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“Walk Softly and Carry a Big Stick”

- Theodore Roosevelt -

Benefits of Federal Trademark Registration

By Kurt E. Anderson, Esq.

In the early 20th century, Roosevelt’s foreign policy was characterized by this famous quote. In the United States, trademark rights are created when you begin using your trademark in “interstate commerce.” So why bother registering your trademark? Because it’s a professional way of walking softly and carrying a big stick.

1. **You get to use the ®.** The “R” in ® doesn’t stand for “Roosevelt”, but maybe it should. Roosevelt “walked softly” by sending his new flotilla of naval ships on a “goodwill” tour to various places around the world. But the real purpose of the tour was to send a subtle message to the world about the power of the United States.

➤ **Deterrence** - Just like Roosevelt’s goodwill tour, you can send a subtle message to would-be infringers by using the federal registration symbol on your trademark.

➤ **Professionalism** – Use of the ® symbol also conveys a special sense of professionalism. Only federally registered trademarks are permitted to use this symbol. Businesses who invest in their trademarks also invest in their future. Use of this symbol without a federal trademark is a violation of federal law and could prevent an otherwise legitimate trademark from being registrable.

➤ **Size** - Your use of the ® symbol tells your customers something about the size of your business. Since only business with sales in interstate commerce can obtain a federal registration, it lets your customers know you’re not merely a local business.

2. **You get a bigger stick.** When it comes to enforcing trademark rights, a bigger stick can make all the difference. If your trademark is federally registered, you have special legal rights that are not available to holders of unregistered trademarks:

➤ **Money** - If your trademark isn’t federally registered, you can’t get money from other people who illegally use your mark. It’s that simple. Holders of unregistered marks can

