

The Monthly Resource Guide For Startup Businesses

NEW BUSINESS

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What Every New Business Should Know



Most new businesses are overwhelmed by the sheer amount of information required to run a successful enterprise. New Business Minnesota sought out this expanded team of business professionals who work with new and small businesses to share essential information about their respective fields. Save this issue. You're going to need it.

What Every New Business Should Know

Call Them 'The Answer Pros.'
These Leading Business Professionals Offer Tips and Guidance that Will Help You During Your First Year and Beyond.

*From the Publisher:
Ever hear that old phrase: "It's not what you know, it's who you know"? Now that you've launched your own business, you're going to find out how true it really is. Wise business owners, especially when they are very new and very small, quickly discover they can't do it all. Take stock of your strengths and weaknesses as you read this collection of essential knowledge. Make sure you become aware of what you don't know. There's more of it than you might think.*

Web / Social Media

By Dave Meyer



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Social media has changed the way people interact with businesses on the web. A simple website with text from your brochure (that hasn't been updated for months) is no longer enough. To get the best results, your site needs to be a central hub for everywhere your prospects and customers spend time online, including Facebook, LinkedIn, Twitter and more. The good news: it's not tough to manage if you use the right tools

and ask the right questions before you start.

Here's what BizzyWeb asks our clients to help them "generate buzz without getting stung":

1) What do you do? Think about your best, most lucrative and fun customers and answer these questions: "Why do they buy from us?" and "What makes us different from our competition?" Work the answers into your website and social media.

2) What do you need to accomplish? Know where you need to "move the needle" before you begin any online campaign, redesign or program. Know how you'll give your customers what they want, and how you'll use online tools to make it happen. By themselves, the following goals are useless: more Facebook fans, followers on Twitter, hits on your website, or showing up higher in Google searches.

3) What tools will you use? Once you know what you need to do and who you need to reach you can make something happen. A quick cheat sheet:

- Twitter is great for sharing useful tidbits with your followers.
- LinkedIn is fantastic for corporate branding and reaching out to professionals.
- Facebook is perfect for companies who

want to reach out to the public (recent Company Page changes have made pages more simple to use).

- Your website should be the central hub where everything comes together, and where you can post to all the above with one click.

4) How will you measure results? Don't forget to track what you're doing so you know if you're successful. Free tools like Google Analytics, search.twitter.com, HootSuite, TweetDeck, and advanced searches on LinkedIn or Facebook will give you data to work with. Keep your end goal in mind when you measure to avoid wasting time.

5) How will you keep it current? You MUST keep updating your content and listen to what your customers are saying. Set a schedule to check your accounts and respond to customers (weekly at a minimum) and be sure to post something new at least as often.

If the above seems daunting, consider bringing in a pro to help set you up to succeed. Online tools don't need to be difficult to use – search to find someone you're comfortable with (Facebook, LinkedIn and Twitter are great places to start) and dive in.

Office Space

By Lori Spiess



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Office is not just a **place** to work; it is **how** you choose to work. People tell me “I office out of my home” and I love to hear how that works for them. There are a lot of great reasons to office out of home: the commute is great, the dress code rocks, proximity to lunch and coffee rooms are usually just steps away, and also the economics work.

But what are some of the downsides? Sep-

aration of home and office can be challenging as well as fluctuating productivity levels. You need to be very disciplined to find the good balance of home and work in the same environment. And, I do not know about you, but there aren't a lot of people hanging around in my kitchen that can provide an inspired work atmosphere.

Since launching VirtualOffiCenters just one year ago, I have spoken with hundreds of small and home based businesses looking to maximize efficiency and minimize capital expenditures. I would like to share some of my advice with all of you:

1) Image matters. What the client sees will determine their trust level and how they will work with you long term. A solid company has a solid identity. Build your foundation with care.

2) Be safe. Remember, there are security issues when using your home address and your personal cell number. Put a layer between you by setting up a separate address and a dedicated work phone number.

