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 **TEXAS Law**  
The University of Texas at Austin  
School of Law

# TRADEMARKS AND INTELLECTUAL PROPERTY: WHAT DOES THE GENERAL BUSINESS LAWYER NEED TO KNOW?

33rd Annual LLCs, LPs and Partnerships CLE

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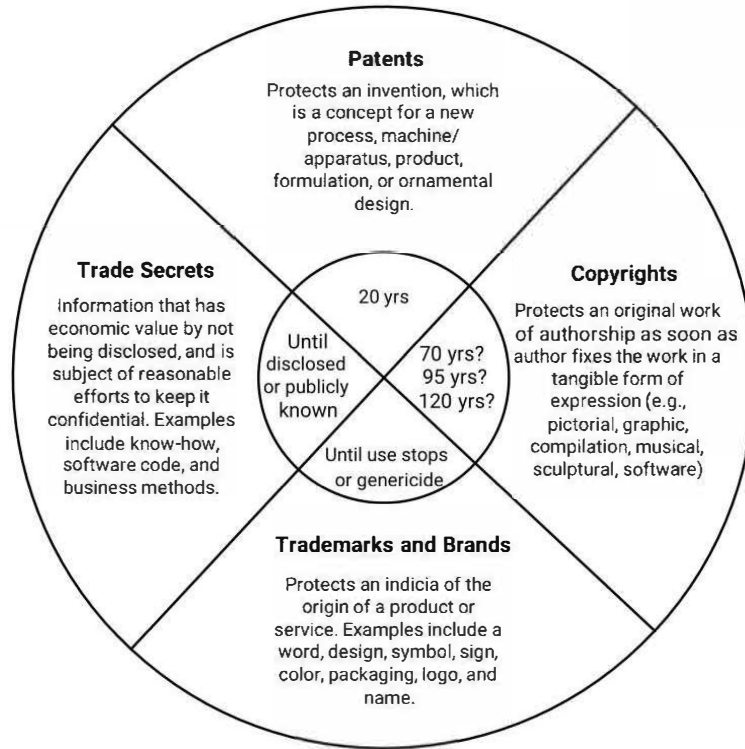
## What Are We Going to Talk About

**As Advertised:** An overview of trademark and related intellectual property issues for business lawyers, including the following topics: What is a trademark? How can brands and trademarks be protected? What is the difference between a trademark, a trade secret, a copyright, and a patent?

**In Reality:** Whatever IP issues you want to ...

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# Types of Intellectual Property Protection



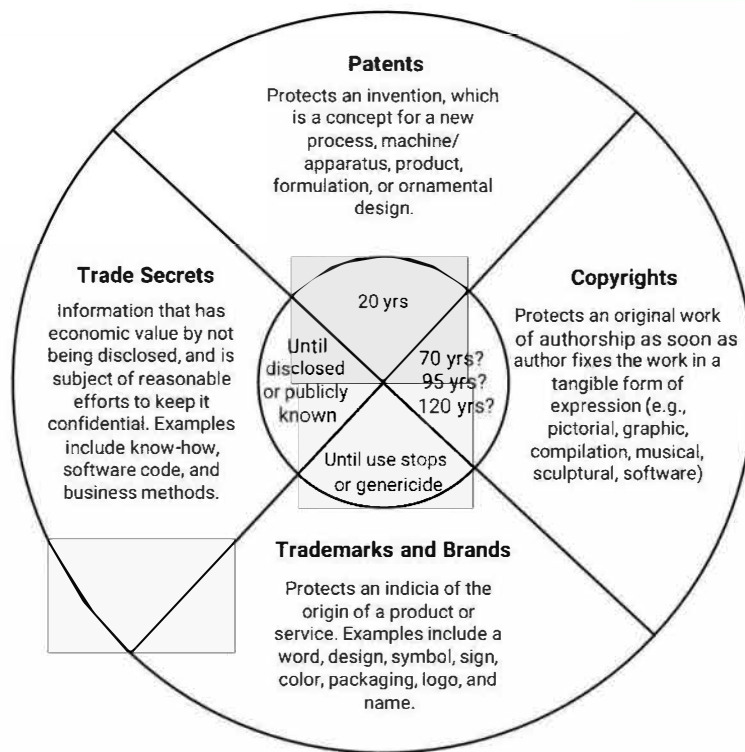
**Patents = Inventions**

**Copyrights = Creative Expressions**

**Trade Secrets = Competitive Secrets**

**Trademarks = Source Identifiers**

# Types of Intellectual Property Protection



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**Trademarks = Source Identifiers**

**NIL???**

# What Is a Trademark



LONGHORNS



HOOK 'EM  
HORNS



TEXAS

BEVO



- Any Word, Name, Symbol or Device Used to Identify Source of a good or service
- Unlimited term - if use continues
- Takes 1 – 2 years to get federal registration
  - National in scope
  - \$2,000+

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# Who Owns a Trademark

- In U.S. - 1<sup>st</sup> Party to Use the Mark “in commerce”
  - Not the first to incorporate, file an assumed name, register a domain name, or even a trademark registration
  - But you can back date your rights by filing an “**intent to use**” federal trademark application
  - Internationally – 1<sup>st</sup> to **Register** is typical
- In Connection with the Sale of Goods or the Rendering of Services
- In a Geographic Area



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## Title search: Trademarks and Intellectual Property: What Does the General Business Lawyer Need to Know?

Also available as part of the eCourse

[2024 LLCs, LPs and Partnerships eConference](#)

First appeared as part of the conference materials for the  
33<sup>rd</sup> Annual LLCs, LPs and Partnerships session

"Trademarks and Intellectual Property: What Does the General Business Lawyer Need to Know?"