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An aerial view of a dense city skyline, likely New York City, featuring a mix of brick and glass skyscrapers. A prominent yellow banner is overlaid across the center of the image, containing the title text.

The Background and Basics of American Trademark Law



Protecting yourself from **infringement** should be an essential part of your overall business strategy.

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



So, who regulates the trademark registration process in America?

- Founded in 1802
- Federal government agency responsible for granting trademarks and other intellectual property rights like copyrights and patents.

Reg No. 11,210
never cut

APPLICANT Samson Cordage Works

ADDRESS 470 Atlantic Avenue, Boston, Massachusetts 02210

FIRST USE January 1, 1884 IN COMMERCE January 1, 1884

GOODS OR SERVICES Cords, Lines, Twines, and Ropes

11210-T
SAMSON



Interesting fact

- Officially, the **oldest** recognized trademark in the United states was registered on May 27, 1884 to a cord, line and rope company called Samson.
- Remarkably, it is still in use to this day

Controversy!

Intrigue!

A story!

Plot Twist





According to the long lost document,
the first ever trademark was
registered to Averill Chemical Paint
Company on July 28 1870

Since, the Trademarks Act of
1870 has been ruled as
'unconstitutional' by the U.S.
Supreme court, Samson
maintains top billing as
trademark #1

Plenty of the common marks we encounter everyday have been around for longer than 100 years!



A scenic landscape featuring a paved road with white dashed lines curving through a field of tall, golden-brown grass. In the background, there is a dense line of green trees, followed by a range of dark, forested mountains under a bright blue sky filled with scattered, fluffy white clouds. The overall atmosphere is bright and clear.

Time to discuss
The current legal landscape of trademarks in
the U.S.

What governs the issuance of trademarks?

- The primary legislation governing the issuance of trademarks at a federal level is the **Trademark (Landham) Act of 1946**.
- Each state has its own laws and regulations dictating trademark use and protection at the state level.

USPTO



- Federally responsible for the evaluation and registration of American trademarks
- Their agents review and ultimately reject or grant your application.

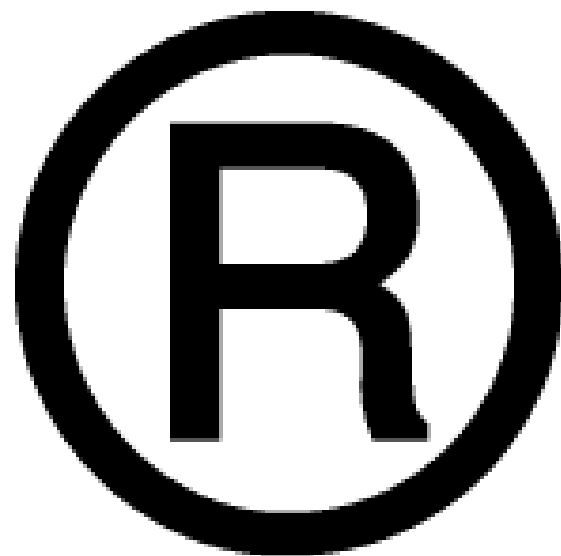
How does the USPTO
determine who gets a
trademark and who
doesn't?

First-to-use basis



It recognizes ownership on a **first-to-use basis**, rather than first-to-file.

Unregistered trademarks are a risky move, though. You can use the symbols as a way to demonstrate ownership to the public. But, you can't sue for infringement on your mark.



Registered trademarks, on the other hand, are considered **legally valid**.

Registration with the USPTO establishes defensible ownership rights nationwide

Can you appeal a rejection decision?

- Yes!
- All USPTO decisions can be disputed with the Trademark Trial and Appeal Board (TTAB) in Federal Court.



Don't let the fear of rejection hold you back!

Who can file a trademark with the USPTO?



Anyone! Well, any person or entity with a **genuine** intention to enter commerce with their desired mark can apply for registration

Types of business assets you can protect

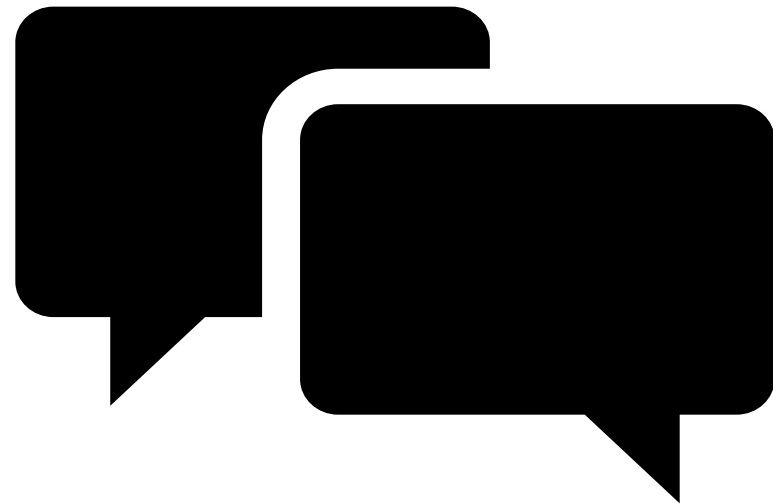


- According to Landham Act, you can basically file an application to register any “distinctive and non-functional word, symbol, drawing or combination thereof.”

Did you know these days,

You can actually register trademarks for particular sounds, smells, colours, flavours and other non-visual materials associated with your brand.

For More Insights



About the world of intellectual property protection, visit our website at
<https://tm.witmart.com>

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Up Next

Untold Adventures of the USPTO Application