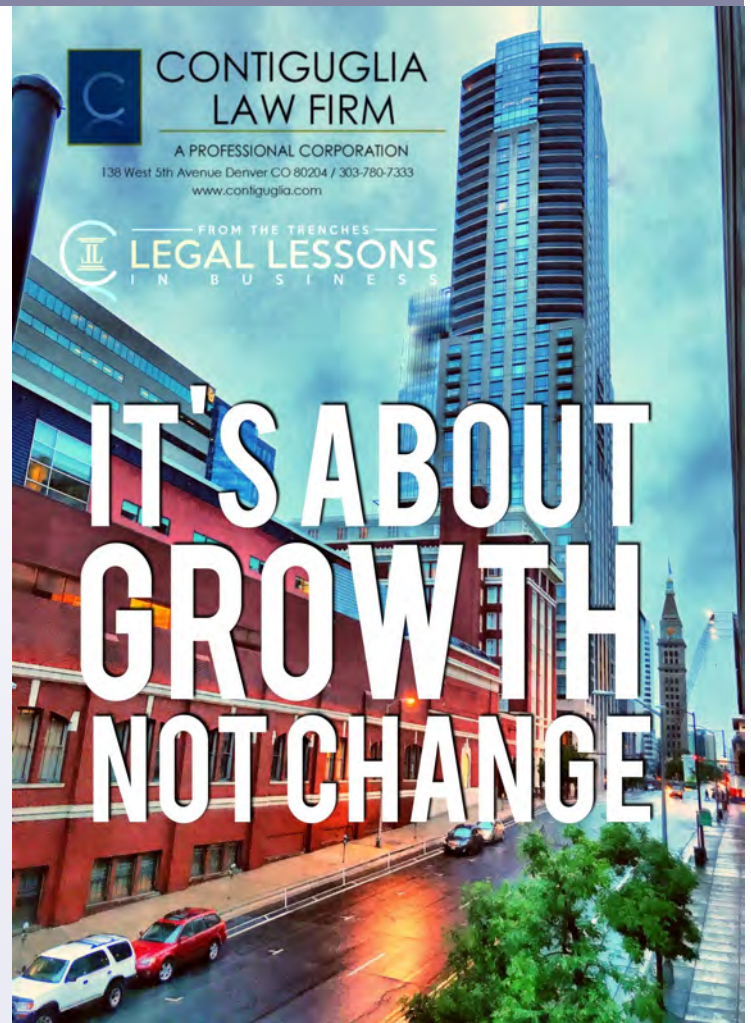
Many new businesses create IP to be used in connection with the manufacture, marketing, advertising, and sale of their goods and services. These IP assets include: Trademarks; Copyrights; Trade secrets; and Patents. Before the business considers exploiting these IP assets, they should be cleared for use, ensuring protection remains available, and then protected.

Remember, when sharing any proprietary information, parties should enter into a nondisclosure agreement.

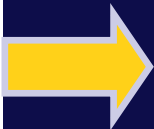
EVALUATING INSURANCE NEEDS

All new businesses need insurance. Factors you should consider when deciding what insurance to buy, and how much is necessary, include the scope of: exposure to suppliers and customers; activities of employees and independent contractors; corporate activity, including inherently dangerous activities.

At a minimum, your business should consider obtaining commercial general liability, including property damage, personal injury, and advertising injury; workers' compensation and employer liability; Key man or key person; Insurance for ERISA fiduciaries, including ERISA bonds; fiduciary liability insurance; errors and omissions insurance; and directors and officers liability insurance.



Personalized solutions to move your business needs forward.



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LEGAL NEEDS, CONTACT US AT
(303) 780-7333 FOR YOUR FREE
INITIAL 15 MINUTE "Business Legal
Checkup" — It's Easy!

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