

Ask SCORE

PROTECTING YOUR INTELLECTUAL PROPERTIES IS A SMART MOVE

"TM," "SM," "PAT PEND," "©," "®." These small symbols and abbreviations carry a lot of legal weight when it comes to safeguarding a company's proprietary names, designs, products, and services. As an entrepreneur, you should consider making sure the valuable intellectual properties of your small business are protected as well. But which one(s) do you need?

Trademarks are not the same as patents and copyrights, even though the differences are not widely understood. While there are similarities, they serve different purposes.

According to the U.S. Patent and Trademark Office (USPTO), a trademark is a word, name, symbol, or device used in business to indicate a source of the goods, i.e., your business, and to distinguish those goods from those sold by another business. A service mark is the same as a trademark, except that it identifies and distinguishes the source of a service rather than a product.

A patent for an invention grants a specific legal property right to the inventor — "the right to exclude others from making, using, offering for sale or selling" the same invention.

A copyright is harder to define. It is mainly a protection for authors of original

works, including literary, dramatic, musical, artistic, and other intellectual works, both published and unpublished.

The Internet has transformed the once mysterious process of applying for a trademark into something accessible to anyone willing to spend some time to understand the intricacies and get it right. But while no business skills or special legal knowledge are required to apply, the field is filled with potential pitfalls and wrong turns that could sabotage your trademark filing if you don't know the intricacies of creating trademarks that can stand up to legal challenges later on.

For example, the application requires that you identify goods or services under specific categories. But misunderstanding these categories and filing too broadly or too narrowly can ruin your trademark and cause problems later on. A qualified trademark attorney can help you avoid such problems.

The U.S. Patent and Trademark Office's Web site at www.uspto.gov provides a wealth of information and resources about protecting your small business' intellectual properties. You'll find basic information about trademarks, patents, and copyrights; links to easy-to-follow "How To" guides; and search engines for researching existing trademarks and patents.



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