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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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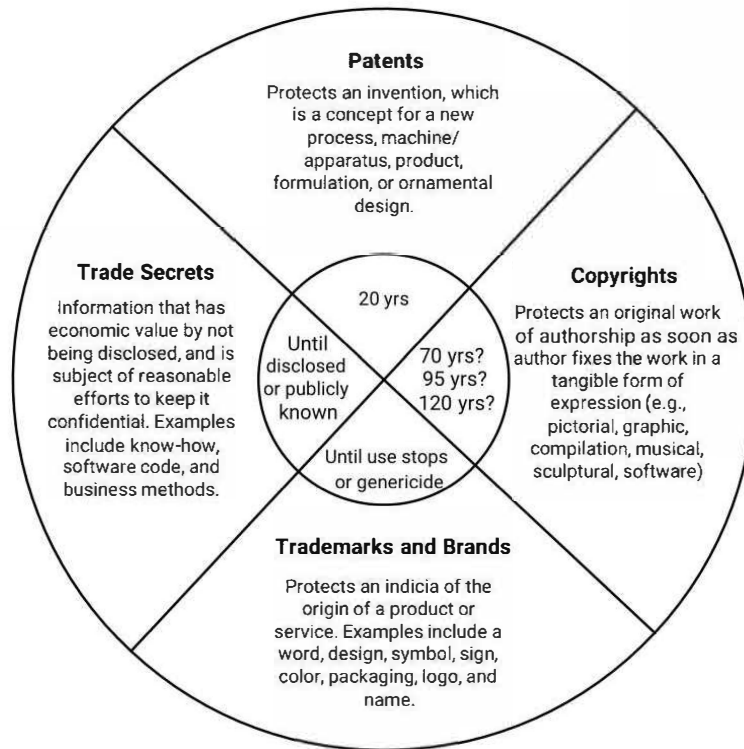
What Are We Going to Talk About

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**

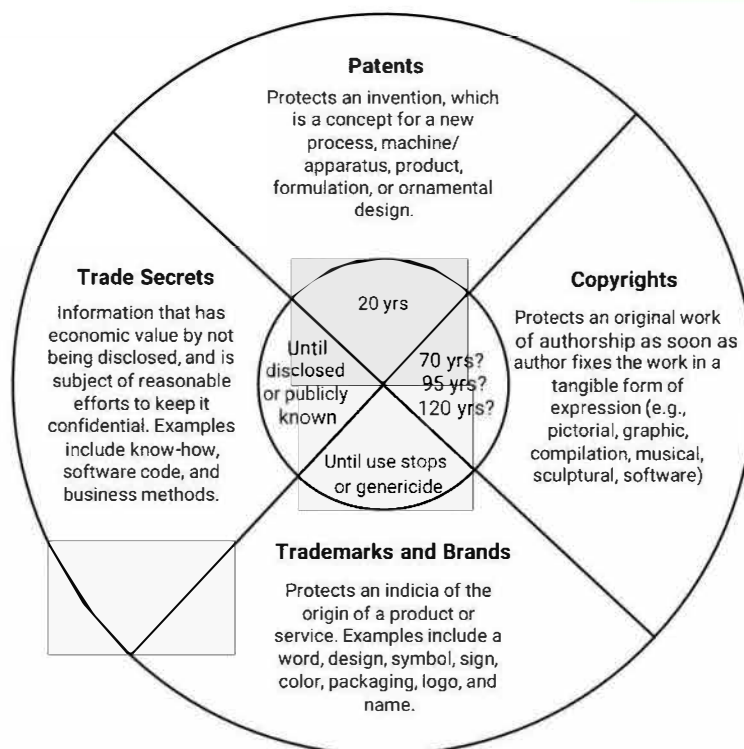
**Copyrights =
Creative
Expressions**

**Trade Secrets =
Competitive Secrets**

**Trademarks =
Source Identifiers**

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NIL???

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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. - 1st 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 – 1st 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

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

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