



Difference Between Trade Marks and Copyright

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Introduction

A common question asked by business owners, authors and creative individuals is whether they need a copyright or a Trade Mark to Protect their work. This is because many are not aware of the Difference between Trademark and Copyright and which one is appropriate for what they want to protect. But, the intellectual property rights you have in a Trademark or copyright may be most valuable asset you own [1]. Therefore, they need to be protected. Understanding the differences between a copyright and Trademark is the first step in properly protecting your interest.

The three fundamental types of intellectual property are:- Trade Mark, Copyrights and Patents. The rest of this article will focus on the difference between Trademark and copyright only [2]. What is Copyright? A copyright is a form of intellectual property protection provided for almost every kind of creative expressions including Painting, Sketches, Writings, Sheet Music, Video and audio recording, Sculptures, Architectural Design, Computer Software and Other writing or creative work.

For copyright to exist in a work, it has to be fixed in a “tangible” medium “meaning that it must already exist in some perceptible form such as on paper, in a sound or video or video recording or embodied in a painting or sculpture.

Copyright protection is available for both published and unpublished Works and in general gives the owner of the copyright the legal right. To exclude others from using or reproducing their work without the Owner's permission [3].

A copyright is automatically conferred the moment a work is created. However there are certain advantages to registering a copyright, such as the ability to prove that you are the original creator through documents.

A copyright grants the owner exclusive rights in the way that an idea is Expressed. But it does not confer any right in the

idea preventing anyone else from using those same words in the same order [4]. However, this does not preclude someone else from writing their own original article about the same idea. Lastly Copyright do not protect short phrases, titles or common design elements. These type of assets are usually protected as trademark, which are often confused with copyrights.

What is a Trademark? A Trademark is a form of intellectual property protection that covers symbols, names, logos, words and devices that are used to identify the goods or services of one business entity from the goods or services of another. Trademark are intended to protect consumers from confusion and to protect the interests of the trademark holder as well [5]. When a business produces a particular product and registers a trademark for the product with proper governmental agency no other business can use that mark in association with their own products.

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Conflict of Interest

None

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