

**BOLHOUSE, BAAR & HOFSTEE, P.C.**  
**ATTORNEYS AT LAW**

**Trade and Service Marks in our Small World**

Thomas R. Vander Hulst

May 2015

They say the world is small and getting smaller all the time. I suppose that is true. When my daughter and her husband were in Peru for a year a short while ago, I could talk with them every day, face-to-face, via Skype. Contrast that with the day, not all that long ago, when I would have needed to send a letter via regular post and hope it got there...eventually. But this incredibly shrinking world means we need to consider things we never gave thought to before.

Recently, I read a news item about a Michigan company and North Carolina company that were in a dispute over an advertising slogan. It used to be that two companies in distant states using the same slogan would not have been an issue; neither would have known the other existed! But with the ever-growing volume of internet advertising and interstate sales these days, such things matter. Now we argue about who used what first and how.

There are ways to give your company an edge before these situations arise. By filing for trademarks and service marks you can receive protection for your logos and slogans, and the trademark laws provide a basis to protect these trademarks. By definition, a "trademark" is a word, phrase, symbol and/or design that identifies and distinguishes one party's goods from another party's. A "service mark" is similar but distinguishes services rather than goods. Both are commonly referred to as "trademarks." A registered trademark/service mark provides notice to the public of your use of the logo or slogan and a presumption of ownership nationwide. If there ends up being an argument over who owns a logo or slogan, you will be in a much better position if you previously secured a trademark or service mark.