



# Trademark symbols

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**Q** What is the difference between the ® symbol and the ™ symbol?

**A** The ® symbol should be used only AFTER the mark is federally registered with the U.S. Patent and Trademark Office (PTO). Until then, a business might use the ™ symbol next to its mark, but should not use the ® symbol. The ™ symbol may help support a claim to “common law” trademark rights, but does not convey the statutory rights that come with a federal registration under the Lanham Act. To obtain such a registration, an application must be filed with the PTO, which will examine the application to determine if the mark satisfies various requirements (a process that often takes twelve to eighteen months). Contact an experienced trademark attorney to discuss your options.