



Chris Griswold, P.C.

News From the Firm

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Message From Chris....

My clients do a lot more than just real estate; more than just borrow money to acquire businesses, assets or capital; more than just form partnerships and entities, and do more than just estate planning. They start up tech firms, service businesses and website development companies and ask me to help with their *intellectual property and/or licensing issues* and concerns. Read more below.

Raising Your Intellectual Property IQ – Part 1

*First, what is the purpose of service marks (SM) and trademarks (TM)?*

**ANSWER:** It's to properly give credit to the person or entity that created or provided the product or service.

*Second, what is the difference between a SM and a TM?*

**ANSWER:** You've probably heard these commonly referred to or used together, which can be confusing.

A SM refers and relates to a business that provides a service, like a window washing company or a trucking company. Services (like of a doctor or a consultant) and physical acts (of hauling freight, like a trucking company or a landscaping company) are both the proper object of a SM, and the rights to them should be reserved with a SM.

Contrastingly, a TM refers to a product or a good that has been produced, and the TM seeks to preserve the producer's rights to the intellectual property attached to such product or good. The product or good can be both tangible and intangible.

Remember, that **both** services (SM) **and** products and goods (TM), while different, are both forms of intellectual property.

*Third, what are some working examples of the differences between SM and TM?*

**ANSWER:** For example, the rights to a song or a movie (which are both products and goods) is intellectual property which should be trademarked – even though they're both intangible. Graphic art, computer programs (and their code) are also intangible things whose intellectual property rights can be reserved with a TM.

However, a computer engineer (that would help a client to develop these computer programs, and their code, as an independent contractor) is providing intellectual

property in the form of a service, so, as a service provider, the computer engineering company would SM its services provided to such client.

In contrast, a book (whether a physical book or an e-book) is intellectual property (not a service) whose author would protect with a TM.

***Fourth***, can SM and TM both be used together?

**ANSWER: Yes.** Often, the same business will, respectively, use both SM and TM protections on its services (SM) and goods and products (TM) - since one business can offer both classes of intellectual property.

### What My Clients Are Saying

“I have been extremely pleased with the legal services provided by Chris. He is an expert on real estate issues; devotes immediate attention to our needs and follows through with all required action. I look forward to a continuing relationship with Chris.”  
*Harrison Levy / Oklahoma City, Oklahoma*

***The information presented within this article is of a general nature and is not intended to be relied upon as legal advice in any particular matter without first consulting qualified counsel.***

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