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Copyrights Vs. Trademarks. Part 1: Trademarks Defined

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The legal concepts of copyright and trademark protection are often confused. For example some will ask for legal help to “copyright my brand”, when they actually want trademark clearance, registration and protection. Therefore the question becomes: what is a copyright, what is a trademark, and what elements of a business or enterprise do they protect? In this blog we will define trademark law and its uses.

TRADEMARK LAW PROTECTS BRANDS & CONSUMERS

Rooted in consumer protection law, a [trademark](#) is legally defined as a “source identifier” related to a product or service provided in the marketplace. Trademarks can be words, phrases, symbols, and/or designs used to distinguish the products of one person or company from those of another. Trademarks often come to represent not only actual products and services, but the reputation of the producer, and are considered a valuable asset by its owners who invest millions of dollars promoting the brand.

A registered trademark can be protected through legal proceedings from misuse and imitation because trademark protection grants owners **exclusive rights** to registerable and distinctive marks in the class of goods or services identified in the application, for example, Class 5 (Pharmaceuticals) or Class 41 (Education & Entertainment). There are 45 International Classes of Goods and Services, and they cover virtually every business or industry.

Seeking trademark protection is well advised when a person or organization intends to advertise and promote a mark or brand in relation to its goods and services. In such a case, the brand owner wants to ensure that the brand equity built through its promotions can be sustained and capitalized upon, and further that competitors will not unfairly piggyback on the brand’s goodwill.

About

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