There is a lot more to your issue than we are able to address here but I suggest that you send us a follow-up question to counselorsdesk@call-post.com after you have had a chance to consider this response.

Q. I have a business idea that I developed and am interested in protecting it so that no one can steal it from me. How do I get a trademark for it?

A. Thanks for your question. While your question seems pretty straight-forward, it is actually a loaded one. First and foremost, your head is in the right place if you are asking questions regarding protecting your interest in the intellectual property that will serve as the foundation for your business. Unique and innovative inventions or processes are what cause companies to grow, be competitive and become sustainable. Consider Coca-Cola. It is not only the secret formula that has America hooked but also its trademark bottle-shape and the red and white banner logo that sets it apart from all others and conjures up nostalgic thoughts of an ice-cold beverage in the summertime with friends. You obviously want to protect your rights in any inventions, works and brands you create. With that being said, we need to clear away some of the weeds so that you can see how copyright, trademark and patent laws serve to protect you, your creations and innovation generally.

Before you set out to file anything or hire anyone, you should understand the varying types of intellectual property protections. A trademark is word, phrase, symbol or design, or a combination thereof, that identifies and distinguishes the source of the goods of one party from

those of others. A patent is a limited duration property right relating to an invention, granted by the United States Patent and Trademark Office in exchange for public disclosure of the invention. A copyright protects works of authorship, such as writings, music, and works of art that have been tangibly expressed. You can learn more about copyrights, trademarks and patents by visiting www.uspto.gov where there are many resources for persons like yourself who want to better understand the process of protecting their IP.

Protectable intellectual property is distinguishable from an idea. Ideas, unfortunately, cannot be protected, but the expression of those ideas in an appropriate manner, medium or format can be protected. For instance, the concept for a great video game communicated to friends or in a business meeting cannot be protected but the written storyline, drawings, characters, code and software can. An explanation of a great invention, tool or process cannot be protected but the prototype and the specifications can. Simply because you come up with the thought of a cool name or slogan for a business does not mean that you have protectable rights in the name or slogan. However, if you were actually using the name and slogan in practice and associating it with something specific, whether a person, item or place, then you may have protectable intellectual property which through trademark, in this case, you would be able to exclude competition.

There is a lot more to your issue than we are able to address here but I suggest that you send us a follow-up question to counselorsdesk@call-post.com after you have had a chance to consider this response.

It is wise to keep an inventor's notebook where you jot all of your ideas and concepts down and try to date them as often as possible. Make a practice of adding information to the notebook but be sure to keep it in a safe place. Be smart when sharing your business ideas, if you are serious about them, you will want to be prudent at all times.

Be well and Godspeed.

--Aaron A. O'Brien, Esq.