3) Stay flexible. If you don't know what your new company will look like at any time down the road, do not make multi-year commitments on office space or equipment.

4) Be realistic. Some people can work virtually anywhere under the sun. For others, it's a struggle. If you need structure to be productive or if distractions pull your focus, find options that work for you. If officing at home works, don't apologize for choosing that lifestyle.

5) Sharing is good. Why make commitments to office equipment and long term leases? You can buy as you go and use space, furnishings and equipment as needed. It really works.

6) Never apologize. Remove the phrases “I'm just” or “We're only...” Be proud of what you do. Small businesses are the backbone of America.

7) Be successful. Set goals and reach for them. Surround yourself with successful and productive people. I know that success is contagious.

At VirtualOffiCenters we have plans as basic as a mailbox to help you get started. We offer networking and educational opportunities to enhance small businesses. Choose a company that will work today and has the flexibility to help you grow into the future. Where do you office? Choose a solution that's right for you.

Law/Patents

By Craig Thompson



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When you start your business, you may be entering the patent game whether you intend to or not. If your business involves any products or processes that are less than about 20 years old, there is a chance that some aspect of your business could infringe unexpired patents.

If any of those patents belong to you, that is fantastic! Those patents are part of your “offense.” You control how, when and against

whom they are used. They are a valuable asset to raise capital from investors or to generate license royalties.

If any of those patents belong to your closest competitors, you may need some “defense” to protect your business. Key investors, customers, and strategic partners can all be scared away if they suspect your business is targeted for patent infringement lawsuits.

Good offense helps your patents survive litigation. Good defense helps your business avoid patent litigation. To help you win at the patent game, here are some keys to sharpen your offense and defense.

Offense

1) Don't sit on the bench. You can file for a U.S. patent up to one year after your first offer to sell that invention. Many other countries have a rule of “absolute novelty” - you lose the right to seek foreign patent protection on the same day you publicly disclose your invention. When inventors try to perfect the details of a workable new technology, that delay often results in the loss of valuable patent protection on a broad general concept.

2) Draft a star. Seek a patent attorney with the legal skills to draft a “litigation qual-

ity patent.” This requires deep experience in both patent prosecution and litigation. In my personal experience, many patents that merely “get through the Patent Office” are found invalid under the intense scrutiny of litigation.

3) Protect your playbook. An appropriate patent application filed the day before that critical meeting can be a valuable insurance policy and might protect you in ways you do not expect.

Defense

1) Read the opponent before the play. Before you launch a product, find out if anyone might be able to sue you for patent infringement. A great place to start is by reading your competitor's patents before they are targeted on your new product.

2) Change the play to take the advantage. If you find an issue early enough in your product cycle, you may be able to make a small change that avoids litigation.

3) Intercept the ball and let the defense rest. Turn the tables and send your competitor's patent back to the patent office for detailed scrutiny. Although sophisticated legal work, this buys you time and can be far, far less expensive (and still more effective) than patent litigation.

QuickBooks

By Michele Jensrud



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You've made the decision to launch. Your business plan is finished. Business cards are ordered. You're now ready to begin the adventure you've been dreaming of.

The all-important checklist contains one item that has you nervous – selecting the best accounting software package. Before making the big purchase and investing your time implementing and learning it, here are five things to consider:

1) What are your required features, and what are your desirable features? First, consider what you want your software to do for you. Make a list of all the features you'd like to see.

Second, separate the features into one of two categories: required or desirable. Under required, list only those features absolutely necessary for you to run your company. Your desirable list includes the nice-to-have items, but not the must-haves.

Third, prioritize both lists in order of importance. Keep in mind, the further you go into your desirable list, the more expensive your software is likely to become.

2) How much budget have you allocated to software? Calculate how much you can afford to spend. In addition to the initial software cost, you will want to include any new hardware needed, as well as technical support and training.

