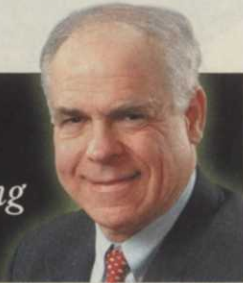


In the Know

LEGALLY Speaking



BY KENNETH D. MORRIS, ESQ. L.L.C.

Q I plan to expand my operations to another state this year. Is the trademark or trade name on my company's name national? Or does it only apply locally?

A Your company's name is a trade name. While a trademark is used to identify and distinguish the trademark owner's goods from those of another and to indicate the source of the goods, a trade name means any name used by a person or business to identify his business. Trade names cannot be registered in the U.S. Patent and Trademark Office. If you meet the tests to register your company's name as a trademark, i.e. that it is distinctive as established by the evidence, you should register the trademark before expanding its use to another state.

Q The trucks we use have a very distinctive logo involving color and design. Can we protect them so no competitor can copy that design on its trucks?

A Yes. Assuming there is no prior conflict, you may be able to register the design as a trademark logo.

Kenneth D. Morris, a Philadelphia-based attorney with more than 30 years corporate and law firm experience, offers information on industry legal issues in each issue of LM. Contact him via www.kenmorrislaw.com.

Note: The above should not be interpreted as offering legal advice in any jurisdiction where such practice is not authorized. Engage competent counsel familiar with your jurisdiction when legal issues arise.

Brickman completes recapitalization

GAITHERSBURG, MD — The Brickman Group closed on a recapitalization of the company on January 23. Brickman is the largest landscape maintenance company in the United States, approaching annual revenues of \$500 million.

The transaction was undertaken to provide an exit strategy for CIVC Partners, Brickman's private equity partner since 1998, and to refinance Brickman's public bonds. The recapitalization gives the company more favorable private debt, said the company.

The family will continue to run the business, says Scott Brickman, CEO and president.

"Nine years is a long time to be partners with a private equity group like CIVC," Scott Brickman, CEO and president of the company, told *Landscape Management*. The relationship lasted so long because both partners — Brickman and CIVC, based in Chicago — had established an excellent relationship, he said.

To facilitate the recent recapitaliza-

tion, Brickman brought in Los Angeles-based Leonard Green & Partners, a new private equity partner.

"We went through an exhaustive process to find a new partner like CIVC who shared our values and we are thrilled to have selected Leonard Green," said Brickman.

After the transaction Leonard Green will own slightly less than 50% of the equity leaving the Brickman family, management and existing stockholders with a majority interest.

"This transaction will not have any effect on Brickman's leadership, operations or strategic plans," stressed Brickman.

"Following this transaction, nothing will change with regards to our operations or the direction of our business in any way. I, along with the leadership here at the company, will continue to run the company as we have for many years pursuing our vision of building strong teams, which provide outstanding quality and service to our customers."

EPA revises pesticide applicator rules

WASHINGTON, D.C. — The U.S. Environmental Protection Agency (EPA) has begun developing revisions to federal pesticide applicator certification and training regulations. First enacted in the mid-1970s, the rules have changed little over the last 30-plus years and now practically every state's pesticide application certification and training requirements exceed the federal standard.

EPA last year issued discussion papers touching on the issues that a proposal updating the federal certification and training regulation would address including: expanding the scope of the regulation to cover the use of general use prod-

ucts by commercial applicators and not-for-hire applicators; setting a competency gauge for commercial applicators and other occupational users of pesticides; standardizing requirements; revising the definition of "under the direct supervision;" establishing a minimum age for pesticide applicators; and modifying recertification requirements.

EPA officials stated in November that a proposed rule would likely be issued in December of 2008. Sometime this year the EPA is expected to update discussion papers and will use the feedback it receives on those documents to begin drafting the rule.