



Trademarks & Copyrights

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This is not legal advice & does not create an attorney-client relationship.

What are they—and how are they different?

A trademark is how you identify your business as the source of its goods or services in the marketplace. It covers:

Name
Logo
Tagline



Counsel to Creativity

Peace of Mind, Profit & Legacy

That's the Creative Power of Law



A copyright is a set of legal rights in your original work. It covers (for example):

- Blog
- Training content
- Book
- Video
- Audio Recording
- Music—lyrics & score (separately)
- Artwork
- Architectural renderings
- Code

Must be original. Must be captured in a form.

The information I'm sharing is NOT protected by copyright.

This handout IS protected by copyright.

The video recording of this workshop IS protected by copyright.



Let's take a look at your business:

What do you use to identify your business?

Including products & programs—but NOT books

What original work do you create for & use in your business?



Trademark

What are your rights?

To prevent other businesses from using *confusingly similar* name, logo, tagline.
This is why you have an experienced attorney advise you on your mark.

When do you gain these rights?

You gain rights if your trademark is sufficiently *distinctive*: generic — — — fanciful

You gain rights on *the date you first use your trademark in commerce*—client/customer facing.

Only where you actually use the mark—geographically local.

You gain rights in entire U.S. *when you register* your trademark.



Copyright



Photograph ©2011 Christina Rosale mytypography.com

What are your rights?

You can *reproduce* the work—thus the copy-right.

You can *distribute* the work.

You can *perform* the work publicly.

You can *display* the work.

You can *transmit* it digitally by video or audio.

You can *create derivative works*.

When do you gain these rights?

You gain rights *when you create the original work*.

You gain additional rights—most significantly, monetary damages—when you register.



Why are trademarks & copyrights valuable to your business?

- the only things that your business owns.
- how your business earns income and gains value, without you working more.
- how your work exists (now or in future) without you

Trademarks—

- how your ideal clients/customers find you
- what you stand for—value of work, reputation, values
- can be licensed, franchised, bequeathed or sold

Copyrights—

- how your work is captured & delivered
- can earn without service hours— from multiple sources at the same time
- flexibility & variety of offerings



What is most valuable to your business?

Which trademarks are most valuable to your business?

You usually know in your gut. How people find you. What you'll keep as you grow.

What original work is most valuable to your business?

What earns revenue? What establishes thought leadership? What's replicable to scale?

If you need help with this, or want professional advice on where to focus your resources, I help clients figure this out all the time. Email me at rebecca@counseltocreativity.com or visit www.counseltocreativity.com/hire/ to request a strategy session.



What not to do— commons practices that hurt, don't help.

Trademarks—

Do not use TM next to your business / product / program name.

It confers no rights.

It creates a snag in registering your mark if it's in your logo design file.

It broadcasts that you do not have a federal trademark—which means it's available for use by another elsewhere in U.S.

Copyrights—

Do not use a copyright notice with multiple years: © 2009–2020

Copyright law will only recognize the *last* year. Note only the earliest year. Register the first version. Register the most significant last version.



Register!

Trademark—gain rights in entire U.S.

- two conflicting unregistered marks (or a registered and unregistered) creates no good resolution for anyone—stress, grief, expense
- searchable
- deterrent

Copyright—gain right to monetary damage without proof of loss

- deterrent
- will need if want to license to earn on it
- register the first version & the most significant last version.

What else?

USE your trademark—without TM.

Give copyright notice with only earliest year: © 2009



I'm here.

You don't have to do it alone.
I help clients figure this out all the time.

Email me at rebecca@counseltocreativity.com
visit www.counseltocreativity.com/hire/
to request a strategy session.

