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®.

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