

Craft Show Items - Patents and Trademarks

Contributed by Natalie Goyette
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{bot_wrgoogle}"A patent for an invention is the grant of a property right to the inventor, issued by the Patent and Trademark Office. The term of a new patent is 20 years from the date on which the application for the patent was filed in the United States or, in special cases, from the date an earlier related application was filed, subject to the payment of maintenance fees. US patent grants are effective only within the US, US territories, and US possessions.

The right conferred by the patent grant is, in the language of the statute and of the grant itself, 'the right to exclude others from making, using, offering for sale, or selling' the invention in the United States or 'importing' the invention into the United States. What is granted is not the right to make, use, offer for sale, sell or import, but the right to exclude others from making, using, offering for sale, selling or importing the invention." (www.uspto.gov)

Therefore, a patent differs from a copyright in that it affords you the exclusive right to make, use or sell your craft show item and excludes others from doing so without your permission, while a copyright prevents others only from copying your designs. However, a patent is generally not appropriate for forms of creative expression but rather for a process, a machine or tool used to create a product or a composition of matter such as a new metal alloy or chemical compound.

Considering the time, effort and cost to secure a patent, in most cases for most craft show items, a copyright will suffice. Patent fees run several hundred to several thousand dollars and you will most likely need an attorney, so this is a costly process. Again, check with other crafters, organizations, attorneys and Web sites to find out what is best in your case.

Trademarks (and servicemarks)

"A trademark is a word, name, symbol or device which is used in trade with goods to indicate the source of the goods and to distinguish them from the goods of others. A servicemark is the same as a trademark except that it identifies and distinguishes the source of a service rather than a product. The terms 'trademark' and 'mark' are commonly used to refer to both trademarks and servicemarks.

Trademark rights may be used to prevent others from using a confusingly similar mark, but not to prevent others from making the same goods or from

selling the same goods or services under a clearly different mark. Trademarks which are used in interstate or foreign commerce may be registered with the Patent and Trademark Office. The registration procedure for trademarks and general information concerning trademarks is described in a separate pamphlet entitled 'Basic Facts about Trademarks.'" (www.uspto.gov)

You may want to consider registering for a trademark if you have created an exclusive name, such as "Cabbage Patch Dolls" or "Hula Hoop." Since you can easily file online and the cost is around \$300, consider filing if you have a craft show item that needs trademark protection.

About The Author

Natalie Goyette shows you how to make your craft show business profitable in her best selling ebook: *Craft Show Success Secrets*. Visit her site:

<http://www.craftshowsuccess.com>