



## **TM: That helpful little dingbat that says "hands off my logo"**

*By Bob Storm*

Trademarks are different from, and should not be confused with, tradenames. Grammatically, a trademark is a proper adjective that identifies a brand of product or the particular company that makes it. For example, in Vaseline Petroleum Jelly, the word Vaseline is the trademark. In commerce, the importance of an identifying trademark is that it promotes and facilitates brand loyalty.

Tradenames are proper nouns that most often identify, in a short hand term, the company that is providing the goods or services. We use "Ford" as a tradename to identify the Ford Motor Company. The word "Ford" surrounded by the traditional blue oval is the company's trademark. A service mark, now being used with increasing frequency, is a trademark that belongs to a provider of a service instead of a product.

### **So, What About Registration?**

Both trademarks and tradenames can become property and be protected through their use. Registration is not necessary for this protection, but it doesn't clearly establish ownership. In

other words, it creates a paper trail as to the owner, date of use and method of use. Registration also provides notice to the "world" that the tradename and/or trademark exists, thereby eliminating competitive usage. Registering the mark or name should be done as soon as possible and with enough description to clearly identify it and the use to which it will be put.

Registration alone doesn't ensure against future conflicts over a tradename or mark. Using the <sup>TM</sup> symbol to identify the status of the name or mark, and a thorough review of competitive use, is vital.

Currently, registration can occur at both the federal and state level. For many small business, simply using the <sup>TM</sup> symbol is sufficient. For others, statewide or even federal registration is a good idea, especially if the business plan includes expansion on a national level.

*Bob Storm is an attorney with Storm, Balgeman & Miller, SC (and a really decent guy who loves to work with small business!) Although it is not necessary to use an attorney to register a tradename, trademark or service mark, it sure does make your life easier. For more information, call Bob at 414/453-8500.*