Hi!
My name is T. Markey, the trademark mascot.

I am in the shape of a circle with a letter “R” inside because this symbolizes that a trademark is registered with the USPTO. You see trademarks every day being used with all types of products and services.

Let’s go on a journey to learn more about trademarks.
A trademark is a brand name. Think of the name of your favorite cereal or shoes. Trademarks identify the source (maker or provider) of products and services. Trademarks are usually words, designs, or a combination of words and a design. Other types of trademarks include colors, sounds, scents, and the way a product looks!

Intellectual Property is something you create. It includes trademarks, copyrights, patents, and trade secrets. Trademarks identify the source of products and services. Copyrights protect original artistic and literary works, like plays or books. Patents protect inventions, like the light bulb or mp3 player. A “trade secret” is important, confidential commercial information, such as the secret formula for producing a beverage. A person or company may own some or all of these types of intellectual property.

This book focuses on the many types of trademarks.
Understand the Difference

Trademark vs. Generic Name

A Trademark is the brand name for the product or service of a particular person or company.

The Generic Name is the common word for a product or service.

For example:

**BIG MAC**® and **WHOPPER**® are brand names; **hamburger** is the generic name.

**ADIDAS**® and **REEBOK**® are brand names; **sneakers** and **athletic shoes** are the generic names.

**KLEENEX**® and **PUFFS**® are brand names; **facial tissue** is the generic name.

**BASKIN-ROBBINS**® and **BEN & JERRY’S**® are brand names; **ice cream store** is the generic name of the service.

**BAND-AID**® and **CURAD**® are brand names; **adhesive bandages** is the generic name.
Matching Game

Directions:
Match each registered trademark with its product.
For example: Colgate® and Toothpaste.

Colgate® and Toothpaste.

NIKE® and Tortilla Chips.

BARBIE® and Video Game Consoles.

PEPSI® and Cereal.

DORITOS® and Cookies.

XBOX 360® and Cars.

OREO® and Dolls.

CHEERIOS® and Lip Balm.

CHAPSTICK® and Soft Drinks.

FORD® and Shoes.
The Role of the U.S. Patent and Trademark Office

• The United States Patent and Trademark Office (USPTO) examines and registers trademarks. The USPTO’s headquarters are located in Alexandria, Virginia, close to Washington, D.C.

• Once you get a registration, you have the right to use the ® symbol next to your trademark. A trademark can last as long as the owner keeps using it!
Federal Trademark REGISTRATION

The ® next to a brand name:

• tells you the trademark is protected by a federal registration issued by the United States Patent and Trademark Office

• gives notice to makers of similar products or services that they cannot use the same trademark for their products or services

• registration helps trademark owners stop fake or “counterfeit” products from being imported or sold
TEST YOUR TRADEMARK IQ

How many of these trademarks can you identify?
A trademark includes any word, name, symbol, device, or any combination, used in commerce to identify and distinguish the goods of one manufacturer or seller from goods manufactured or sold by others, and to indicate the source of the goods.

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

**TYPES OF TRADEMARKS**

- **Words**
  - gap is registered for retail clothing stores

- **Designs / Symbols**
  - is registered for computers

- **Combinations of Words & Designs**
  - is registered for retail department stores

- **Colors**
  - The color Canary Yellow is registered for Post-It® stationery notes

- **Scents / Fragrances**
  - Grape scent is registered for lubricants for land vehicles and watercraft.

- **Shapes**
  - is registered for video game machine controllers

- **Sounds**
  - The Looney Tunes Theme Song which consists of eighteen (18) musical notes comprising the notes, E4, D4, C4, D4, E4, EFlat4, E4, C4, D4, D4, D4, C4, AFlat3, A3, D4, E4 and G4 is registered for animated television programs and motion picture films

- **Motion**
  - is registered for the motion of the car door when opened
TRADEMARKS ARE EVERYWHERE

Everyday, from dawn to dusk, you may cross paths with hundreds or thousands of trademarks. Here are some examples:

**MORNING**
- KELLOGG’S® for breakfast cereal
- CREST® for toothpaste
- IVORY® for soap
- TROPICANA® for orange juice

**DAY**
- THOMAS & FRIENDS® for lunch boxes
- SKIPPY® for peanut butter
- SMUCKER’S® for jellies
- MEAD® for notebooks
- SCHWINN® for bicycles

**NIGHT**
- DELL® for computers
- CHEF BOYARDEE® for pasta dinners
- FISHER-PRICE® for toys
- MR. BUBBLE® for bubble bath and skin soap
- HARRY POTTER® for books
CHARACTERS ARE TRADEMARKS TOO!

Let’s play a game and make that Character Connection!

**DOUGHBOY®** is a registered trademark for
a. refrigerated dough
b. chewing gum
c. computer games
d. cars

**THE CAT IN THE HAT®** is a registered trademark for
a. cat food
b. bicycles
c. books
d. refrigerators

**JELLY BELLY®** is a registered trademark for
a. candy
b. shoes
c. nail polish
d. televisions

**SUPERMAN®** is a registered trademark for
a. glue
b. light bulbs
c. hammers
d. comic magazines

**TOUCAN SAM®** is a registered trademark for
a. bird food
b. cereal
c. sandwich bread
d. pet stores

**CURIOUS GEORGE®** is a registered trademark for
a. mirrors
b. paper towels
c. zoos
d. plush toys
Did you know that one trademark can identify or be the brand name for more than just one thing?

