

Intellectual Property

Understanding Trademarks

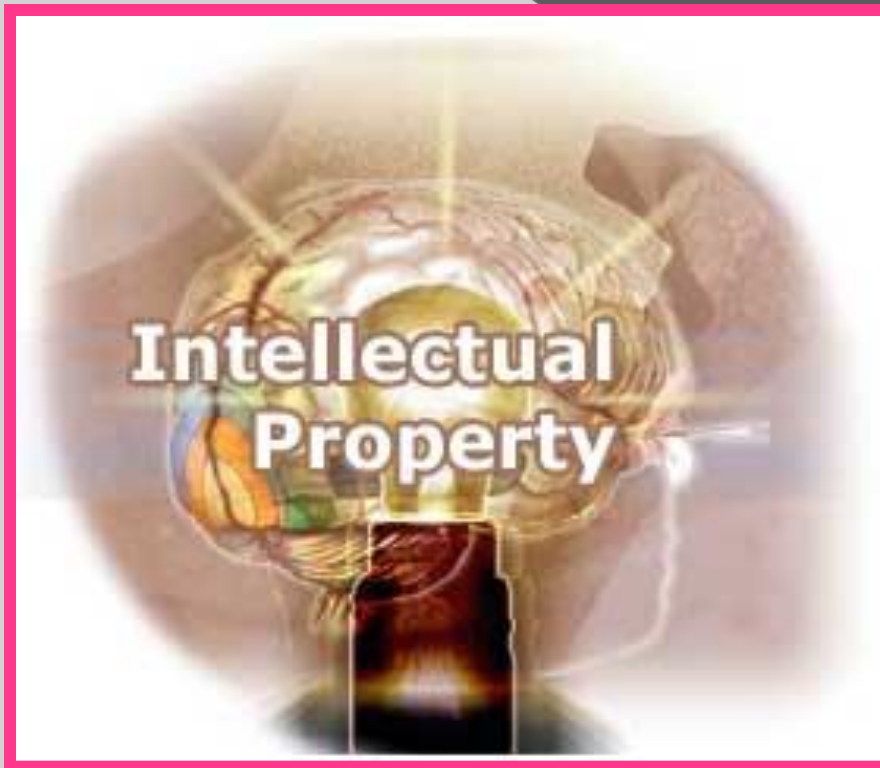


- **What is Intellectual Property?**
- **Main features**
- **Use of TM symbols**



- **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)



The Reebok logo, featuring the word "Reebok" in a bold, italicized, black sans-serif font.

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

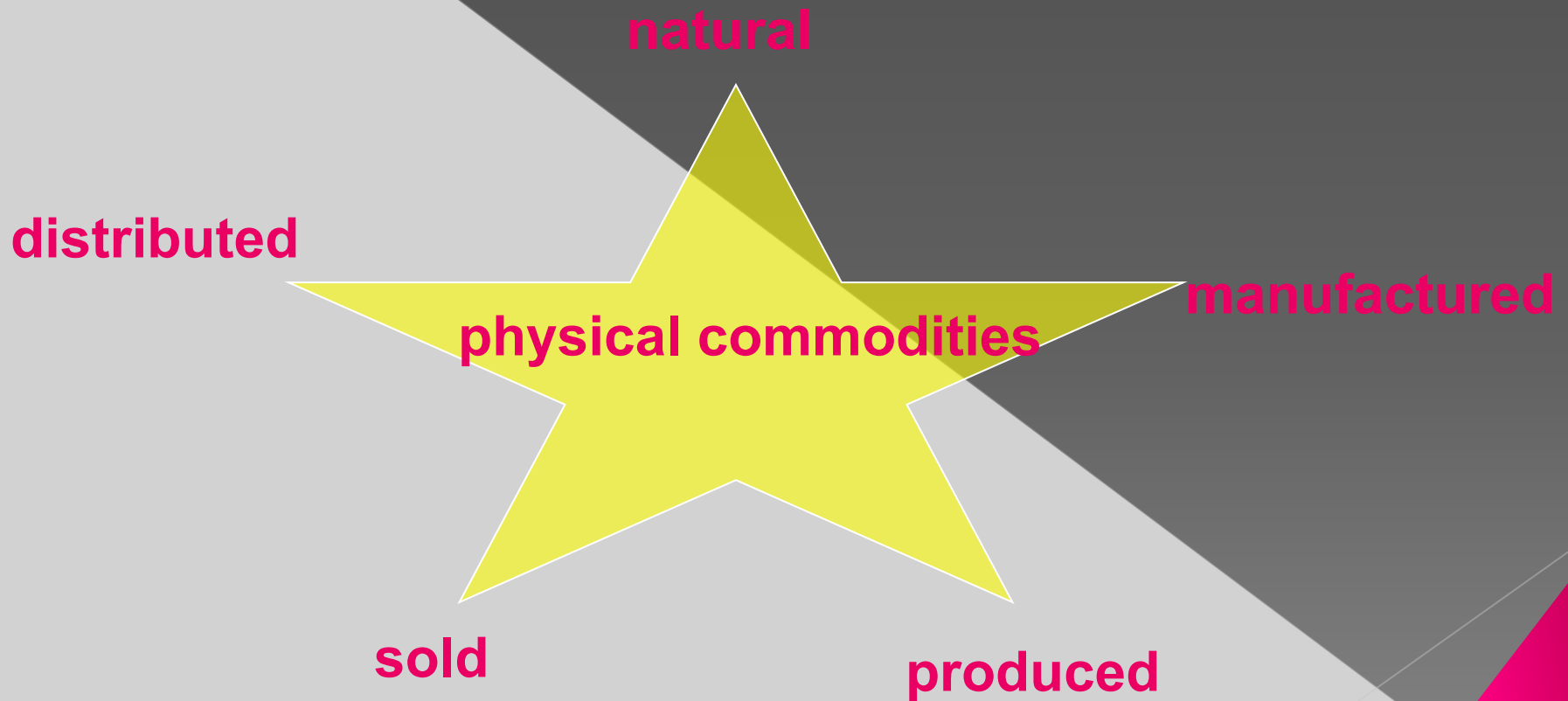


Trademarks



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!