

# TRADEMARKS

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## Overview

# Trademarks

- A government grants this right to an individual or business that uses a distinctive word or symbol to distinguish its products and/or services from others in the marketplace.
- Example: Nike's swoosh

# Trademarks

Words or symbols can also include the following:

- Slogans
- Letters
- Numbers
- Sounds

# Types of Registered Trademarks

- Trademarks
- Service marks

# Trademark Criteria

- Distinctiveness is key requirement.
- Trademarks can be fanciful, arbitrary and suggestive.

# Generic Names

- If a trademark becomes too successful, the public may associate the name with an array of similar products which means the name may lose its trademark status.
- Example: Aspirin

# Trademark Protection

- Trademarks do not have to be registered with the Federal Government.
- The trademark holder will still have certain trademark protections as long as the trademark is in use.

# Unregistered v. Registered TM

- Unregistered Trademark = TM
- Registered Trademark = R