



A trademark is a form of intellectual property. It is a distinctive sign that can be created or adopted in the form of any word, phrase, symbol, design, or a combination of these things that identifies your goods or services. It's how customers recognize you in the marketplace and distinguish you from your competitors.

A trademark:

- Identifies the source of your goods or services.
- Provides legal protection for your brand.
- Helps you guard against counterfeiting and fraud.

In the United States, specifically, it is not necessary to register a trademark in order to establish ownership of one. However, registration is a best practice, because otherwise, it can become costly and complex to prove ownership, enforce trademark rights or request payment of damages for trademark misappropriation.

What can be trademarked?

- Product names and nicknames (for example, both Coca-Cola and Coke are marked)
- Logos
- Sounds (like the distinct NBC chimes)
- Business names
- Slogans (like Nike's "Just Do It")
- Color combinations or schemes (like the brown of a UPS truck)
- Smells (yes, smells. Hasbro received a Play-Doh scent trademark in 2018)

What can't be trademarked?

- Any mark that is already in use, or is too similar to a mark already in use
- Generic descriptive words
- Commonly used phrases or messages
- Direct religious quotes and passages

What is the trademark symbol? How do I use it?

A trademark symbol TM informs the public that someone claims rights over a logo or word as a trademark. This may serve as evidence of knowledge that a trademark is owned by another. A ® symbol indicates that a trademark is registered before the USPTO.



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