

TRADEMARK/SERVICEMARK

Trademark – a word, name, symbol or device that is used in trade with goods to indicate the source of the goods and to distinguish them from the goods of others. Trademark rights may be used to prevent others from using a confusingly similar mark, but not to prevent others from making the same goods or from selling the same goods or services under a clearly different mark.

Servicemark – the same as a trademark except that it identifies and distinguishes the source of a service rather than a product.

The terms “trademark” and “mark” are commonly used to refer to both trademarks and servicemarks.

Must all marks be registered

No, but federal registration has several advantages, including:

- A notice to the public of the registrant's claim of ownership of the mark
- A legal presumption of ownership nationwide, and
- The exclusive right to use the mark on or in connection with the goods or services set forth in the registration

What do the symbols [®] and TM mean and when should they be used

The symbol [®] refers to a registered trademark, a trademark that has been registered by the United States Patent and Trademark Office. The symbol **TM** refers to a trademark; there is no implication that the mark has been registered with the United States Patent and Trademark Office. It is good practice to respect the trademarks of others by including the appropriate symbol when referring to a product in publications, including papers in peer-reviewed journals. When doing so, it is usually best to use the symbol and nomenclature in the same manner as the manufacturer itself does.