Will you need a consultant to set up the new hardware and software, or can that be handled in-house? Will you need to hire a consultant to train your staff? Computer and software consultants will generally charge by the hour and could run approximately \$100-\$200 per hour.

Be honest with these questions – sometimes the professional help on the front end can save countless hours down the road.

3) Who in the company will be using the software? One important consideration is the staffing of your bookkeeping functions, determining this will help with the determining the software needs. Keep in mind it may not be only your bookkeeper. There could very well be several people using this software. At a minimum, you will want to make sure the software enhances, not hinders, the productivity for your users by allowing for easy data entry.

4) Where will your employees be located – is the office virtual, off site, on site? Your office may be a laptop in your car, rather than a desk in a building. You may have employees who telecommute or sales people who spend most of the time on the road. If, for any reason, your company will require remote access, be sure to take this into consideration when choosing an accounting package.

5) Have you identified your resources and advisors, based on your needs? A good software package can greatly increase your productivity and make your life much easier come tax time. But in addition to a good software package, every new business owner needs to find and keep a reliable, trusted advisor to help analyze the information collected, create a solid business plan and ensure future financial health, both of the owner and the business.

Banking

By Paul Flood



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Business banking involves a closer relationship than you're used to with consumer banking. Outside of family, your business is one of the more important things in your life. You should bank with people you trust to care for it.

When done right, your business banker will become a trusted advisor that you consult before making major purchases, big

decisions or change in strategy or tactics. In general, expect much more customer service than you are used to as a consumer banking customer.

Here's what every new business should know about banking:

1) Know what you need from your banker. Not all banks offer the same services. Do you need deposit accounts, credit, international services, payroll processing? Do you need someone to help you make decisions on what you need or just a transactional relationship? Use a bank that best fits your needs.

2) Know what the bank needs from you. It's a two-way street. You need to provide reliable information on a timely basis so your banker can be up to speed with your business. Your banker will benefit from regularly scheduled meetings with you. Keep in mind that the bank needs appropriate lead time for many activities, such as processing a loan.

3) How well does your banker know your industry? It's important to have a banker who understands your industry and is actively involved with trade organizations and is current on the issues a particular industry is facing. By being actively involved,

your banker should be able to anticipate your needs and make referrals to other professionals who focus on your industry.

4) Speed up cash flow with remote deposit and merchant services. Cash is king. Preserve it and protect it. Using remote deposit gets money into your account faster and with less hassle. With merchant services, you can accelerate collections and avoid becoming a financing source for your customers. Understanding your cash flow and cash flow requirements is critical to your success. Your banker should also be available to work with your CPA or bookkeeper to map out your cash flow needs.

5) Be open to hearing new ideas on how you can do things. Bankers generally deal with a cross section of businesses. Many businesses suffer from similar problems that have similar solutions. We are able to share ideas and solutions that have worked for others. We see a lot of transactions, problems and challenges. As a result, we've gained valuable insights. You don't have to take our advice, but staying open to new ideas increases your chances of being successful.

HR / Employment Law

By Jessica White



Jessica White is the owner of JW HR Services, Inc., which works as an outsourced HR Director and Employment Attorney for small businesses in areas such as policies and procedures, employee relations, and legal

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Many small businesses believe they are too small to worry about human resources and legal compliance. However, even businesses with one employee have responsibilities in these areas. Proactively establishing policies and procedures and ensuring legal compliance is the best way to prevent problems from occurring. In order to do so, there are a few things every business should know:

1) Independent Contractor or Employee? While it may seem ideal to hire Independent Contractors, there is a downside to

this arrangement. Because the law defines Independent Contractors and how they must be treated, businesses cannot control a Contractor's work hours or provide the work direction they would with an employee. In addition, there are serious financial consequences for misclassifying workers as Independent Contractors including unpaid taxes, Unemployment, and Workers' Compensation.

2) Job Descriptions. Written Job Descriptions should be created for each position. They help advertise the position, choose the right candidate, ensure a consistent understanding of the job, and evaluate job performance. Well-written descriptions summarize the job duties; describe the work environment and physical requirements; and list the required experience, education, and technical skills.

