

trademarks

What Are Trademarks

Trademarks are the name, logo, symbol, slogan, or other sign that identify companies. They are used to make consumers quickly and easily aware of a product or service. Also called branding, this process is a huge industry and can be crucial to success of a company. As a result, trademarks are legally protected to ensure that the consumer and the company are protected; the consumer is sure they are buying the real thing and the company is sure its reputation and brand is safe. Trademarks can even be an image, a sound, or even a smell.

The term "trademark" is used interchangeably to describe both trademarks and servicemarks. Trademarks are used by companies that manufacture goods like soda, sneakers, or tools. Servicemarks are used by companies who promote services like hotels, restaurants, and Internet Service Providers.

Claiming a Trademark

To claim a trademark:

1. You must actually USE, or intend to use the name or mark. You cannot keep a mark for some time in the distant future.
2. You must AFFIX the mark. This just means that the trademark must appear in association with your goods and services. For example, the mark must be on the product, the product's packaging, the promotional materials, or on the uniforms of your staff.

Once these conditions are met, you merely need to start selling your product or service bearing your mark. The trademark is now yours in the state or geographic area where it is being used. However, to get recognition for the trademark outside of your geographic area, you must register your trademark with the U.S. Patent and Trademark Office. There is a fee, however, trademarking is vital to the branding process and registering your trademark can be a crucial step.

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Trademark Symbols

There are three symbols associated with Trademarks:

™ is used when you believe you have a trademark. You do not need to register with the U.S. Patent and Trademark Office to use this mark.

SM is used this when you believe you have a servicemark. You do not need to register with the U.S. Patent and Trademark Office to use this mark.

® is used this when you have registered your mark with the U.S. Patent and Trademark Office. Never use this symbol when you have not registered or when you are waiting for application to be approved.

More Information

In the Library

- *American Corporate Identity 2006*
REF T223.V2 A547 2005
- *Bullet-proof Logos : Creating Great Designs Which Avoid Legal Problems*
NC1002.L63 B85 1999
- *The Pocket Idiot's Guide to Trademarks*
KF3180 .F76 2004
- *Patent, Copyright, and Trademark*
KF2980 .E44 2002

Online

- *All About Trademarks*
www.ggmark.com/
- *Trademark--Cornell Law School*
www.law.cornell.edu/wex/index.php/Trademark
- *U. S. Patent and Trademark Office*
www.uspto.gov