Understanding

Legal Terms

**Trademark (™)**

TM signifies claim under common-law rights of a trademark pursuant to the Lanham Act. TM is typically used to protect an unregistered mark by alerting potential infringers that a term, slogan, logo, or other indicator is being claimed as a trademark. After registration is completed with the United States Patent and Trademark Office (USPTO), the legal mark becomes ® instead of TM. The use of TM does not guarantee the owner’s mark will be protected under trademark law. To succeed in a common-law infringement action under the Lanham Act, the trademark owner must prove: 1) s/he was the first to use the trademark and 2) the infringing party’s use of the trademark confuses the public from distinguishing the owner.

**Registered**

The R symbol denotes a trademark that has been registered with the USPTO. Using the symbol ® is allowed only after the USPTO registers the mark. Registering a trademark provides you with superior rights over others in the U.S. to use that trademark in your industry, and it provides you the ability to obtain damages against infringers. A registered trademark deters imitators and provides a strong presumption of ownership in the courts. A registered trademark is much more preferable over an unregistered trademark.

**Copyright ©**

The C symbol, or the use of the word “copyright,” gives notice to the public that you own the work. Notice by use of the symbol is simply a courtesy as the work is automatically protected when the work is created. Copyright is protected by Fair Use Law.