

# Protecting Intellectual Property

Trademarks

Copyrights

# Trademark

Protects a brand name, product logo or other feature that distinguishes one company's products from its competitors.



# Types of Trademarks

Type	Examples
Word	McDonalds, Tesla
Color	Coca-Cola red, Kodak yellow
Design or Logo	Nike swoosh, Coke swoosh
Sound	NBC chime (G-E-C)

# What makes for a strong mark?

## FANCIFUL MARK

Easiest to register and defend, as they are made up words with no meaning— other than what you give to them.

Examples:

- EXXON
- XEROX

# ARBITRARY MARK

An existing word but that has no relation to the product.

This is the second strongest type of mark.

Examples:

- APPLE for computer
- PANDORA for streaming music

# DESCRIPTIVE MARK

The weakest as it may be difficult to prove that it is unique to your brand. It may be possible to show that the word has acquired *secondary meaning* through its association with your brand – but this is costly; not recommended for startups.

Examples:

- PURE for bottled water
- AIRBUS for airplane
- COPPERTONE for sun tan lotion

# Before adopting a trade name ...

...for your product or company, make sure it isn't already registered for your *class* of product or service.

To search see [www.uspto.gov/trademark](http://www.uspto.gov/trademark)

Check to see if the "Live/Dead Indicator" shows the mark to be "live."

A "dead" mark **cannot** be used to block your application.



It is not necessary to register a  
mark in order to use it

You can simply add a small TM to your  
product name or logo (SM for services).

*Product Name*<sup>TM</sup>

# Advantages of Registering a Trademark

- ◆ The ability to sue for infringement
- ◆ To obtain registration in other countries
- ◆ To prevent importation of infringing goods
- ◆ The right to use the federal registration symbol ®
- ◆ Listing in the US PTO database so other entrepreneurs will see that the mark is registered

# Examples of Use of ® and ™



Can you name these companies just  
by their symbols?



# Copyright

Protects original works of authorship including books, scripts, music, art and design, and computer software.

The Original  
(Copyrighted)  
*Abbey Roads*  
album cover



Is this a violation?

# The process is now automatic

Before 1989, US copyright law required creators to publish works with a copyright notice printed within the work.

Now a copyright is automatic. An author owns a copyright from the moment it is created.

A copyright lasts for the life of the author plus 70 years.

**However** ... if you wish to bring a lawsuit for infringement of your work, you will have to produce a copyright registration certificate.

The fee is \$45. Register online at  
U.S. Copyright Office <https://eco.copyright.gov>