3) Hiring. To hire the right person, businesses must not only find the person with the right qualifications but must also ensure the person will be a good fit. Most people resign because of a poor fit with the boss or company culture. Discuss the company culture and goals, team dynamic, and management style with each candidate and consider how the person would fit before making any hiring decisions.

4) Employee Handbook. Handbooks include policies on many topics such as atten-

dance, paid time off, computer and internet usage, and dress code. They help the business communicate expectations and provide a framework for addressing employee relations issues. Because every company has its own culture and needs and because legal requirements regarding Handbooks vary, Handbooks should be customized.

5) Performance Evaluation System. Performance evaluation systems simplify the review process by providing structure for the reviewer and ensuring clear communication to the person being evaluated. The structure includes how often and when evaluations will be done. Determining the evaluation criteria for each position is the second step. Use as many objective, measurable criteria as possible. When giving the evaluation, include positive feedback, give specific examples in each area needing improvement, and set goals the employee must meet to improve.

Conclusion

As in all relationships, the employment relationship requires clear communication. All of the above fundamentals will go a long way towards helping your business establish clear communication and, in turn, make good business decisions. The result will be a smoother relationship and stronger business.

Managing Payroll

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It's not uncommon for harried new business owners to make errant assumptions. There's so much to do and so little time. Instead of finding out what something actually costs, they just assume they can't afford it.

That's especially true of payroll services. When I tell prospective clients about payroll, they say, "That's it? That's all it costs?" Once we get past that obstacle, they find there is

much more to payroll than they imagined.

Here is What Every New Business Should Know about payroll:

1) Tax compliance is critical and complex. Over the decades, multiple layers of state and federal rules have sprouted up. There are continual changes in state and IRS reporting requirements. Changes may affect things like pre-tax adjustments for retirement plans, insurance benefits, health savings accounts, garnishments and child support. One mistake will cost a lot in penalties. Some businesses fail because they don't pay their taxes on time. We have seen a small business working with another payroll provider have a \$128 tax payment balloon into over \$2,000 in penalties and interest over a nine month period. Having the right payroll partner that understands the rules and regulations is critical in paying and filing your payroll taxes correctly and on time.

2) Manage your cash flow. It's a fairly common practice for most payroll companies to impound/collect your tax monies prior to them being due to the government agencies. Depending on your company's required deposit frequency, they may hold onto your tax money up to 90 days. Holding your tax money allows them to earn the interest on

it before making the payment to the government on the actual due dates. Spruce Valley does not impound/collect your money in advance – you earn the interest on your money. Instead, we notify you when the tax is actually due and we initiate the transfer directly from your bank account to the appropriate government agencies. That gives you control of your cash flow.

3) Don't overlook quality of service. When you have payroll questions, you want immediate answers. Who picks up the phone? Is it someone at a central call center providing answers off a FAQ sheet? Do they understand your issues? Most business owners don't know what they don't know. You shouldn't have to be your own advocate. The team at Spruce Valley Payroll & Service acts as a personal advocate for our clients – we lead and guide them through every step of the payroll process.

4) Focus on your business. Ultimately, the main benefit of outsourcing payroll is to help startups focus on their core business. There is a cost of opportunity involved when you invest your time doing payroll when you could be working the phone to drive in more revenue for the growth of your business.

Taxes

By Joseph Rusche



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As a new business owner, learning and understanding various tax components can be confusing and difficult to navigate. Taxes affect all areas of your business from type of entity and operations, to winding down or the sale of the business.

It is imperative you plan out the formation and operation of your business with your selected business advisors which generally include an attorney, an accountant and a banker if funding is needed. These professionals can help you grow your business while keeping you compliant.

Here is what every new business should know about taxes:

1) What type of entity? Most new small businesses will need to determine if they need a liability shield or not, then if they should form a S Corp or an LLC. How you initially set up your business is important as each type of entity has its benefits and drawbacks.

