

CAN I TRADEMARK THAT?

WHAT IS A TRADEMARK?

A trademark is a word, name, symbol, or device — or combination of those — that identifies the source of a product or service.



\$35

Is what Nike founder Phil Knight paid graphic design student Carolyn Davidson to design the “Swoosh” logo. Today it’s worth a ***staggering \$26 billion***

2 TYPES OF TRADEMARKS



- Trademarks identify products: physical goods and commodities that are manufactured, produced or grown -- such as Rihanna’s Fenty Beauty line of cosmetics.
- Service marks identify the source of a service. An example of this would be the “NBC Chimes” sound that plays on the channel due to the television station providing a public service.

BENEFITS OF REGISTERING YOUR TRADEMARK

Registering your trademark with the U.S. Patent and Trademark Office gives you some important additional protections, including:

1

The exclusive right to use the trademark nationwide.

2

The ability to bring legal action in federal court to defend your trademark.

3

The ability to record the mark with the U.S. Customs and Border Protection Service.



Learn more at www.michelsonip.com

Establishing Your Trademark Protection

Say you have a small business and you want to trademark it. If you're short on funds, you don't have to register it with the federal gov't as you will still have protections. Here's how to take the extra step to register your trademark



When registering your trademark, you'll get expanded protections, including the right to use the mark nationwide for as long as you're in business.

How do you register your trademark?

Simple. Just file an affidavit with the U.S. Patent and Trademark Office attesting to the date your trademark was first used in commerce.



Costs and Fees of Filing

\$275

Filing Fees

The first expense for filing for trademark protection is a filing fee of \$275.

\$200-7000

Cost of Attorney

In addition to the filing fee, you will have to pay the cost of an attorney which can be as low as \$200 and as high as \$7000

Did You Know?

Successful business can use their trademarks as collateral for loans? A decade ago, Ford used its trademarks as collateral for a \$23.5 billion loan and they were still able to use their trademarks. But if the company had defaulted on the loan, its trademarks would have gone to the bank.

Learn more at michelsonip.com

Adapted from *Establishing Your Trademark Protection*, a Michelson IP animated short

HOW LONG DOES A TRADEMARK LAST?



Trademarks can serve as a valuable tool for creators or entrepreneurs looking to protect their brand from infringement. They are typically represented by a word, symbol, or phrase that represents a brand or product. So you've successfully registered a trademark. Now you may be wondering: well, how long does a trademark last?



How Long Does a Trademark Last?

It is important that intellectual property protection holders keep their portfolios up to date. In the case of trademarks, they do not expire as long as the holder continues to utilize the trademark.



What if you Miss the Deadline?

The holder of a trademark that is in use must be sure to file a section 8 declaration with the USPTO every five years to ensure their protection stays active. Missing the filing deadline can be costly.



What Else Should You Do to Maintain Your Protection?

Between the ninth and tenth anniversary of the protection, the holder must also file an Application for Renewal, in addition to their declaration of use.

READ THE FULL ARTICLE ON [MICHELSONIP.COM](https://www.michelsonip.com)

THE MICHELSON INSTITUTE FOR
INTELLECTUAL PROPERTY



TRADEMARK FUNDAMENTALS FOR THE ENTREPRENEUR

WHAT CAN BE TRADEMARKED?

TM

A trademark is a “word, phrase, symbol and/or design that identifies and distinguishes a source of a particular set of goods from another.” Services also fall under trademarks, and the word, phrase or design that distinguishes the source of the service is called a service mark.

SHOULD YOU TRADEMARK?



There are many benefits to filing for trademark protection federally. It allows a business to sell their product freely and build their brand, which is often critical to success in the age of digital and social media.

GETTING STARTED WITH TRADEMARK FILING



Before you order promotional items with your desired name and logo, it’s a good idea to see if there’s an existing business with the same name and similar products. The USPTO can deny a trademark if it’s likely to be confused with an existing mark. Filing fees aren’t refundable, so it’s best to minimize any reasons an application could be rejected by performing due diligence.

**READ THE FULL ARTICLE AT
[MICHELSONIP.COM](https://www.michelsonip.com)**

TRADEMARK LICENSING



What is a Trademark License?

A trademark license is one way to transfer the use of a trademark or service mark from its owner (the licensor) to another party (the licensee).

Pros and Cons of Licensing a Trademark

Licensing can provide a stream of passive income and help build brand awareness. However, if a licensee uses the trademark in a way that is not in keeping with the brand's image, it could reflect negatively on the owner.



Steps to Getting a Trademark License

The first step is to file a trademark application with the US Patent and Trademark Office (USPTO). Once the application is approved, the trademark owner will have to negotiate a royalty agreement with the licensee.

Well-Known Trademark License Examples

One of the best-known examples of trademark licensing is the relationship between Coca-Cola and McDonald's. Another well-known example of trademark licensing is the relationship between Nike and Michael Jordan.



HOW TO DO A TRADEMARK SEARCH

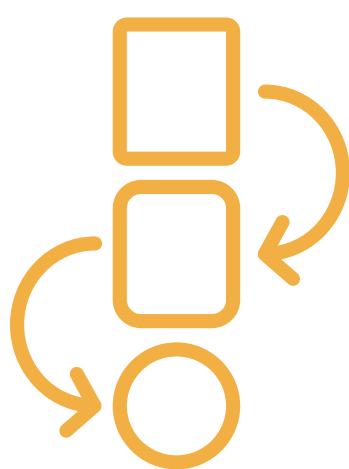


HOW TO DO A TRADEMARK SEARCH?

Generally, it is a good idea to hire a professional to perform a thorough search in order to be sure that your trademark is available. However, it is possible to successfully conduct basic searches on your own.

INITIAL TRADEMARK SEARCH

The TESS search page can be found by going to [USPTO.gov](https://www.uspto.gov), selecting Trademarks, and then selecting “[Searching Trademarks](#)” Select “Basic Word Mark Search” to begin an initial search.



SEARCH FOR VARIATIONS OF THE MARK

Use dashes and spaces within the name. Also, search variations on the name. The system also has the option to select Plural and Singular, or just Singular. Select the Plural and Singular option.

ADDITIONAL OPTIONS & POINTERS

There are special characters called wildmarks that can provide additional options for your search. Also remember is to not include apostrophes in your search.



RESULTS

After your search, you’ll have the option to see results in either a Record List Display or Image List. If a search turns up a mark that appears similar to yours, think about whether the mark could be confused with yours.