

# 5 Legal Mistakes Made by Small Wineries

Matthew McLaughlin

[matthew@mclaughlinpc.com](mailto:matthew@mclaughlinpc.com)

601-985-7979



# Introduction



McLAUGHLIN  
PC

# Organizational Structure and Founder Matters

- Limited liability company
- Corporation
  - Subchapter S
  - Subchapter C
- Other...



# Organizational Structure and Founder Matters

- Restriction clouds
- Divide the pie
- Assignment of intellectual property
- Licensability issues
- Corporate organizational documents



McLAUGHLIN  
PC

# Trademarks and Graphic Design

- Clearance\*\*\*
- Intent to use
- What to protect
  - Winery name
  - Flagship wines
  - Brand taglines
- Risks



# Trademarks and Graphic Design

- Third party graphic designer
  - Work for hire
  - Assignment of rights
- In house design
- Register stylized mark



McLAUGHLIN  
PC

# Raising Capital

- Securities compliance
- Sources
- Founder equity
- Outside investors
- Debt



# Permitting – Federal

- Application requirements
  - Wine premises permit
    - Felony convictions
    - Tied house issues
  - Federal basic permit
  - Bond
  - Personnel questionnaire
  - Environmental information
- Timeframe
- COLAS



# Permitting – State

- Application requirements
  - Ownership structure
  - Felony convictions
  - Tied house issues
- Timeframe
- Brand registration



# Hiring and Managing Team Members

- Offer letters
- Employment agreements
- Employee handbook and policies
- Incentive equity



# Questions and Comments

McLAUGHLIN  
PC