

Using Trademarks to Protect Your Brand

Why are trademarks important?

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Obtaining a trademark for your company's logo, tagline, name, etc. is a great way to keep your brand's integrity intact.



Intellectual Property Attorneys

Building a strong brand for your company is essential to the success of your business. However, you also need to [protect that brand](#), which is just as important. Unfortunately, many small businesses skip the first step in securing that brand - which is a trademark.

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Why wouldn't you want to protect your company and keep its integrity?"

Alex Sluzas, Esq.

Can Anything Be Trademarked?

It's imperative to understand what a trademark is. A trademark can be described as any unique symbol, brand name, word, or device that can be used to distinguish and identify the goods or services of one business from another. Having a trademark on your brand's entities protects businesses from competitors misusing them as their own. Additionally, having a trademark also helps

prevent consumer confusion, as consumers will begin to associate those particular attributes with your brand.

As far as branding goes, the following assets can be trademarked: names, packaging, logos, and taglines. However, in order for these assets to be trademarked, they will have to meet certain qualifications. If it's a phrase or word that is often used with another product/service in the same industry, then that asset cannot be trademarked.

One important rule to remember is, if you use your business name in your advertising directly to your consumers, then it can be trademarked. However, if you don't actually use your business name when directly communicating with your consumers, then you most likely won't be able to trademark it. This is because your company name is not being used to connect your brand with its attributes. That being said, if your business name will play a large role in your marketing, then you definitely should consider trademarking it.

Wondering what will also make good candidates for brand trademarks? Your brand's tagline and logo. But, make sure you ask yourself these questions: Is the tagline or logo unique? To help you answer this, the tagline must be uniquely descriptive to an attribute of your company. And, a logo is considered unique depending on the connection between the symbol and the company.

The [Trademark Registration](#) Process

If you're wondering if the filing fee for trademark registration is expensive in the United States, not necessarily. In the U.S., trademark ownership works on a kind of first come, first-served

basis. Meaning, the first company to use a unique mark to identify their brand is considered the trademark owner of the mark. In this case, you actually don't have to register your mark in order to gain rights to use it. However, you will need to use the trademark symbol (™), when using the mark that you wish to claim trademark rights to. Still, using the ™ symbol is not of strong of ownership as registering your trademark through the United States Patent and Trademark Office which will grant you exclusive rights to your mark.

But, obtaining trademark protection through the U.S. Patent and Trademark office will all depend on the "uniqueness" of the mark. There are websites on the internet that can help you with your trademark search, or, you can even hire a trademark attorney to conduct a detailed search for you. Consulting with an experienced intellectual property law attorney will definitely be your safest option when completing a trademark application.

Also, trademark registration can occur at either the state level or federal level. While state trademark registration is less expensive than federal registration, it also offers less protection over your mark. Typically, a trademark is registered within a single industry, however, may be registered in more, if needed. When deciding your best trademark option, you should consider the geographic area that you will be focusing on with operation. When it comes to international trademark protection, this can be more expensive and difficult to obtain. The trademark application process can also be complicated and more tough to enforce.

Going through the process of filing a trademark application through the USPTO will ensure that there are currently no other existing similar marks. However, even if your mark isn't similar to someone else's, the trademark application process can take months. This is why it's important to do your research, such as using USPTO's trademark database (Trademark Electronic Search System, or TESS), before filing for trademark registration- because if your trademark happens to closely resemble someone else's mark, this will result in your application being denied.

Remember that the more effort you put behind differentiating your brand from competitors in your industry, the easier it will be for you to protect.

If you are a business owner that would like legal advice regarding trademark law, or need help navigating the trademark registration process, contact the intellectual property attorneys at Paul & Paul today at (866) 201-8191 for a free consultation. Our dedicated trademark lawyers will help you every step of the way.

About Paul & Paul

Paul & Paul is one of the leading Patent Law firms in the greater Philadelphia metropolitan area. Our attorneys have the experience before state and federal courts throughout the United States, including the U.S. Patent and Trademark Office, the U.S. Copyright Office, the U.S. International Trade Commission, and the U.S. Federal Trade Commission.

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