

Raising Your Intellectual Property IQ – Part 2

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

ANSWER: They are a legal creation which identify the services provided by a person or entity in their course of business.

***Second**, what is the purpose of, and what are, trademarks (TM)?*

ANSWER: They are a legal creation which identifies the creation of something. This “something” can include, but isn’t limited to, any sort of product, idea, mathematical formula, recipe, thought, song, movie, film, name, technology, algorithm, derivative, sound, noise, packaging and/or symbol, brand or logo. None of these things are mutually exclusive either. So, any combination of the above can be trademarked and then constitute a single TM.

***Third**, can something that is a TM also be part of a SM, and vice versa?*

ANSWER: Yes. A SM can include certain elements that are TM, like a logo or branded name or symbol. For example, a taxi cab company, which provides services to the public, can have a SM of its name, “Friendly Taxi,” which includes its logo of a uniquely shaped, small, red and yellow taxi cab with green little tires - which the company trademarked as its brand and logo and then put on its website, internet service app, t-shirts, mugs and online directory with the local Better Business Bureau (BBB) and Chamber of Commerce - as their readily identifiable brand and logo.

***Fourth**, what’s the big picture of SM’s and TM’s?*

ANSWER: Remember, that **both SM and TM**, while different, are both forms of intellectual property. Accordingly, each type of legal creation can be owned by some person or entity to the exclusion of other persons and entities once a legal process has been completed.