

Introduction

[Trademarks](#) can be confusing. When you have a unique brand or product name, logo, or design, it's natural to want to protect it, and filing for a trademark can be a great way to do that.

At Patterson Intellectual Property Law, we focus on trademark registration and protection. Our trademark attorneys are happy to walk you through the trademark registration process. If you would like to learn a little more on your own, below we've answered some fundamental and common trademark protection and registration questions.

What is a Trademark?

A trademark is any word, phrase, symbol, design, or combination of words, phrases, symbols, or designs that identify and distinguish a good or service of one business over another. Trademarks can also be a sound, color, or even a smell—pretty much anything that distinguishes one good or service from another. Trademarks are an essential part of a business's identity. They help consumers identify products and represent a company's goodwill and reputation in the marketplace. A trademark can be thought of as a business's brand for goods and services.

What Do Trademarks Protect?

Trademarks protect a business's good or service from infringement or damage of reputation by another business or party. When a person or business has a trademark, they have legal recourse to sue another company if that company's use is likely to cause confusion with the senior user's mark.

Consumer Protection and Necessary Registration

Trademarks are a consumer protection device and may be limited based on how the trademark is used and whether consumers believe the trademark denotes a product's source. However, while trademark rights are acquired through use, trademarks can be registered with states and the federal government. Federal registration of trademarks provides many benefits to trademark holders, including a notice to the public of the registrant's claim of ownership of the mark, a legal presumption of validity, and nationwide priority. U.S. trademark registration certificates are issued by the United States Patent and Trademark Office (USPTO). Once a mark is registered with the USPTO, the mark owner should designate the trademark with the ® symbol after the mark. If the mark has not yet been registered, then the ™ symbol can be used for goods or the ℠ symbol for services; these symbols indicate that the mark is in use as a "common law" trademark or service mark and should be used until the USPTO grants a registration of the mark.

How to Enforce a Trademark

After a trademark is registered, the trademark owner must protect the mark through proper use, monitoring, and enforcement, including stopping others from using the same or confusingly similar marks.

How Long Does a Trademark Last?

Federal trademark registrations last for ten years. However, unlike patents, they may be renewed as long as the business is using the trademark.

Takeaways

If you have a word, phrase, symbol, or design that is serving as a mark for your business or product, you may want to protect that mark to help differentiate your brand from the competition. The best way to ensure that your mark is protected is to register it and then monitor and enforce it. If you have questions about trademarks or any other intellectual property concerns, Patterson Intellectual Property Law is available to answer your questions and to help you protect your intellectual property. [Please feel free to contact us for more information.](#)