2) What type of taxes? If you form a S Corp or have more than one owner, then you will need to file a separate income tax return. If you pay wages to yourself or others, then you will need to file payroll taxes and withhold the required amounts. All businesses should file Sales and Use tax reports even if there is no tax due. The state of Minnesota is especially diligent on auditing for these.

3) Apply for ID numbers. You will need both a federal and a state identification number. These can be obtained online

4) Start-up costs. There are special provisions relating to deductibility of start-up costs. You can expense up to \$5,000 of these costs and amortize the remainder.

5) What do I need from employees or vendors? When you hire an employee, you need to have them complete a Form I-9, *Employment Eligibility Form* and a Form W-4 *Withholding Allowance*. You should also get a Form I-9 from every vendor that you use.

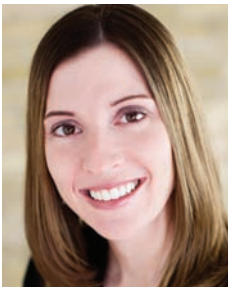
6) What about the termination of the business? Prior to going too far down the road, plans should be made about what is going to happen to the business, especially if there are multiple owners. It doesn't need to be exact, but discuss the expectations.

7) What are the special depreciation rules? Currently, most equipment purchases can be written off as Section 179 expense. You can expense up to \$250,000 of purchases in 2010. This could create a loss in the first year that could be carried back and refunds generated.

8) What about insurance? You will need to get casualty insurance for what you own, workmen's compensation for your employees, and liability insurance for what you do.

Law / Contracts

By Erin Schulte Swanson



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In today's challenging economy, many businesses are experiencing problems with growing receivables, independent contractors failing to perform their duties, and vendors defaulting on service contracts.

Effective contracts help companies overcome these problems by creating mechanisms for collecting unpaid accounts, preventing workers from taking customers and other valuable information, and limiting liability. Here is what every new business

should know about getting the most from its contracts:

1) Is the contract enforceable? In general, a contract must be voluntarily executed by parties at least 18 years old, and every party must benefit from the transaction. The agreement must also clearly define all material terms of the transaction. However, contracts may be invalidated on a variety of other grounds, so consult an attorney for an opinion specific to your circumstances.

2) Is your company liable for the acts of its workers? First, make sure all customer contracts include a release discharging your company from liability for damage. Then add indemnification provisions to employee and independent contractor agreements so your company may recover damages caused by employees or independent contractors.

3) Can your company recover attorneys' fees and court costs? Courts rarely award attorneys' fees and other collection costs unless the parties have agreed to such terms in writing. Make sure your contracts provide for this recovery.

4) Does the contract limit liability for breach of contract? First, include broad release language relieving your company from liability for events out of your company's control. Second, include a limitation of damages

provision. This acts as a backup provision, essentially limiting your company's damages to a specified dollar amount should a court disregard the release language. Often these provisions limit damages to a simple refund of the price paid by the customer.

5) Does the contract prevent employee theft of customers and proprietary information? Make sure your company has non-disclosure agreements in place with all workers who have access to customer lists, pricing strategies and other confidential information. Then enter into non-compete and non-solicitation provisions with all key employees and independent contractors.

For these provisions to be enforceable, the duration, geographic scope and activities prohibited by the restrictions must be reasonable. Because the worker is giving up some freedom to work in the future, he/she must also receive sufficient consideration for executing the provisions.

When carefully prepared, contracts will effectively help your company collect unpaid accounts, protect its bottom line, and reduce liability. To maximize your company's success, make sure your company is getting the most out of its contracts.

Graphic Design

By Eric Carlson



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You've worked hard to get your business started. Your product or service is solid and well thought out. Now you need to let the market know how you stand out from the competition. And you want your customers and prospects to remember you. With a few simple steps, you can avoid being a face in the crowd and make an im-

pression that no one will forget.

