

Protecting Catchphrases, Slogans and Taglines

A catchphrase, slogan or tagline is an expression usually popularized by continued use by individuals, groups or companies. Oftentimes, people who own the intellectual property rights to these expressions wish to do everything they can protect them legally, (as they should), but are unsure what type of protection is available and what to do.

To begin with, there are three main types of intellectual property: patents, copyrights and trademarks. Patents are property rights granted by the government to inventors for their inventions. Copyrights protect “original works of authorship” that have been tangibly expressed, whether published or unpublished. However, catchphrases, slogans or taglines are subject to protection by trademark, which covers words, symbols, sounds or colors that distinguish goods from others and that indicate their source. Likewise, a service mark provides the same protection as a trademark, but for services.

Regarding how to safeguard a catchphrase, slogan or tagline with a trademark or service mark, technically, you do not have to register anything with the government, but only have to be able to show a legitimate use of the mark in order to establish rights to it. Nevertheless, it is a good idea to use the “TM” or “SM” designation to alert the public to your claim, which may be done without any kind of filing or registration.

Lastly, the best way to protect your catchphrase, slogan or tagline is to register it with the United States Patent and Trademark Office, which can be found at www.uspto.gov. Once the mark is registered with the USPTO, you may use the symbol ® in connection with the goods or services listed in the trademark registration. Having a federal trademark registration provides many benefits, most notably the ability to bring a lawsuit in federal court and a legal presumption of the registrant’s ownership and exclusive right to use the mark.

Before a catchphrase, slogan or tagline is used, a trademark search should be conducted. This should be done to determine whether someone else is already using a mark that is identical or similar to the one you want to use. In order to have a professional search conducted and to ensure that the application and registration procedures are handled properly, be sure to retain competent legal counsel to assist and represent you in the process.

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