TRADEMARKS, COPYRIGHTS AND PATENTS IN PLAIN LANGUAGE

What each kind of protection covers, when it matters for a small business, and how to make sure your business owns its ideas.

TYPE: GUIDE REVIEWED: NOVEMBER 2026 TIME: 9 MINUTES LEVEL: BEGINNER

AT A GLANCE

- **Intellectual property (IP)** means creations of the mind that the law can protect: names, logos, writing, designs, code and inventions.
- **Trademarks** protect brand names and logos. **Copyrights** protect creative work like writing, photos and code. **Patents** protect inventions. **Trade secrets** protect valuable private information.
- The most important step for most new businesses: make sure **the business owns everything** founders, employees and contractors create for it, in writing.

WATCH OUT

General US information only, not legal advice. IP rules are technical. Talk to an IP attorney before filing, especially for patents.

Why it matters

Your name, recipes, designs, software and content can be some of your most valuable assets. Investors check who owns them. If a freelancer built your app or designed your logo without a written agreement, they may own it, not you.

The four types

Type	Protects	How you get it	How long it lasts
Trademark	Names, logos, slogans that identify your brand	Some rights from using it in business; stronger rights from federal registration with the USPTO	As long as you keep using it and renewing
Copyright	Original creative work: writing, photos, music, art, website content, code	Automatic when created; registration adds benefits in court	Generally the author's life plus 70 years, or longer terms for some business works
Patent	New, useful, non-obvious inventions and designs	Application to the USPTO, reviewed by an examiner	Generally 20 years for utility patents, 15 years for design patents
Trade secret	Valuable private information like recipes, formulas, customer lists, methods	Keeping it secret, with confidentiality agreements	As long as it stays secret

Trademarks

- You can use **TM** on your brand name right away to show you claim it.
- The ® symbol may only be used after **federal registration**.
- Search before you file. See **B-07 Picking and Protecting Your Business Name**.
- Register in the categories (called **classes**) that match what you sell.

Copyrights

- Your website text, photos, videos, menus and code are protected as soon as they're created.
- **Registering** with the US Copyright Office is required before you can sue in federal court, and adds other benefits.

Patents

- Most small businesses don't need patents. They're expensive and slow.
- If you have a real invention, talk to a patent attorney **before you share it publicly**. Public disclosure can affect your rights.
- A **provisional application** gives you 12 months to file a full application while you test the market.

Making sure your business owns its IP

1. **Founders** sign an agreement assigning their work for the business to the company.
2. **Employees** sign agreements covering inventions and confidentiality.
3. **Contractors and freelancers** sign contracts that **assign** the work to your business. "Work for hire" language alone may not cover everything. See **B-09 Contracts Every New Business Needs**.
4. **Keep records** of who created what, and when.

> EXAMPLE
>
> **Sofia** paid a freelance developer to build her first app with no written contract. When investors asked who owned the code, she had to go back and pay the developer to sign an assignment agreement. Now every contractor signs one before starting.

Common mistakes

- **No written IP assignment from contractors.**
- **Using a name without a trademark search.**
- **Sharing an invention publicly** before talking to a patent attorney.
- **Assuming you own photos or content** you found online. You usually don't.

Your checklist

- ☐ List your key IP: name, logo, content, recipes, code, inventions
- ☐ Get IP assignment agreements from founders and contractors
- ☐ Do a trademark search for your name and logo
- ☐ Decide whether to register your trademark
- ☐ Talk to an IP attorney before sharing any invention

Key words, explained

Word	What it means
IP	Intellectual property: creations of the mind the law can protect.
USPTO	The US Patent and Trademark Office.
Assignment	A written transfer of ownership, such as from a contractor to your business.
Trade secret	Valuable information protected by keeping it secret.

Where to go next

- **B-09 Contracts Every New Business Needs**
- **B-07 Picking and Protecting Your Business Name**
- **R-20 Getting Ready for Due Diligence**

IMPORTANT
This guide is general education from the Project Underdogs Founder Library. It is not legal, tax, accounting, immigration or investment advice, and it is not an offer of investment or a promise of funding. Figures are general examples and ranges, not quotes. Rules change and every business is different, so check your situation with a qualified professional. Full terms: LIB-03 Disclaimer and Terms of Use.