

# Marking Symbols for Intellectual Property Rights

## – what are they and what do they mean?

Various symbols are used by intellectual property rights owners in various countries to assert their rights and to alert competitors or potential infringers that rights exist. The use of these symbols differs from country to country. Some have specific legal effect, whereas others are used casually with no underlying basis in law.

Here are some of the more commonly used symbols. Their meanings and effects may differ from country to country and according to local national laws.

### Copyright



The copyright symbol denotes that the work is asserted to be protected by copyright. In the United Kingdom, to be fully effective under the copyright, designs and patents act 1988 as amended, it should also be accompanied by the name of the author or copyright owner, and the date of first creation of the copyright work. Use of this symbol is not mandatory - but its use has the effect of placing the burden of proof onto an infringer to establish that there is no copyright. When used with a date and owner it enables third parties to know when the copyright will expire, and who claims to own it.

### Registered Trade Mark



Use of the 'R' symbol indicates that the trademark is registered. The symbol is used internationally and is not country specific. It is often placed immediately adjacent to the trademark which is registered. Using the words 'Registered Trade Mark' or 'Reg TM' is an alternative to using the R symbol.

### Trade Mark

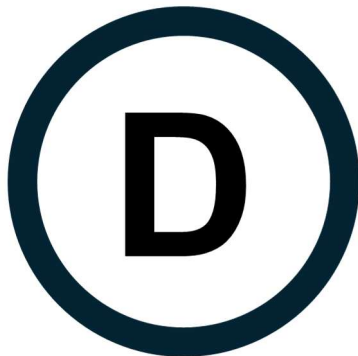


This stands for Trade Mark and indicates that the mark is a trade mark. It does not imply or mean that the trademark is registered in any country and applies to trademarks for goods or services (or both). It is used as a superscript after the name of the goods or service. It is used with or without the circle.

## Service Mark



The Service Mark indicates that the trade mark is for services rather than goods. It does not imply or mean that the trademark is registered in any particular country. As with TM, it is used as a superscript after the name of the service. It is used with and without the circle. Most major service providers e.g. MacDonald's & American Express will have registered their trade marks so you would normally see the 'R' symbol next to their trade marks.



## EU Registered Designs

The 'D' symbol was introduced in 2025 by the European Union to denote that a European Union design is registered.

## UK Registered Designs

In the UK there is no specific symbol for a UK registered design. UKIPO guidance suggests marking the product with 'registered' (or an abbreviation of the word) followed by the design registration number. Variants may include 'Registered Design', 'Reg Des' or 'Design Registered'.

## Unregistered Designs

Even for unregistered UK designs, there are design rights under section 213 of the copyright, designs and patents act 1988 as amended. In this situation the wording 'design right' or 'des right' can be used on the product.

## Patents

Globally, there is no typographical symbol to indicate that a product is patented. In most jurisdictions, marking a product as patent-protected is optional and considered good practice to give public notice of the patent. However, marking is not mandatory in any jurisdiction.

Marking may include the words 'Patented', 'Pat.', 'Patent No.' followed by the patent number e.g. Patent No.1234567.

Be wary of using just the word 'Patented' without the patent number (or any marking at all for that matter) as you may lose your ability to claim certain damages for past infringement.

In the US marking statute 35 U.S.C. § 287(a) it states, *"In the event of failure to mark: no damages may be recovered by the patentee in an infringement action - except on proof that the infringer*

*was notified of the infringement and continued to infringe thereafter. In that case, damages may be recovered only for infringement occurring after such notice. Filing an infringement action itself constitutes such notice.*” It’s a similar situation under UK law. However, in Germany and France, marking provides little to no legal benefit in infringement suits.

## Patent Pending

Where a patent application has been filed and is currently undergoing prosecution, the words ‘Pat. Pending’ or ‘Pat. Pend’ can be used and may be accompanied by a patent application number. However, this is only to provide notice and does not grant legal protection.

## False Marking

In nearly all jurisdictions, false patent marking is taken very seriously. In the US and UK this is covered by patent law. In most EU jurisdictions false marking is covered by unfair competition and consumer protection laws.

## Marking the Product

Often, physically marking a product with the patent number is impractical – particularly if the size of the product is small or if several patent numbers apply. In this case it’s possible to use virtual marking. Here, instead of the patent number, a URL link to a public website (where the patent information is listed) is printed on the product itself or the bag that it is contained in, or on bulk packaging. Note that QR codes alone are not yet allowed!

For all the above markings there are variations, for example TM may also be written in full as ‘Trade Mark’.

In the world of intellectual property, marking and the use of symbols needs to be carefully considered. Failure to adhere to conventions and local laws can be costly – particularly in situations where false marking has occurred (intentional or not) and when infringers need to be challenged. The best course of action is to consult a professional Patent and Trade Mark Attorney to ensure that your assets are fully protected. An effective Attorney is one that *avoids* future litigation!

**Article by Robert Franks, December 09, 2025**

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