Here is What Every New Business Should Know about graphic design:

1) Your branding. Do you have a logo? It is not expensive to have a logo created just for you. You can spend as little as \$75 to \$250 for a great looking design. When you have that design and color scheme, use it everywhere. Make sure that all your print materials are using the same feel and style and stick with it.

2) Business cards are something that we take for granted. The look, feel and the message on the card will help people determine how they look at you and more importantly how they remember you. When you leave a conversation you also leave behind your business card. It identifies you.

Your business card should not only represent your name, business and contact information, but it should say something about you. What is the thickness of the card, does it show what you do, i.e. a picture of your product? Take advantage of the valuable space on the back of the card to offer a guarantee, not just great service, but a real guarantee that makes you stand out. Present

an offer of services that demonstrates your USP (Unique Selling Proposition) that sets you apart from your competition.

When printing your other materials there are a few things that you can do to get the best results:

3) Use colorful or striking graphics. Don't overwhelm people with too much. Sometimes less is more. A stunning photo or illustration grabs attention. It creates a mood and supports your story. You can purchase inexpensive images on websites like www.istockphoto.com or www.bigstockphoto.com. Make sure you are using images that are at least 300dpi or larger.

4) Focus on the benefits of your service or products. Keep these items to a minimum. Use bullet points if you have to. Do not use long paragraphs. Give them just enough information to gain their interest.

5) Offer a discount or a special limited time price. You don't need to reinvent the wheel. Look at what other companies are doing. Watch how other companies are using advertising. Create a sense of urgency in your advertising by limiting the number of items available or emphasize a deadline for

Information Technology / IT

By Patty Krieger



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Often business owners, especially new business owners, struggle with aligning technology with business goals. Most are experts at what they know and are passionate about their business, but lack objectivity and make decisions based on emotions.

Investing in technology means creating a solution that will either drive your business' success, or produce challenges for your company to overcome. So, to ensure that your technology investment and roadmap is on the right track, here is What Every New Busi-

ness Should Know about IT:

1) Define Your ROI. Think long term. Technology is crucial to your environment, but first you need to determine the cost of your investment compared to how much you expect to get in return. Your technology investment needs to have all the factors considered in, such as installation, annual maintenance, training, upgrades/projects, customization, and support costs. Be sure to gather all the costs including what you'll be required to spend on an annual basis.

2) DIY vs. Outsourcing. Many owners do not have the background or depth of expertise to make the best technology decisions. As a result, some delegate the challenge to personnel who may have limited technical knowledge, but aren't necessarily in a day-to-day technology role. Given the workload of most key employees and limited resources available to them, technology decisions end up being made based on the path of least resistance, leaving the company exposed and open to more risk.

3) Proactive vs. Reactive. Being proactive with IT means you have the mindset to plan ahead and anticipate problems before they occur. A reactive IT approach means waiting for problems to appear before addressing them. It's clear which solution would be the best model for your work environment, especially when dealing with the constantly

changing world of technology.

4) Partnering with a Proactive IT Consulting Business:

- Reduces overall IT costs because unexpected downtime, repair costs, maintenance, and recovery costs are virtually eliminated.
- Creates a competitive advantage. Outsourcing your IT will allow you to focus on serving your clients and growing your business, rather than getting derailed by your technology issues.
- Elevates employee productivity since downtime is essentially eliminated, which allows your network to run at optimal performance levels.
- Helps you stay within budget with no surprises because a fixed monthly-rate is established.
- Provides you with certified and experienced IT staff for a fraction of the cost.

In most cases, partnering with a proactive provider of IT services with the tool set and knowledge to provide professional guidance is the best decision a business owner can make. Proactive IT providers bring an understanding of complex proven systems, practices, and answers to your technology concerns.

Bottom line...outsourcing to a proactive IT provider can increase your odds for success with a planned approach to IT that will maximize your IT investments.

Telecommunications

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Succeeding as a business requires that you be connected to your customers and clients at all times. When they want something, you need to respond fast. Never has communications been more important, challenging and ever changing.

