

# Intellectual Property

## Understanding Trademarks

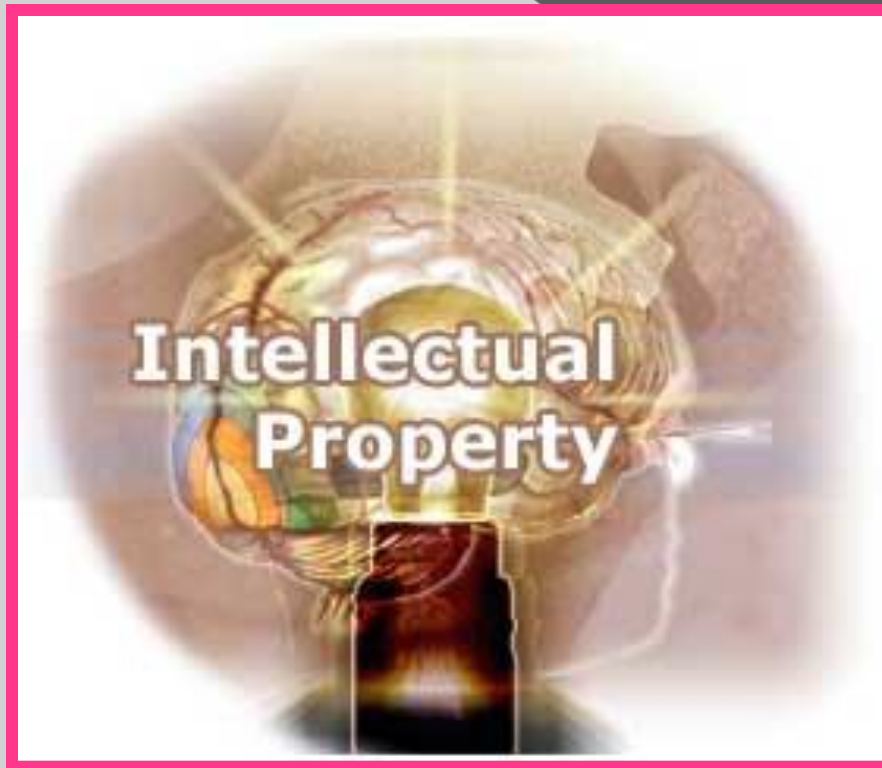


- **What is Intellectual Property?**
- **Main features**
- **Use of TM symbols**



- **Trade mark protection**

- Comes from a creative mind
- Needs protection
- Confused by people



**Intellectual property refers to products coming from a creative mind. Like other kinds of property, intellectual property needs protection from theft and abuse. Sometimes patents, copyrights, and trademarks are confused by people.**

**A trademark is a type of intellectual property, and typically introduces a name, word, phrase, logo, symbol, design, image, or a combination of these elements**

**(The United States Patent and Trademark Office )**





**Reebok**

Two names



brand name

Pepsi ®

Coke ®

Nike ®

Reebok ®



generic name

cola

soda

sneaker

athletic shoe



***The term "trademark" is often used to refer to any type of mark that can be registered with the United States Patent and Trademark Office***

