



## Your IP Matters. Protect It!

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### Understanding Trademarks and How They Protect Your Brand

Building a strong brand is one of the most valuable investments a business can make. Trademarks are the legal tools that help you protect that investment. This explainer breaks down the essentials so you can make informed decisions about your brand identity and your intellectual property strategy.

#### What Is a Trademark?

A trademark is any word, name, symbol, logo, or other device that identifies the source of your goods. It tells customers, “This product comes from you—not your competitors.”

A service mark works the same way but identifies services rather than goods. For example, a consulting firm or streaming platform would use a service mark.

Why this matters:

A strong trademark helps customers find you, trust you, and return to you. It also gives you legal tools to stop others from copying or imitating your brand.

#### Test Your Knowledge: Find the Trademark(s)

Take a look at three pieces of candy. What helps you distinguish one from another?

Is it the shape, the color pattern, the lettering, or the overall appearance?



a.



b.



c.

These elements—if they identify source—may function as trademarks.

This simple exercise mirrors what consumers do every day: rely on visual cues to determine who made a product and whether they trust it.



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### What Do Trademarks Do?

Trademarks serve two core functions:

- Identify the source of goods or services
- Distinguish your offerings from those of others

When consumers see your mark—whether it is a name like DRI-FOOT or a logo—they associate it with your reputation, quality, and customer experience.

### Selecting Strong Trademarks?

Not all marks are equally protectable. U.S. law evaluates trademarks along a Spectrum of Distinctiveness, which determines how easy or difficult it is to secure and enforce rights.



- Generic – Common names for products/services (e.g., “Bread” for bread). Never protectable.
- Descriptive – Directly describes a feature or purpose (e.g., “Quick Print”). Protectable only if consumers have come to associate it with your business. Descriptive terms are the weakest form of trademarks.
- Suggestive – Hints at qualities or benefits (e.g., “Coppertone”). Inherently protectable.
- Arbitrary – Common words used in an unrelated way (e.g., “Apple” for computers).
- Fanciful – Made-up words (e.g., “Xerox”). Strongest protection.

#### Takeaway:

Choosing a suggestive, arbitrary, or fanciful mark gives you stronger rights and reduces the risk of legal disputes.

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### **When Is a Term Considered Generic?**

A term is generic if consumers understand it as the name of a category of goods or services—not as a brand.

### **Why Choosing Strong Trademarks Matters for Your Business**

Choosing the right trademark at the beginning can:

- Strengthen your brand identity
- Reduce the risk of USPTO refusal
- Make enforcement easier and less expensive
- Prevent competitors from using confusingly similar names
- Protect the goodwill you build over time

A weak or generic name can limit your rights and force costly rebranding later.

### **How We Help**

We guide clients through:

- Selecting strong, protectable trademarks
- Conducting clearance searches
- Filing U.S. and international trademark applications
- Responding to USPTO refusals
- Enforcing rights against infringers
- Managing trademark portfolios as your business grows



**Mama IP says, “Your IP matters. Protect it!”**

### **Contact us:**

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