

The trademark symbol

Any sign that can distinguish goods or services of one undertaking from another is a trademark.

These trademarks can be labelled with an appropriate sign to identify the mark as a trademark.

If the mark is unregistered then it can be labelled using a superscript TM, like so: TM. This may be useful for marks which are devoid of distinctive character. Using the TM symbol can educate the public that a mark is intended to be a trademark. After a period of use (5 years or so), if enough reputation has been acquired the mark may be registerable.

More simply, the use of the TM mark alone may be sufficient to alert your competitors that you are aware of your intellectual property rights and may be enough to put off some copycats.

If the mark is registered, then the registered symbol can be used. This is a capital letter R in a circle; ®. This mark is restricted to use on trademark registrations only. These are marks that have been registered through a national intellectual property office such as the UK Intellectual Property office, or an international office, such as the Office for Harmonization in the Internal Market (the trademark and design office of the European Union).

Please note that under Section 95 of the Trademarks Act (UK) 1994 it is an offence to falsely represent a mark as a registered trademark. Do not be tempted to use the registered symbol if you do not have a registered trademark.

There are some other symbols which are used to denote certification or service marks, however, these are rarely used and will not be discussed here.

Please find copies of the above marks available as free downloads for your convenience. The marks are available in either vector graphics (.svg) or portable network graphics (.png) format. The .png format has a transparent background so that it can be easily to be applied to any ready-made artwork.

The registration of trademarks can be a relatively straightforward and inexpensive process. Sometimes however, you may encounter difficulties along the way, which may include opposition to your intended marks from others who are using the same or similar marks. At Franks & Co. we have many years of experience working with all types of businesses and can provide guidance and advice to suit any industry and any budget. If you think we may be able to help, please don't hesitate to get in touch.

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