



Patents, trademarks, and copyrights are all types of intellectual property. Patents are technical and scientific; they protect inventions, like machines and ways of manufacturing. Trademarks are business-oriented and protect brand names, slogans, and logos. Copyrights protect artistic works, like books and movies, paintings and music.

Applying for a patent or a trademark is a legal proceeding. The law requires patent and trademark applications be examined by the USPTO before they can be approved.

ACQUIRING & PROTECTING YOUR TRADEMARK

Trademarks indicate source. Essentially, a trademark is any word, letter, number, design, or combination of those, that identifies one party as the source of particular goods and services. For instance, a company logo distinguishes particular goods or services from a competing brand.

Trademarks are important. Over time, trademarks gain reputations. Consumers come to expect a certain level of quality based upon that reputation, which then drives their purchasing decisions.

So the question becomes: "How do I get a trademark?" and "How do I protect it? There's a difference between using or "getting" a trademark and having a federal registration for that trademark. Sometimes you might see a "TM" or "SM" after a mark. That indicates the company considers it to be a trademark or service mark, but hasn't federally registered it yet. When a mark hasn't registered and a company uses the mark with "TM" or "SM," this is called a "common law" mark in contrast to federally registering your trademark. A registered mark means not only are you using the mark in interstate commerce, but also you've registered it with the USPTO and you can use the "R in the circle" symbol after your mark. While there is no requirement you register your mark with the USPTO or with the state, you may miss out on powerful rights and significant protection for your mark by not registering the mark.

Federally registering your mark puts the public on notice in the U.S.A. and its territories that you claim exclusive right to use the mark. In addition, you have a legal presumption that you have that exclusive right. And should you encounter unauthorized use of your mark by another party, registration gives you the right to sue that party in federal court. In addition, federal registration serves as the basis for registration in foreign countries and to stop infringing goods from entering this country.

FAQ: Intellectual Property (IP) Basics

Federal registration provides the basic level of protection necessary to protect your mark from others trying to register a confusingly similar mark for related goods or services.