

- [What is a trademark?](#)
- [What are the differences among trademarks, copyrights and patents?](#)
- [Is there anything else besides words, names and graphic elements that can serve as a trademark?](#)

What is a trademark?

Trademarks identify and distinguish the source of products. Likewise, service marks identify and distinguish the source of services. The law is virtually the same for trademarks and service marks and, here, the discussion of "trademarks" refers to both. Trademarks allow customers and potential customers to more easily find, or know what company is responsible for, a particular product. Even if consumers may not always care about where a product comes from or who makes it, they do care about qualities they associate with goods that come from a particular source and rely on trademarks to purchase products that have those expected qualities.



For example, when choosing a blogging software someone may not know or care that the web publishing platform "Blogger" is owned by Google Inc., but that person may associate the name "Blogger" and the Blogger icon with certain features and qualities that are different from other blogging websites like "Tumblr" or "Wordpress."

Brand owners commonly use names, slogans and logos as trademarks. Depending on the size and type of business, a brand owner can have a variety of different trademarks. Almost every business uses a name that serves as a company's overall trademark used to identify a company's products. For example, "Google" is a trademark for Google Inc. and used as a source identifier for a wide range of online applications such as web search, email and online content storage and delivery. Often a company's products will have their own trademarks, in addition to the company's name. Even though "Google" serves as a trademark for its email service, "Gmail" also is used as a trademark for that particular Google web application.

The stylization or coloring of words can act as a source identifying trademark. The blue, red, yellow, and green coloring and rendering of Google and Gmail have their own trademark significance,



Companies also use slogans and logos as trademarks to identify their products in the marketplace. Google has icons or logos associated with each of its many online applications. The slogan "Broadcast Yourself" is used to identify Google's YouTube online video service. Consumers rely on these trademarks to know Google is the source of an internet application and distinguish Google applications from other online web products, like Bing web search, Yahoo mail or Vimeo video sharing.

What are the differences among trademarks, copyrights and patents?

Trademarks should not be confused with copyrights, which give a copyright owner the right to prevent others from copying creative expression without permission, or patents, which allow the holder of a patent the right to prevent the non-authorized making, selling or using of an invention covered by the patent. Trademark law is limited to identifying source and only gives trademark owners the right to exclude others from using trademarks that would cause confusion in the marketplace. Products and services may sometimes be protected, however, by all three intellectual property areas. For example, a new product may have patents covering any of its components that are a novel invention, copyright protection for any its decorative or ornamental features, and trademark protection for the name or logo used to bring the product to the market.

Is there anything else besides words, names and graphic elements that can serve as a trademark?

Yes. In addition to these traditional trademarks, almost anything that can function as a source identifier is eligible for trademark protection. For instance, a sound can serve as a trademark. Two well-known examples are the NBC chimes (the first audio trademark registration to be granted) and the Intel five note sequence. Hearing either of those sounds lets consumers know that the advertised product is connected with NBC or Intel. In addition to sound marks, other nontraditional trademarks include color, product configuration, product packaging, or even scent. Keep in mind, however, that

these non-traditional trademarks cannot be functional.
