

COPYRIGHTS & TRADEMARKS FYI

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Thought I'd do a little research on this topic in order to shed more light on the differences between the two.

Purpose of Copyright and Trademark Law



The purpose of copyright law is to protect “original works of authorship fixed in any tangible medium of expression.” Works of authorship include literary, musical, dramatic, pantomime, choreographic, pictorial, graphic, sculptural, motion picture, sound recording, and architectural works. Protection of copyright is based in the Constitution wherein the founding fathers attempted to promote the useful arts by securing for authors a limited time of exclusivity in their writings.

Copyright infringement requires the copying of a protected work or, in the absence of exact copying, requires proof of both substantial similarity and access to the copyrighted work. For a work to be protected by copyright, it must entail some amount of originality and a minimal amount of creativity.

Trademark law, on the other hand, does not protect originality or creativity: it protects identifying symbols or marks. The purpose of trademark law is to protect the goodwill of the mark owner who, by use and advertising, creates in the mind of the consumer a link between the mark and the producer.

Trademark law prevents the use of confusingly similar marks on similar or related goods and services of others, thus giving the consumer a chance to decide whether to purchase the same or similar products from the same company in the future. The standard for infringement of a trademark is whether use of a similar mark would create a likelihood of confusion. A trademark may be registered, but unregistered trademarks are also protected.

And just to make things MORE CONFUSING...

A service mark is the same as a trademark, except it identifies and distinguishes the source of a service rather than a product.

web sites to visit:

☺ **www.copyright.gov**

The place to start to find more information about this subject.
Tons of reference links.

☺ **www.copyright.gov/title37**

Code of Federal Regulations
Title 37—Patents, Trademarks, and Copyrights
Everything you ever wanted to know about this subject and more.

☺ **www.uspto.gov/teas/index.html**

The United States Patent and Trademark Office now allows you to fill out a form and submit it directly to the USPTO over the internet.
(This was news to me!)