

Small Business Law Checklist

Disclaimer: this sheet is provided only for educational purposes. It is neither complete nor necessarily current or correct. It is not intended as legal advice or to establish legal representation. Each business and its circumstances are different. Please consult the appropriate government authorities and legal counsel for information and advice for your particular endeavor.

Pre-Formation

- Founders and investor agreements (know who is & isn't allowed to invest)
- Intellectual property agreements including necessary licenses (permissions)
- Do you need any business-specific permits, licenses or compliance?

Business Entity Formation

- Sole proprietorship—may need to register with your local government
- Limited liability entities (corporations, LLC, LLPs, etc.)—Secretary of State
- Beware CA \$800 minimum annual tax and wind-down requirements

Business names and trademarks

- May need to register fictitious names with local governments (city, county)
- State trademark registration might be possible and desirable
- Federal trademark registration: business names, logos, brand indicators

Physical location

- ADA / accessibility compliance may be required + applies to websites
- Local government registration or permit may be required & can be specific requirements for business types (e.g. HVAC & sanitation for restaurants)

Liability Prevention and Insurance—especially onsite and products

- Beware:
 - 'Trip and fall'—liability for injuries on your premises or injuries you cause elsewhere to customers, your workers and third parties
 - Injuries and other harm caused by your product (defective design, defective manufacturing). Strict liability.
- Prevention:
 - Make your product safe: materials & assembly. Anticipate and test.
 - You may still be liable anyway, such as for unanticipated use.
- Insurance:
 - You can buy insurance to cover much of this liability.
 - May not cover everything, including intentional wrong-doing