

## **TRADEMARKS ARE VALUABLE**

Trademarks represent valuable assets of a business. A company's goodwill, reputation, and product line are at risk if not legally protected. A trademark can be a product name, a service name, a business name, a logo, or a domain name.

Federal registration of a trademark can be extremely valuable. It allows you to use your trademark and stop most imitators. Federal registration also puts others on notice of your trademark, giving you the right to a strong set of legal remedies.

To avoid rejection in a trademark application, you must be careful. Trademarks that are descriptive, i.e., merely describe the goods or services, normally cannot be registered. The strongest marks, entitled to the most protection, are "fanciful" trademarks (i.e., Exxon and Google), and "arbitrary" marks (i.e., Apple Computers, Camel Cigarettes). Also acceptable are "suggestive" marks, which suggest some quality or feature, but do not describe the goods or services (i.e., Champion for sporting goods, and Jaguar for automobiles).

Many erroneously believe that registering their company's name with the State Corporation Commission protects the name. A corporate name issued by the state is not a trademark, and does not create any trademark rights.

Another misconception is that registration of a Web domain name protects the name. Registration of a domain name does not provide trademark protection. All that domain name registration does is rent usage of the domain name for a period of time.

If you have not yet registered your trademark, but plan to, you should place the letters "TM" next to your trademark on all packaging, advertising and promotional materials. Once the mark is registered, the "®" symbol can be used after the mark.

It is also important to monitor and enforce your rights in your registered trademark. If you fail to do so, you may lose your right to stop others from imitating your mark.

**\*\*\*Legal notes are not legal advice. Because legal problems are factually intensive, the reader must always consult their counsel before acting on any legal matter.**