**NICKELODEON®**
You may know this mark for children’s television programming, but did you know it is also registered for the following?
- Mobile phone services
- Knapsacks
- Towels, sheets, and pillow cases

**CRAYOLA®**
You may know this mark for crayons, but did you know it is also registered for the following?
- Rulers and staplers
- Paints
- Restaurant services
EVOLUTION OF MARKS
Mark owners sometimes update or modernize their marks, but keep them recognizable.

1. Which came first?

2. Which came first?

3. Which came first?

4. Which came first?
TRIVIA GAME

TEST YOUR KNOWLEDGE WITH THIS TRIVIA GAME!

1. For which color does UPS® own a trademark?
   a. brown  d. white
   b. pink   e. blue
   c. red

2. When you open up a Burberry® raincoat, is the check design you see a registered trademark?
   _____ YES  _____ NO

3. Product design and product packaging are types of trade dress.
   _____ TRUE  _____ FALSE

4. Bridgestone Corporation’s trademarks identify tires, rims, wheels and other parts of:
   a. car  d. computer
   b. desk  e. lamp
   c. bed

5. Is the shape of Hershey’s Kisses® chocolate a registered trademark?
   _____ YES  _____ NO

6. What type of services does the design of a red umbrella identify?
   a. babysitting services  d. restaurant services
   b. laundry services  e. none of the above
   c. insurance services

7. A registered trademark identifies the following: (check one)
   _____ the goods of the owner  _____ copies or fakes made by someone else

8. A trademark can last indefinitely.
   _____ TRUE  _____ FALSE
9. What color as applied to caps of product containers is a registered trademark for glue?
   a. white
   b. blue
   c. orange
   d. black
   e. red

10. Which of the following indicates that a trademark is registered?
    (check one)
    ______ TM  ______ ®

11. Intellectual Property includes:
    a. trademarks
    b. copyrights
    c. patents
    d. trade secrets
    e. all of the above

12. Can you get a trademark registration for a sound?
    ______ YES  ______ NO

13. The shape of the Coca-Cola® bottle is a registered trademark.
    ______ TRUE  ______ FALSE

14. National Geographic® features a registered trademark for the following color appearing on the border of its magazines:
    a. blue
    b. red
    c. green
    d. yellow
    e. none of the above

15. The stylized design of Mickey Mouse® ears is a registered trademark.
    ______ TRUE  ______ FALSE

16. The following name of a state is a registered certification mark for potatoes:
    a. Montana
    b. Massachusetts
    c. Idaho
    d. Florida
    e. none of the above
WORD SEARCH

Find the following words:

- CHARACTERS
- COLOR
- DESIGN
- GENERIC
- MOTION
- REGISTRATION
- SYMBOL
- SCENT
- SERVICE MARK
- TRADEMARK
- SHAPE
- WORD
- SOUND
Help T. Markey find his way to file a trademark on the Trademark Electronic Application System (TEAS).
Page 6: 1-McDonald's Corporation-Reg. No. 1653279-Restaurant services, 2-Safeway Inc.-Reg. No. 3412024-Retail grocery store, pharmacy and drugstore services; retail store services featuring convenience store items and gasoline, 3-Pringles LLC-Reg. No. 2583848-Snack foods, namely, potato chips and potato crisps, 4-The Quaker Oats Company-Reg. No. 1602597-Processed grains and cereals; wheat germ; hominy grits; flour; grain-based snack bars; grain cakes; snacks and cakes made primarily of processed grains and cereals; mixes for making pancakes and waffles; table syrup, 5-Woolmark Americas, Inc. DBA The Woolmark Company-Reg. No. 0790140-Products made wholly or predominantly of wool, intended for ultimate consumers, 6-Starkist Co.-Reg. No. 4672045-Seafood, 7-Comercializadora de Lacteos y Derivados, S.A. De C.V.-Reg. No. 0405706-Cottage cheese, butter, ice cream, and fresh milk, 8-Pepperidge Farm, Incorporated-Reg. No. 3471224-Crackers, 9-BIC Corporation-Reg. No. 2094992-Writing instruments, namely, pens, pencils, markers and highlighting markers; and correction fluid for type and ink, 10-Kellogg North America Company-Reg. No. 1105259-Biscuits, cookies, crackers, unfilled ice cream cones, 11-National Insurance and Indemnity Corporation-Reg. No. 0886509-Transportation services, namely, arrangement of tours and transportation of passengers and goods, 12-GENERAL MILLS IP HOLDINGS II, LLC-Reg. No. 1114210-Breakfast cereal.


Page 11: 1-A, 2-C, 3-B, 4-A

Page 12-13: 1-A, 2-YES, 3-TRUE, 4-A, 5-YES, 6-C, 7-the goods of the owner, 8-TRUE, 9-C, 10-®, 11-E, 12-YES, 13-TRUE, 14-D, 15-TRUE, 16-C

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