

The Creative Shield: The Artist's Guide to Copyrights, Trademarks & Brand

TRADEMARK TYPES & PROTECTION WORKSHEET

Understanding Registered Trademarks, Common Law Trademarks, and Service Marks

Trademarks (™ / ®) and service marks (SM / ®) are powerful tools to protect your brand name, logo, slogan, and identity. But not all marks offer the same protection—or the same process. Use this worksheet to clearly understand how they work, when to use them, and how to take control of your creative brand.

TYPES OF PROTECTION

Feature	Common Law Trademark (™ / SM)	Registered Trademark or Service Mark (®)
How It's Acquired	Simply by using the name/logo in commerce	Filing and approval by the United States Patent and Trademark Office (USPTO)
Legal Symbol	™ for products / SM for services	® for both products and services (after registration)
Geographic Protection	Limited—only where you're known or actively using it	Nationwide in the U.S. (can also expand internationally via treaties)
Legal Power	Basic rights, but harder to enforce in court	Strong presumption of ownership + exclusive rights in your category
Cost	Free, but weaker legal standing	Filing fees (\$350 per class) + optional legal help
Visibility & Deterrence	No public record—harder to warn off infringers	Listed in USPTO database—public, searchable, and deters copycats
Defending Against Infringement	Must prove prior use, public recognition	Easier to defend—legal ownership is presumed
Use in Licensing & Collabs	Risky—limited credibility or legal strength	Strong foundation for licensing, collabs, and monetization
Duration of Protection	As long as the mark is in use	Indefinite, with renewals every 10 years
Best For	Local artists, small projects, testing ideas	Growing brands, national exposure, merch, performances, digital platforms

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What's What?

Trademark (™ / ®)

Used to protect names, logos, or symbols related to products (physical or digital goods).

Service Mark (SM / ®)

Used to protect brand identifiers related to services (like dance classes, consulting, photography, design, etc.).

Reflection Questions

1. What words, logos, or slogans do you use in your creative business?
List them below and note if they're used for a product (™) or a service (SM).

Brand Element Product or Service? (™ / SM) Using a Symbol? (Y/N) Registered? (Y/N)
2. Do you currently rely on common law rights or have you registered with the USPTO?
 - Common Law Only
 - Registered
 - Both
3. What are your future plans for brand growth (merch, collabs, licensing, etc.)?
How might a registered trademark or service mark help with that growth?

Quick Tips for Artists

- Use ™ or SM immediately, even before registering.
- Only use ® after your mark is officially registered.
- Service-based creatives (e.g., choreographers, consultants, photographers) can protect their name under a service mark—use SM until it's registered.
- Registration is especially helpful if you plan to:
 - Sell merch or products nationally
 - Collaborate with brands or sponsors
 - License your content
 - Prevent others from using similar names online

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Exercise: Your Action Plan

Write down your next 3 steps to strengthen your brand protection using trademarks or service marks:

1. _____
 2. _____
 3. _____
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