

Trademark basics: What every student-athlete should know

Overview

Brands use trademarks to identify the source of their particular products and services. Think **brand names, slogans, and logos**.

You're no doubt familiar with:



When you see these trademarks, what do you immediately think of? Most likely, you think of clothing and athletic equipment.

You don't think of random items like airplane engines, fresh cut flowers, or seaweed snacks. Instead, you probably associate the marks with the goods on which you've seen them.

But that's not all.

When you see these trademarks, you think of each specific company's clothing and equipment.

For example, take the Reebok logo:



When you see this design, you think about Reebok-branded clothing and equipment. You don't think of Nike or Adidas or Under Armour.

Notably, trademarks do double duty:

- They indicate the source of a particular product or service (like shoes or shirts)
- They help brands distinguish themselves from other brands (like Nike-branded shoes vs. Adidas-branded shoes)

Because of trademarks, you don't buy the wrong gear by mistake, and you likely know you're getting a quality product if you're familiar with the brand.

Trademark value

But trademarks do more than help you when you're shopping.

If you're a brand owner, they can increase the monetary value of your business.

In fact, they're often among the most valuable assets a company owns.

It's difficult to truly estimate a trademark's value. After all, how do you calculate the worth of an asset you can't touch? Unlike a shoe or a piece of athletic gear, you can't hold a brand in your hand. So trademark evaluators often try to estimate the future earnings attributable to the brand.

But to create trademark value, you have to protect it.

Trademark protection

One way to protect a trademark is by registering it with the United States Patent and Trademark Office (USPTO). Federal registration provides nationwide rights in your mark and unlocks additional benefits, like:

- Using the ® federal registration symbol
- Barring your competitors from registering trademarks that are confusingly similar to yours for related products and services
- Legal presumptions that you are the owner of the trademark and have the right to use it

But to obtain and maintain a registration you must:

- Actually use your trademark in interstate commerce in connection with specific goods and services
- Make sure your trademark isn't confusingly similar to someone else's registered mark when used with related goods or services
- Avoid other reasons for refusal, such as genericness or ornamentation or when the mark is "primarily merely a surname"
- Continue using the trademark to keep your registration alive

If you're a student-athlete and want to assess your potential trademark rights, you may want to consult an experienced, U.S.-licensed trademark attorney about what is best for you.

Trademarks and NIL

A trademark may bring additional value to a name, image, likeness (NIL) contract that you might have with a sponsor.

Specifically, your brand name, slogan, or logo might be more valuable to a sponsor because you've already established a good relationship with your fans. The sponsor might hope to associate its trademark with yours to reach a new group of customers.

A federally registered trademark creates additional reassurance for the sponsor, knowing that you've already established nationwide rights in the mark.

Your trademark rights also show a potential sponsor that you understand your legal rights and take them seriously.

Again, you may want to talk to a U.S.-licensed attorney about your options and continue to educate yourself about trademarks by exploring our free resources.

Trademark resources

Trademark basics:

www.uspto.gov/TrademarkBasics

Hiring a U.S.-licensed attorney:

www.uspto.gov/trademarks/basics/why-hire-private-trademark-attorney

Trademark basics registration toolkit:

www.uspto.gov/TrademarkBasicsToolkit

IP Identifier Tool:

<https://ipidentifier.uspto.gov/>