

Trademarks, Servicemarks, Copyrights, and Patents

Trademark – a word, phrase, symbol, or design, or a combination thereof, that identifies and distinguishes the source of the goods of one party those of another.

Servicemark – the same as a trademark, except that it identifies and distinguishes the source of a service rather than of goods.

These protect brand names and logos used on goods and services.

Patent – protects and invention

A domain name is not a trademark. A trademark identifies goods or services from a particular source. A domain name is merely part of a web address and does not qualify as a source-indicating trademark.

A state authorization to form a business with a particular name does not give trademark rights.

Trademark symbols:

TM or SM = use this symbol after your logo or brand if you have not registered it with the US Patent and Trademark Office (USPTO). This indicates that you have adopted this as a trademark, regardless if you have registered it or not.

® = Registered with the USPTO

Copyright – protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture. Copyright does not protect facts, ideas, systems, or methods of operation, although it may protect the way these things are expressed.

Your work is under copyright protection the moment it is created and fixed in a tangible form that it is perceptible either directly or with the aid of a machine or device. In general, registration is voluntary. Copyright exists from the moment the work is created. You will have to register, however, if you wish to bring a lawsuit for infringement of a U.S. work. e.