

# SM, TM, ®, ©...

Source: Wikipedia 2008

## Question:

**What is the difference between the trademark 'TM' servicemark 'SM' Registered 'R' in the circle and Copyright 'C' in the circle? In: Intellectual Property TM vs. SM vs. circle-R vs. circle-C**

Copyright laws protect ownership of things like music, writing, artwork, photographs, and other “original works of authorship.” Copyright protection is automatic and may last for over 100 years. However, not everything can be copyrighted, and some copyrights expired prior to 1976 laws. The “circle-c” mark has been “optional” since the 1970s, but is properly used with a date and identification of the author/owner. Under the Digital Millennium Copyright Act, it is a federal crime to remove or alter a copyright notice when you’re making copies, regardless of whether the copies are lawful or not.

Trademark laws protect “words, names, symbols, sounds, or colors that distinguish goods and services from those manufactured or sold by others and to indicate the source of the goods. Trademarks, unlike patents, can be renewed forever as long as they are being used in commerce.” Unregistered trademarks are a bit harder to enforce than registered, but last as long as they are being used. Trademarks may be registered in states or countries or both.

The (TM) symbols for TM and SM are completely optional and require no registration. However, there are advantages to having a state or federal trademark registration, including the fact that it will tell others when you first used your brand, which can be important in priority disputes. Valuable marks justify getting professional advice.

To learn more—and there is a LOT of info—check out the United States Patent and Trademark Office Home Page (their glossary is a good place to start) and the U.S. Copyright Office in the Library of Congress.

## Here is more input:

- Depending on your local state laws, trademark registrations have different lifespans and can either be renewed or not. If a trademark is registered it is only registered for a certain period of time and then the owner decides to renew it or not. As long as you continue using a trademark, and were the first to use it, you can enforce it in state or federal courts, whether or not it is now or has ever been registered in a state or federal proceeding.
- Most state copyright laws were preempted by federal laws passed in the 1970s, but may still be important on certain types of works, such as “sound recordings” made prior to the changes. There is also a “circle-P” mark on some older phono records, meaning they are covered by an international phonograph duplication treaty.
- The circle-C copyright notice and circle-R registration mark have nothing to do with state registrations.

Any time you claim rights in a trademark, you may use the “TM” (trademark on goods) or “SM” (service mark) designation to alert the public to your claim, regardless of whether you have filed an application with the state or USPTO. However, you may use the federal registration symbol “circle-R” only after the federal USPTO actually issues a registration, and not while an application is pending or after registration expires. Also, you may use the registration symbol with the registered mark only on or in connection with the goods and/or services listed in the federal trademark registration. Any major change to the mark or the goods/services will require another registration. Federal registrations require periodic maintenance fees (i.e., every 10 years). 🍏