

A BEGINNER'S GUIDE TO TRADEMARKS: PART ONE—TRADEMARK BASICS

What is a Trademark?

A trademark can be any mark representing words, phrases, symbols, designs, or a combination of these that identifies your goods or services. In practice, the most common trademarks are business names and logos. Trademarks accomplish several objectives. They (1) identify the source of your goods or services; (2) provide additional legal protection for your brand; and (3) help to guard against counterfeiting and fraud. Creative and unique trademarks are the most effective in accomplishing these objectives and are easier to protect in the long run.

How Are Trademark Rights Obtained?

A common misconception is that the registration of a trademark with a state or the federal government is a requirement for any trademark rights. However, you establish some trademark rights as soon as you start using a specific trademark (e.g., your business name or logo) in connection with the marketing and sale of your goods or services. But these rights established solely via trademark use are limited and generally only apply to the specific geographic area in which you're providing your goods or services with the accompanying trademark.

Why Register a Trademark with the United States Patent and Trademark Office?

Registering your trademark with the United States Patent and Trademark Office will provide you stronger, nationwide trademark rights in comparison to trademark use alone or state trademark registrations. Moreover, registering your trademark with the USPTO will allow you to protect your trademark and enforce your trademark rights both at the federal level in the United States and in foreign countries. Other benefits of registering your trademark with the USPTO include having your trademark listed in USPTO's database to provide notice to the public when searching for or considering registration of an identical or similar trademark and the use of the federal trademark registration symbol (®) to deter others from using your trademark.