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

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™

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 TM



Can you name these companies just by their symbols?



Copyright

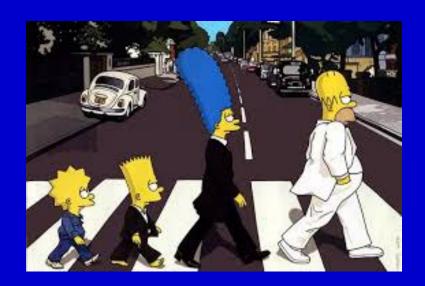
Protects original works of authorship including books, scripts, music, art and design, and computer software.

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