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What Is Trademark Law

By LeeAnna

Trademarks can be anything from words, phrases, logos, symbols, or slogans, anything that will

identify or distinguish a person's goods or services manufactured or sold to indicate their sources. Trademarks allow companies and businesses to be identified by their symbols or logos by what they are selling. For example, Nike is identified by the check symbol, and people identify that symbol with athletic wear and sneakers, that is Nikes symbol and cannot be used by anyone else. McDonald's symbol is the Golden Arches, when people see those they know who those arches belong to and what they sell. There are all different types of trademarks; a service mark is the same as a trademark except it promotes a service instead of a product. A certification mark is a symbol, device, or name used by an organization to vouch for their products. A collective mark is a symbol, mark, phrase, or label, used by member of an organization to identify goods, members, products, or services they provide. Only members of particular groups or organizations are allowed to use the collective mark, even the group itself cannot use collective marks, only the members of the group. Protecting your trademark with trademark law consists of preventing others from using your mark. If others were able to use your trademark, how would the consumers distinguish your product from others?

The law will favor business that first use the mark they choose, copyright laws come from the Lanham Act. This act is designed to prevent trademark infringement. The law prohibits uses of trademarks, trade names that are likely to cause confusion about the source of a product or service. Infringement law protects consumers from being misled by the use of infringing marks and also protects producers from unfair practices by an imitating competitor. The law does not give much security to trademarks that consist of common or ordinary words because they are not essentially unique. A person's name, geographical terms, and terms used to describe the product or service will receive little protection from the law. However, these trademarks can be protected if they gain distinctive recognition from long use and marketing. Trademarks that are not used, abandoned, or used to generically describe a type of goods or service, cannot be protected because if used, will cause confusion about the product among the public.

Most believe that when they register a specific domain name, the trademark is solely their own and nobody else can use it. This may not be true however, not only must you register the domain, but you have to use the business name enough to achieve distinction. The best way to do this is through

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customer awareness and marketing. Search around before you choose a trademark and make sure that it is not already in use. It would be very costly if an infringement lawsuit was brought against you for using someone else's trademark. Using a professional service to make a trademark search for you may be a good idea.

Leeanna is an expert author writing for Trademark Law

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What Are Trademarks?

By David Sanders

Different companies, products and services have different trademarks but they are all aimed at creating a distinct symbol that will identify that particular product or company. The use of trademarks has legal implications and it is protected by the common law as well as Federal laws.

A trademark owner is entitled to the exclusive use of the trademark in the product specifically intended to be identified by the trademark or to other related product which he owns.

The trademark user and owner can register his trademark with the Patent Office. Any trademark can be registered for as long as it is not own by anyone and that the entity seeking its registration is already using or is planning to use the trademark in the future. However, unregistered trademarks are still protected under the common law as long as the owner can establish his use of the trademark.

A trademark can be a word or combination of words or symbols that differentiates a certain products from the others. Trademarks are different from patents and copyrights in the sense that a copyright is geared towards the protection of original works of art including music or literary works while a patent is geared towards the protection of an invention.

Why should individuals or companies register their trademarks if these are already protected by law even if they are unregistered? Registration of trademarks is encouraged because the fact of registration serves as legal and practical notice to the public that it is already being used and owned by another. The owner can also sue another entity in Federal Court, for using a registered trademark. Such registration can also be used as a basis for registering the same trademark in other countries.

Anyone can already use the trademarks sign "TM: or the service mark "SM" even if the marks have not yet been registered.

However, the Federal symbol of registration can only be used after the mark has been registered with the United States Patent and Trademark Office.

Registration of trademarks or service marks can be done through the internet. After submitting the form online, the registrant can expect an immediate reply or issuance of an initial receipt from the Trademark Office. Applications can also be delivered to the Trademark Office.

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The registration process is actually easy and self explanatory that there is no need to hire a lawyer. You must however comply with all the requirements for registration for a quick processing of your application.

The author is a regular contributor to

<http://www.trademarkthat.com>

where more information about

business and trademarks is available.



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