

Trademarks, Trade Marks, Copyrights, and Patents

By Anna Von Reitz



Apparently, some people are following a practice of putting a Trademark Notice, that is, a small superscript "TM" after their signatures. This should not be done unless for some reason that person is actually using their name as a trademark in the context of whatever they are signing.

As an aside, Please Note that in the international jurisdiction of the sea while conducting international trade, it's called a "trademark" and when conducting international trade on the land, it's called a "trade mark".

There are two international jurisdictions of the sea --- Admiralty and Maritime (Commerce) -- and both use the word "trademark".

It wasn't always like this. Prior to 1881, there was no provision for incorporated businesses operating as commercial corporations to use trademarks. That legislation allowing commercial corporations (involved in commerce not "trade") to use "trademarks" muddied the water, so that you can no longer tell if a "trademark" is being used in international trade or in commerce.

It also creates the problem of "granting assumption" that when you show a "trademark" notice, you might be operating in EITHER trade or commerce, and that can give the attorneys a hook to misidentify you and deliberately misinterpret what you are trying to accomplish.

A trademark is used as a unique sign or symbol associated with a business. Logos are trademarks. Brands are trademarks. Unique signage can be used as a trademark. And yes, it is possible to use a name as a symbol and therefore, as a trademark --- both as a commercial (public) trademark and as a private trademark.

Example of a signature being used as a public (commercial) trademark --- the familiar "Eddie Bauer" signature that appears on all "Eddie Bauer" products.

Example of a signature being used as a private (international trade) trademark -- my husband's uniquely styled "Artist Signature" which is nothing like his day-to-day signature serves as a private trademark on all his work.

Back in 1881 when this conundrum of using "trademarks" in commerce began, a stylistic convention was adopted to sort things out. The same convention applies to copyrights as well.

If you are acting in a private business capacity and you hand write the copyright notice (the small letter "c" in a circle) or the trademark notice (the small "TM" superscript) it is evidence that you are operating in international trade.

If you use a machine printed copyright notice or trademark notice the result is ambiguous and subject to interpretation, but the use of a machine (typewriter/computer keyboard) to create the image gives weight to the presumption that you are operating in a commercial capacity.

So, if you are going to use a copyright notice as a living American serving notice of your property interest in your autograph or signature, it's advisable to handwrite it.

And if for some reason (artists and designers commonly do this) you have a special signature that you use as an identifying mark for your products, go ahead and handwrite the superscript "TM" after your handwritten copyright notice--- otherwise, if you are not using your "trademark signature" as an actual trademark, don't issue a trademark notice.

You can get in trouble doing so, and you can also provide the ravaging wolves an excuse to presume that you are operating in commerce as a Municipal THING, unless you are careful about the context and know the law well enough to clarify your use of a "special signature" as part of your "trade".

Trademarks give you "defensible rights" --- meaning that you have to assert and defend your ownership of that particular trademark by being able to show that it is special and unique, and that you have been using it more than seven (7) years in international trade, or, if you actually are operating in commerce, have registered it in commerce.

I have a special circumstance in that I inherited a name as a perfected "trade mark" that was recorded and also registered as a "trademark" in 1855, prior to all the confusion.

Nobody should pattern their use of a trademarked name after me, because different laws and assumptions apply to my rather unique situation.

Patents in this country have been "reissued" as "registered patents" and are always numbered; when they come from the Land Patent records they come as properties registered by the British Crown and held in trust. This is obviously not where any American wants their land acquisitions to remain. You can obtain the registered patent record and/or number and publish your interest in it and then record your interest in that patent, which returns it to the land jurisdiction and makes you, not the British Monarch, the owner.

Ron Gibson has developed a complete, exhaustive, and correct --- and in my opinion -- an unassailable process, for people to reclaim and properly reinstate their patent rights, so long as you are recognizable as an American to begin with.

Strange but true, only Americans claiming their birthright political status, can actually own land in this country --- but you cannot just assume that your patent rights will be honored. You have to take action and inform the authorities and publish your actual interest in the property, or the King's men continue to interpret everything in favor of the King and under the King's Law.

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