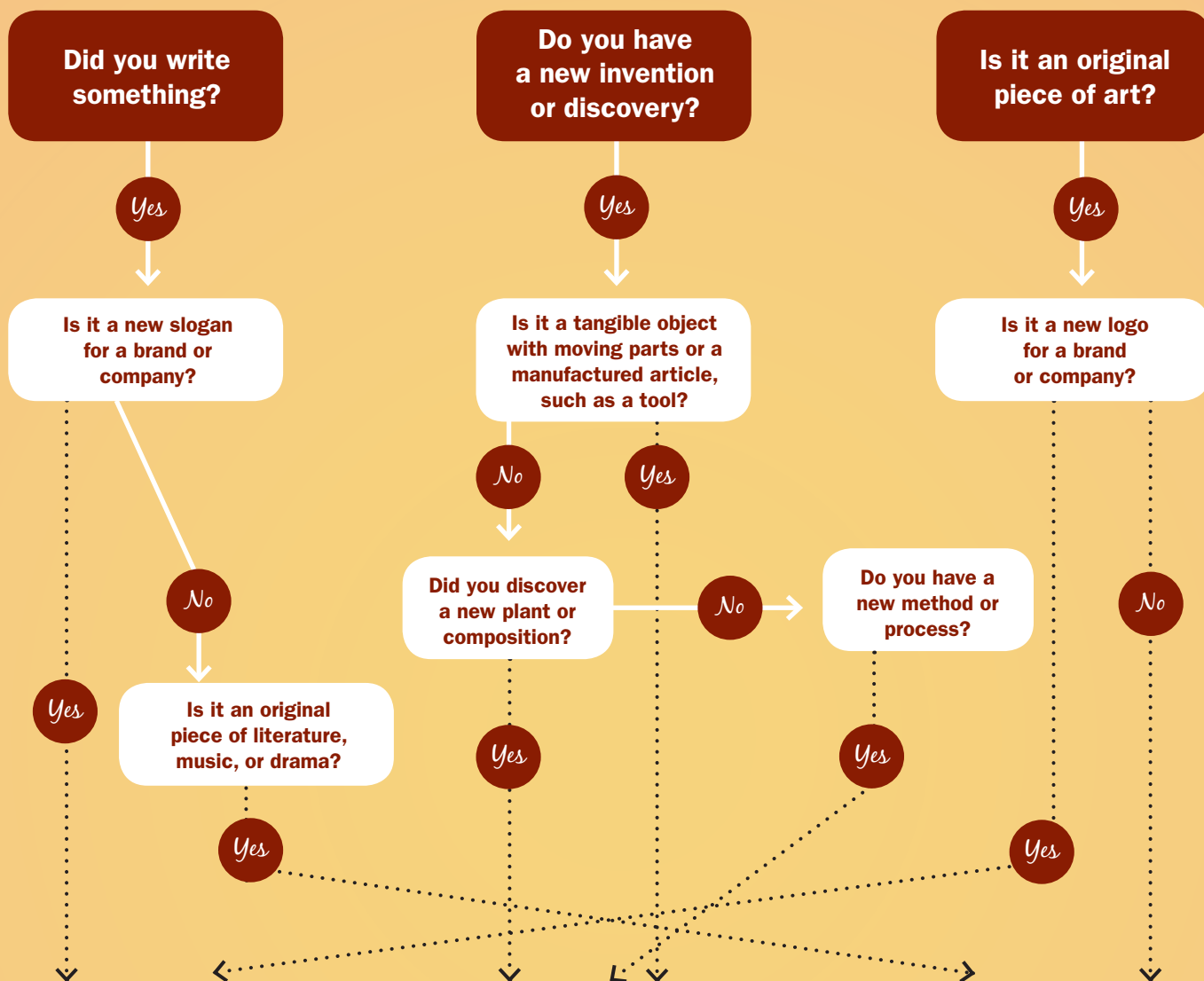


# HOW SHOULD I FILE?

*Protect your idea with a copyright, patent, or trademark*



## Trademark

A trademark is a word, phrase, symbol, or design, or a combination of words, phrases, symbols, or designs, that identifies and distinguishes the source of the goods of one party from those of others. *Think the Nike "swoosh" and the slogan JUST DO IT®.* In addition, colors and fragrances may be registered as trademarks. *Think the red painted soles of a Christian Louboutin shoe or the smell of Clarke's Osewez®'s sewing thread and embroidery yarn.*

A service mark is the same as a trademark, except that it identifies and distinguishes the source of a service rather than a product. *Think FedEx®.*

Source: [www.uspto.gov](http://www.uspto.gov)

## Patent

Under U.S. patent law, any person who "invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent." In general, this means you must satisfy the following four requirements to qualify for a patent:

- The subject matter must be patentable.
- The invention must be novel.
- The invention must have some utility or usefulness.
- The invention must not be obvious.

Source: [www.legalzoom.com](http://www.legalzoom.com)

## Copyright

Copyrights are a form of protection for the authors of "original works of authorship," such as literary works, including computer programs; musical works; dramatic works; pantomimes and choreographic works; pictorial, graphic, and sculptural works; motion pictures and other audiovisual works; and sound recordings and architectural works.

Abstract ideas which are only in your head are not copyrightable. That said, you can copyright tangible forms of creative expression which are recorded on paper, CD, DVD, or similar media. When a work is created, a copyright of it is automatically secured. If you like, you can add the copyright symbol to your work.

Source: [www.law.cornell.edu](http://www.law.cornell.edu)