



## Trade-Marks and Registered Trade-Marks – Using <sup>TM</sup> and ®

There is an important difference between the <sup>TM</sup> symbol and the ® symbol: the former serves as notice to others that you claim ownership over the name of that product or service, but you are not claiming to have a *registered* trade-mark; the latter serves as notice to others that the trade-mark has been *registered* with the Trade-marks Office.

If you have a trade-mark pending, I recommend that you use the <sup>TM</sup> symbol. You may NOT use the ® symbol unless your trade-mark has been registered with the Trade-marks office.

<sup>TM</sup> indicates “common-law rights” over the trade-mark, that is, our mark isn’t registered but you’ve gained some limited rights in terms of the reputation you’ve established with that mark. ®, on the other hand, indicates that you have exclusive, nation-wide rights in the trade-mark and you do not need to prove you’ve established a reputation by use of the mark.

You may occasionally see the symbol <sup>SM</sup>. This stands for “service mark” and is an American concept.

While common law does serve as some degree of protection for your trade-mark, a registered trade-mark provides you with the best legal protection possible and is far easier and less expensive to enforce against infringers.

