

# TRADEMARKS AND COPYRIGHTS FOR SMALL BUSINESSES



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# TRADEMARKS 101

01



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**A TRADEMARK IS A SINGLE IDENTIFIER OF A BUSINESS, IN RELATION TO WHAT THE BUSINESS SELLS. ALL THE TRADEMARKS IN YOUR PORTFOLIO ARE YOUR BRANDING AND MARKETING DIRECTED TOWARDS YOUR CLIENTS.**

A Trademark is a legal protection based around consumer protection. This means that the focus of the law is on protecting the means of communication between a company and its customers. As this typically happens through a website or a direct point of sale, such as on packaging or in some situations advertising.

Additionally, because it is focused on the communication between the company and the customer, the focus is on what is being sold. As in, federal protection on a trademark is based on what you specifically sell and then a reasonable extension of that concept. It is not a universal or limitless protection.

This means you need to take good care of developing and protecting your trademarks. These are how your customers find you and it is the reputation and support you offer that keeps them coming back.

It also is why you need to take good care of what your trademark application says. When it over reaches, there may be challenges to the entire application. At the same time, if you don't protect enough, then you may not cover potential growth.

If you would like to know more about trademarks. Come to our [playlist](#) for an in-depth discussion on the law of trademarks.

# TRADEMARKS TOOLS

The main benefit from a registered trademark is the ability to take infringers to court, regardless of where they are. Having federal law on your side can be a powerful tool. However, lawsuits are not for everyone or for every situation.



There are additional benefits of holding a registered trademark. This can range from an asset to be valued when the business is sold, to various tools to protect your trademark.

02



A registered trademark can be used to protect your domain and to prevent domain squatters on other domain extensions.



A secondary registration with Customs and Boarder Patrol can help prevent infringing trademarks from crossing the international boarder.



Various treaties mean that you can take your domestic registration globally or to a specific country.

# TRADEMARK EXAMPLES

03

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**72349496**

NBC Universal Media

"The Mark comprises a sequence of chime-like musical notes which are in the key of C and sound the notes of G,E,C, the "G" being the one just below middle C, the "E" the one just above Middle C, and the "C" Being Middle C, thereby to Identify Applicant's Broadcasting service.



**72069873**

The Coca-Cola Company

The Trademark consists of the distinctively shaped contour, or confirmation, and design of the bottle as shown.



**97095944**

Nike, Inc.

The mark consists of stylized curved line design.



# COPYRIGHTS 101

04



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**A COPYRIGHT IS A CREATIVE WORK, SUCH AS A VIDEO, SONG, PAINTING, BOOK, OR CHOREOGRAPHY. THESE CREATIVE WORKS ARE GIVEN PROTECTION FOR THE LIFE OF THE CREATOR PLUS 70 YEARS. WITH A RELATIVELY LOW FILING FEE, IT BECOMES A WONDERFUL INVESTMENT IN YOUR CREATIVITY.**

Copyright protection exists in a creative work when the work is "completed." In the words of the Copyright Act, protection vests when the work is fixed to allow an audience to perceive the work.

At that point, you have the right to make copies and distribute them, create sequels and translations, perform and display the work in public. You also have the ability and power to sell these rights to another person or company.

This sale of rights can either be a full sale, where you are giving to this other company the full ownership of the work. Or, you can lease out or license the work for a return.

Because a Copyright lasts for upwards of a century, there is long term legal protection. This makes Copyright something of a legacy for families.

Additionally, the list of types of works that can be registered through the Copyright Office is always expanding with technology. Meaning, your podcast is just as registerable as your song as your hologram coming out in the future.

If you would like to know more about copyrights, come to our [playlist](#) for an in-depth discussion on the law of copyrights.

# COPYRIGHT TOOLS

The main benefit from a registered copyright is the ability to take infringers to court, both in federal district court and in the new Copyright Claims Board. The Copyright Claims Board is small claims for copyright, hopefully making enforcement more accessible to all people.



Copyrights can be bought and sold, or licensed, at your discretion. There are also some additional tools that allow you to protect your copyright in different situations.



Under the Digital Millennium Copyright Act, a Copyright owner can instruct a website to remove infringing uses of a registered copyright, generally known as takedown requests.



Various treaties mean that you can take your domestic registration internationally as appropriate.

# COPYRIGHT EXAMPLES

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## PERFORMING ARTS

Includes but is not limited to Music, Lyrics, Sound Recordings, Scripts, and State Plays

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## MOTION PICTURES

Movies, TV Shows, Video Games, Animation, and Videos

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## OTHER DIGITAL CONTENT

Computer Programs, Databases, Blogs, and Websites

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## LITERARY WORKS

Fiction, Non-Fiction, Poetry, Articles, and Periodicals

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## VISUAL WORKS

Photographs, Artwork, Illustrations, Jewelry, Fabric, and Architecture





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**BRIAN HANNING**

Attorney and owner

Brian founded Hanning Law Limited in 2017 with the goal and vision of helping small businesses and creators. He represents his clients in registering trademarks and copyrights, as well as with understanding and creating contracts to protect key relationships.

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## CONTACT US

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