Your business should have a sound strategy for managing your telecommunication needs. As your business takes off, you want

to ensure you have a flexible plan that meets your needs now and in the future.

It can all be so complicated, but let's start with What Every New Business Should Know about telecommunications:

1) Know your options for Network Service Providers (Business Phone and Internet Service). Many business owners assume Qwest is the only option available. There are, in fact, multiple communication companies in the metro area, each offering different prices, contracts, and solutions. Your business may need just a few lines and a basic internet connection. You may need a more robust solution like a T1 or cable connection. Perhaps a hosted VoIP phone system would better suit your needs. These are all solutions that network service providers can offer your business.

2) What system is best for you? Never have there been so many choices: Digital, Asterisk, VoIP, Hosted VoIP. Many of the significant changes in the business phone environment in the last five years are primarily due to the introduction of VoIP.

Before VoIP your options were limited to voice mail, auto attendant, and DID numbers. With VoIP, many more features are available such as voice mail to email, fax to email, simultaneous ring, call recording, soft

phones, click to dial, and CRM integration.

How these features integrate within your business will vary. If your business model includes virtual employees or a call center, using soft phones are your best bet. Having a system that integrates with your CRM software can improve efficiencies within your inside sales team. Best of all you have improved options when it comes to paying for your new system. Hosted VoIP has taken off in the last few years due to minimal out of pocket cost and fewer headaches for the business to manage. These are always a good thing.

3) Get help in evaluating all your options. Working with a consultant is a great way to review available options. They are independent representatives who will represent your interests and find the best solution. An experienced consultant will dive into your business history, plans for growth, budget, employees, and ownership philosophy. A consultant should know how your business operates and if employees resist changing technology or if they embrace it. Figuring out the best solution for your business is important, but working with a communications consultant can help implement the technology so your business maximizes its potential.

Law / Internet, Copyright, Trademark

By Molly Eichten



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Applying common sense will go a long way in launching a new business. However, there are a few areas of intellectual property law that are counterintuitive. Here are three things every new business owner should know that will help avoid costly consequences.

1) Select a business name that does not infringe another's trademark.

The Minnesota Secretary of State's Office applies Minnesota corporate law to deter-

mine whether a particular name can be registered in Minnesota. Just because a name may be available for registration with the Minnesota Secretary of State's Office does not mean that the name is available for use. Use of a name is still subject to trademark laws. The owner of a trademark has rights wherever it uses the mark and the owner of a U.S. trademark registration has the right to use its trademark throughout the entire U.S.

If your business name is similar to another's trademark, you could be prevented from using the name. Even if you've already named your company, you should have a trademark attorney conduct a search to identify conflicting trademarks.

2) Make sure your business is listed as the "registrant" of your company's domain name and that you control the domain name.

The registrant is the legal owner of a domain name. Computer consultants sometimes make themselves the registrant (perhaps innocently). If your business is not the registrant and you have a disagreement with your consultant, you may have to spend thousands of dollars in a legal action to have your domain name transferred to you.

You can check registrant information for

your domain name at <http://whois.domain-tools.com>. Also make sure that you have the username and password to control the domain name. Instead of giving others that information, have your consultant instruct you how to configure the domain name.

3) Have written agreements in place with freelancers and contractors that transfer copyright ownership to your company.

Whoever creates the work owns the copyright in the work – regardless of who paid for it. There are a few limited exceptions, such as an employee who creates a work in the regular scope of employment. In that case, the employer owns the copyright. But if you engage a freelancer to create a logo, promotional brochure or website, you will not own the copyright in the finished product unless you both sign a contract that defines ownership and includes certain "magic words."

Non-ownership of copyright can be a problem in the sale of a business -- you cannot sell what you do not own. Also, if a freelancer owns the copyright to your materials, the freelancer can legally distribute them without your permission. Have proper written agreements in place with every freelancer or contractor who creates materials for your company.