



Gary Michael Smith, Esq.

What Are All Those Symbols?

Okay, you've seen these symbols before: © ® ™ SM. You know they hold some significance, but you can't find them on your keyboard. Are they icons of the devil? No, but they certainly can be important.

So, this month's article demystifies what those symbols are and what they do.

The short answer: the symbols are shorthand for giving notice to the world about ownership of specific intellectual property. Specifically, if you are the owner of a copyright, trademark or service mark, you will use the appropriate symbol in tandem with some other information on the property you seek to protect. So, here is what they are and what they do:

© This is the symbol for copyright. You should affix this to any work in which you want to claim copyright. While you don't have to use it to claim copyright, it helps prevent infringement of

your works by placing the world on notice of your claim. Be aware though that mere use of the symbol does NOT constitute registration of your copyright with the United States Copyright Office. Registration requires a separate application and filing. Also, since copyright is subject to international treaties, be aware that some countries will not accept the copyright symbol, they also require the word "copyright" to appear in order to consider the notice valid. Here is an example of how best to use the symbol: "© Copyright John Doe 2005." In this example, "John Doe" is the owner of the copyright and "2005" is the claimed date of copyright.

℗ This is the copyright symbol's corollary for sound recordings. Sound recordings have a copyright separate from the underlying musical composition, and a sound recording should carry a phonogram copyright notice for the recording itself. Due to separate rights in the underlying composition, the © notice should be used in tandem, but in the case of sound recordings the circle-P is used to protect the cover design, lyric

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sheets or other printed material included with the sound recording.

TM This is the symbol for trademark. A trademark is used by its owner to identify goods, i.e., physical commodities, which are sold or transported or distributed via interstate commerce. Just like copyright, mere use of the symbol does NOT constitute registration of the mark, nor does it afford the user any of the registration protections. Mark owners can register for protection both at the state and federal level, depending upon their use and desired level of protection. Here is an example of how to use the symbol: "Coca ColaTM." In this example, "Coca Cola" is the trademark.

SM This is the symbol for a service mark. A service mark is used by its owner to identify services that are performed by one person for the benefit of another person. Otherwise, in most respects it is the corollary to trademark for services.

® This mark stands for "federally registered," and applies to both trademarks and service marks. The federal registration symbol may be used once the mark is actually registered in the U.S. Patent and Trademark Office. Even though an application is pending, the registration symbol may NOT be used before the mark has actually become registered. The federal registration symbol should only be used on goods or services that are the subject of the federal trademark registration.®

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