

DIY TRADEMARKS DIRECT™

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1 WHAT IS A TRADEMARK?

Lesson 1: Trademarks, Copyrights, Patents and other Types of Intellectual Property Explained

Disclaimer: Not a Substitute for Legal Advice. Copyright 2019. The information contained in this lesson is not legal advice but rather is designed to provide information to non-lawyers about trademark law in the United States.





TYPES OF INTELLECTUAL PROPERTY



COPYRIGHTS protect original works of authorship (text, image, video, music, software code).

TRADEMARKS are source identifiers. Protect the consumer from fraud.

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PATENTS (Utility) protect functional inventions that are non-obvious

PATENTS (Design) patents protect ornamental (non-utilitarian) elements of physical products



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Trademark Definition

Definition: Words or logos that recall a company which provides products or services. Trademarks are source identifiers.

Term: Valid forever, as long as in use

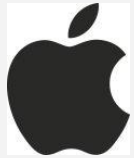
Words: called “Wordmarks” in USPTO

Logos: called “Design Marks” in USPTO

Trademark Examples (wordmarks)

- **MCDONALDS®** (for restaurants)
- **PEPSI®** (for beverages)
- **TESLA®** (for land vehicles, and other products and services)
- **FACEBOOK®** (for online social networking)
- **GUINNESS®** (for beer)
- **WALMART®** (for retail store services)
- **AMAZON®** (for e-commerce)
- **SUBWAY®** (for restaurants)
- **FOLGERS®** (for packaged coffee)
- **STARBUCKS®** (for coffee shops and packaged coffee)

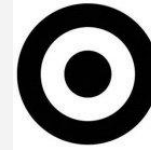
Trademark Examples Design Marks (logos):



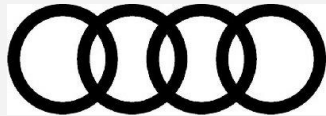
Apple Logo
(an apple with a
bite removed)



Nike Swoosh
(a stylized curved
line design)



Target (concentric circles
representing a target or
bullseye design)



AUDI (four
interlocking rings in
a horizontal line.)



Playboy (a rabbit
head wearing a
bowtie)



Golden Arches
(double arch design)

Copyright Examples

Valid for life of author plus 95 to 120 years

Copyrights apply to original works of art, such as:



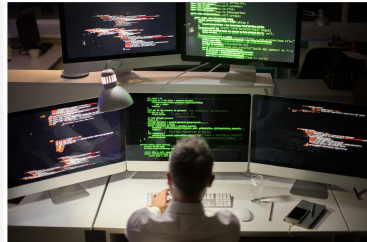
Photographs



A Book (literary work)



Music (Musical Composition, and Sound Recording)



Software Code and User-Interface (Literary Work)



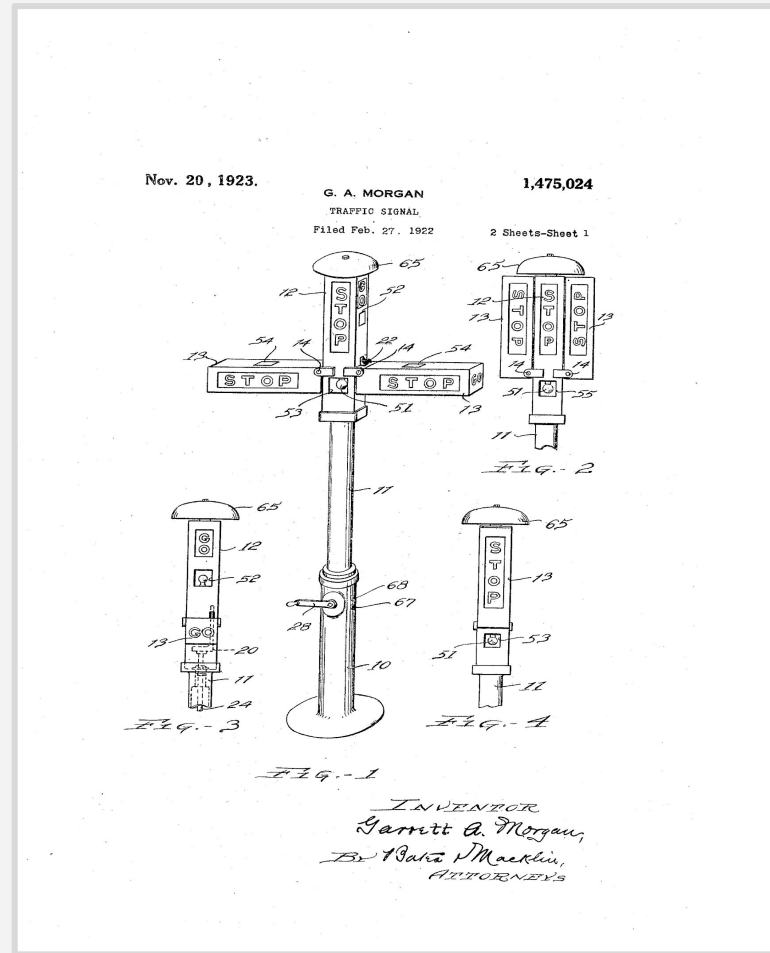
A Movie or Video (Audiovisual work)