**(Inventors.com)**

**Two types of marks**

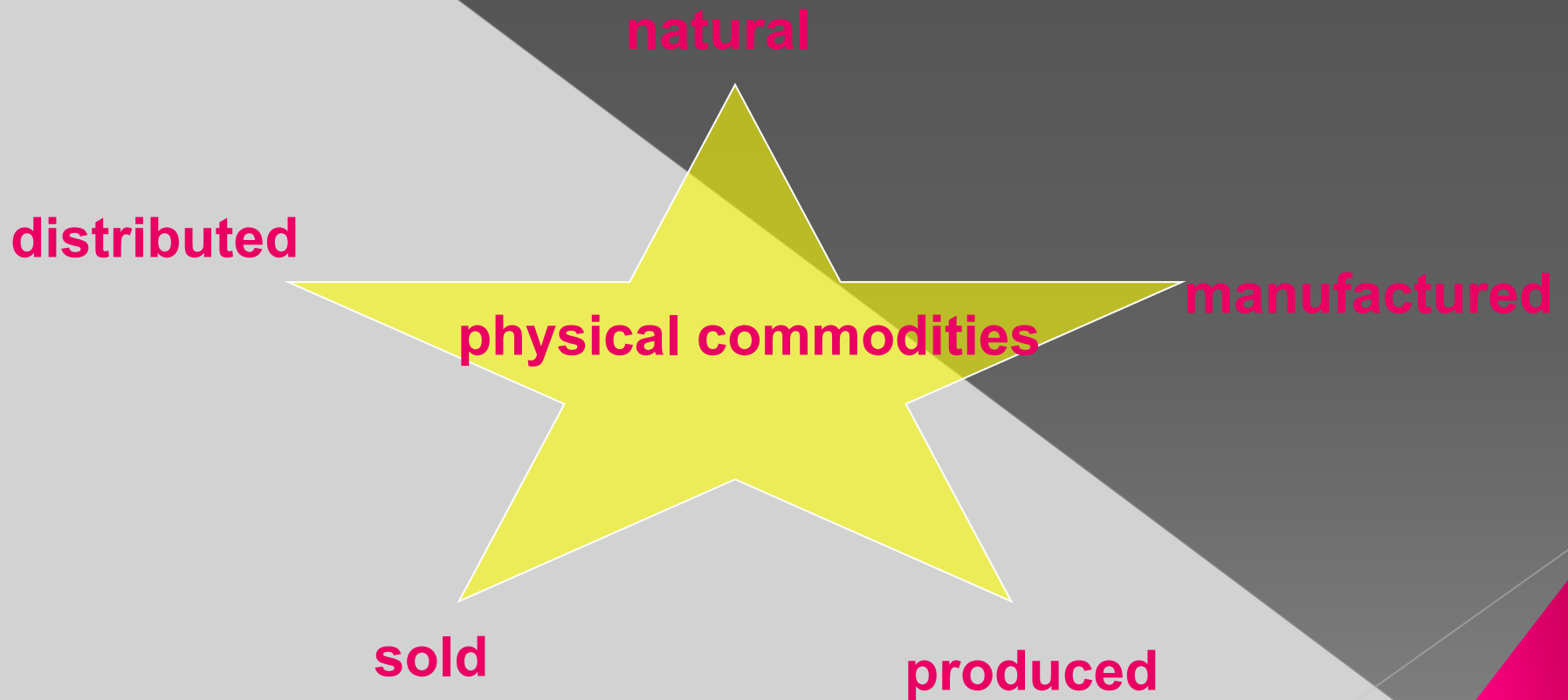


**Trademarks**



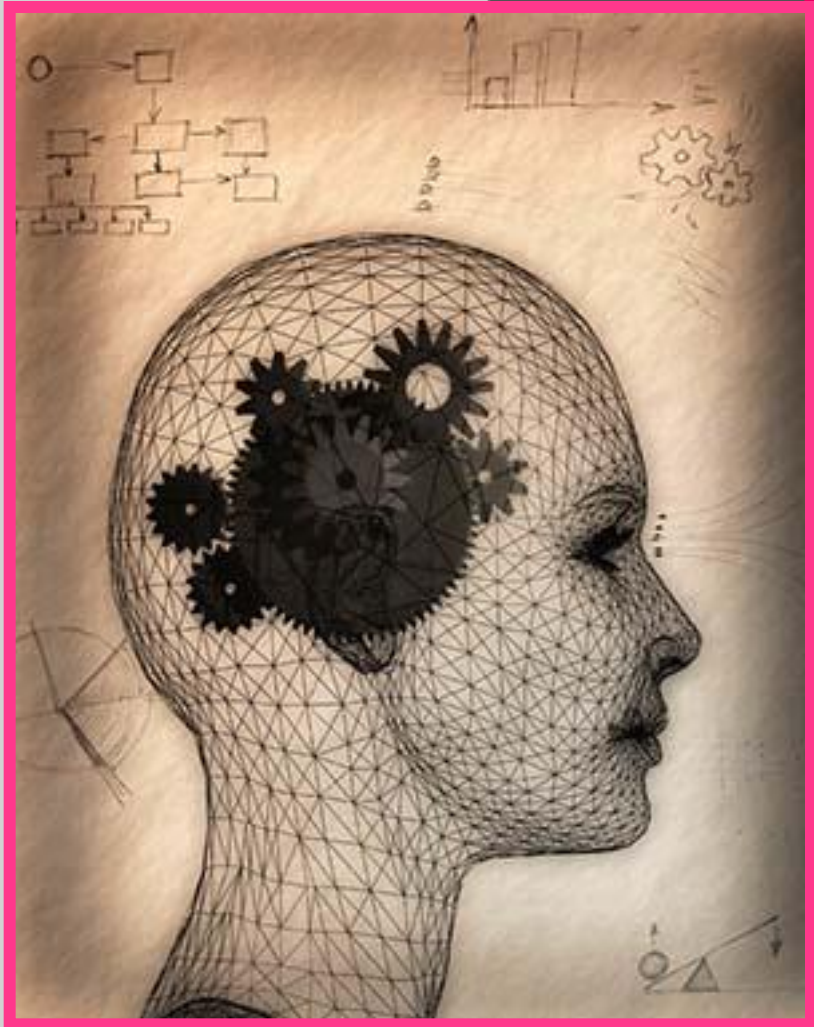
**Service marks**

# Trademarks – to identify goods





# Service marks - to identify service & intangible activities



## The trademark symbol



- To indicate any mark to be a trademark
- Company does not need to receive permission

## The registered trademark symbol



- May only be used after a Federal registration
- May not be used while the Federal application is pending

- Trademark - a form of property



- Use in the marketplace

- Registration of the mark





***A registered trademark confers a bundle of exclusive rights upon the registered owner, including the right to exclusive use of the mark in relation to the products or services for which it is registered***

**(The U.S. law)**

- **The law allows to prevent unauthorized use of the mark**
- **in the United States - first use the trademark in commerce**
- **Other countries - the goods or services must occupy a highly significant position in the marketplace**

# If a trademark has not been registered:

- some jurisdictions offer protection
- through the tort of passing off
- trading under an unregistered trademark
- start using the same or a similar mark



## If a trademark has been registered:

- easier for the owner to demonstrate trademark rights
- enforce the rights through an infringement action



**!** Unauthorized use of a registered trademark damages an infringement lawsuit



# Trademarks:

- **commercial source indicators**
- **distinctive signs of certain goods or services**
- **protects words, names, symbols...**
- **a subject to various protection and limitations**





- **TM must be registered and renewed**

- **if not - consumers would be seriously harmed**



- **unaffiliated firms could sell products**

- **fake drugs could potentially cause damage**

**Thanks For Your Attention!**