Patent Examples (Utility Patent)

Legal Definition: Protects a useful process, machine, manufacture, or composition of matter.

Valid for 20 years in United States

Traffic Signal, 1922



Patent Examples (Design Patent)

Legal Definition: Protects the original shape or surface ornamentation an article.

Valid for 14 years in United States

Coca-Cola Bottle
Lamborghini Murciélago

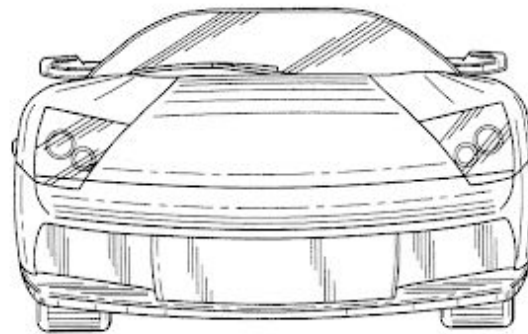


FIG.3

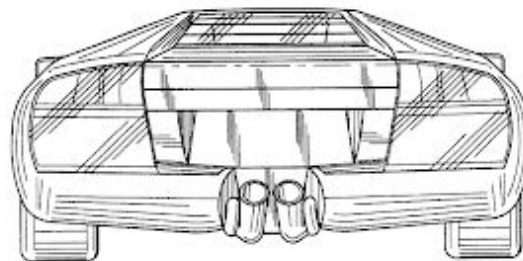


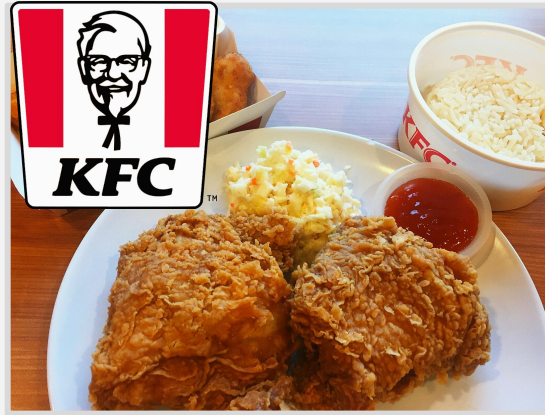
FIG.1

Trade Secret Examples

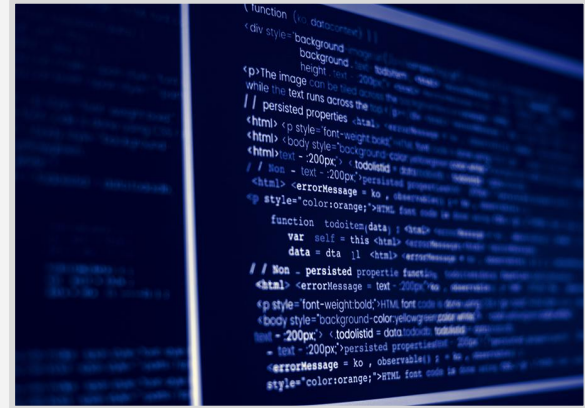
(Valid forever so long as remains confidential)



Coca-Cola Recipe



Kentucky Fried Chicken
(recipe) “secret blend of 11
herbs & spices”



Google Search Algorithm

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