

**On Your Terms Episode 44:**  
**What's the deal with ™, ©, ® symbols and can I use them**

**Sam Vander Wielen:** [00:00:00] What would you do if somebody stole your content or course material and used it to sell it as their own? Do you have a plan? Well, I can tell you exactly what I do, because this happens often enough that my team has a whole plug and play process for content copycats, so they get taken down ASAP attorney style.

**Sam Vander Wielen:** [00:00:17] If you don't want to be caught off guard while sneaky content thieves sell your content and products as their own while smiling as innocently as a preschooler at a lemonade stand, then listen up, because I've got something for you. It's called The Ultimate Guide to Taking Down Copycats. And it's my new easy to follow PDF Guide with scripts and SOPs to help you feel confident in dealing with or preparing for your first business copycat. Go to [copycatschecklist.com](http://copycatschecklist.com) right now to get the totally free PDF Guide.

**Sam Vander Wielen:** [00:00:46] And if you're stressed out worrying about a copycat stealing your best business ideas and using them to market as their own, you need to go get your copy of my Ultimate Guide to Taking Down Copycats today. Once you have the guide, you'll know how to stop copycats from stealing your content and what to do if they do. So, head to [copycatschecklist.com](http://copycatschecklist.com) to get my free guide today.

**Sam Vander Wielen:** [00:01:10] Hey there. Welcome back to On Your Terms. I'm your host, Sam Vander Wielen. I'm an attorney turned entrepreneur who helps online coaches and service providers legally protect and grow their businesses using my DIY legal templates and my Ultimate Bundle program.

**Sam Vander Wielen:** [00:01:23] I am so excited to chat with you today all about the symbols. What's the deal with all the symbols? Like, the trademark symbol, the R with the circle, the C with the circle. Can you use them? Can you not? Do they really help you? I'm just excited to dive into all the symbols today because I have been surprised, you guys, honestly, by how many questions there are about these, how much buzz this generates. Whenever I talk about it, people are like, "Really? I didn't know I could do that" or "I didn't know I couldn't do that." So, I'm just excited to break it down for you quickly today in this episode.

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**Sam Vander Wielen:** [00:01:53] Before we hop into today's episode, we've got to read the Reviewer of the Week. This week's Review of the Week comes from Betica83, who left a review of On Your Terms on Apple Podcasts. She said, "These podcasts have been perfect for me as I work through the multitude of angles starting Honeybee Health Coach PLLC and protecting myself as I provide diabetes education, and help patients navigate the complicated world of health care, and realize their full health potential." This is a great tool to accompany her legally legit package." She means my Ultimate Bundle. Well, thank you so much for leaving that review and thank you so much for being in the Ultimate Bundle.

**Sam Vander Wielen:** [00:02:27] And if you want to get a shout out on On Your Terms in a future episode, go ahead and leave a review on Apple Podcasts, and maybe you'll hear your review here, and you'll even be entered to win a \$20 Starbucks gift card, because I pick a reviewer every single month to win a Starbucks card on me. So, please go ahead and leave that review real quick.

**Sam Vander Wielen:** [00:02:47] And do me a favor, if you think that a friend would benefit from this episode or even my podcast, please go ahead and forward them this episode. Text it to them real quick so that you can share and spread the word about On Your Terms. I would so appreciate it.

**Sam Vander Wielen:** [00:03:02] So, what's the deal with all these symbols? I know, they're confusing. So, it's so funny because I see both sides of the coin. People use the trademark symbols and copyright symbol when they're not supposed to. And then, I see people not use it when they could use it and it would actually help them protect them. So, unfortunately, I see bad behavior on both sides.

**Sam Vander Wielen:** [00:03:24] I also feel like I see so much misinformation around these and I always see all these, like, non-lawyers marketing types talking about how to use these. And I'll be like, "No. That's not what you do." And, really, they just don't understand the purpose behind it. So, I'm hoping to just give you, like, simple, easy to implement tips here.

**Sam Vander Wielen:** [00:03:44] It's also really important that we use these properly because it is a little bit of don't use it, you lose it kind of scenario. But also using them

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improperly can actually get you in trouble. So, I'll never forget when I was practicing law and I went to go submit somebody's trademark when I was a very young lawyer. And you have to submit, like, examples of how you've been using the mark - they're called specimens - when you go to register your trademark.

**Sam Vander Wielen:** [00:04:10] And one of the specimens that they had given us had a little R with the circle around it, the registered trademark symbol, on the specimen. And, you know, we thought this was like a mock up of it. So, it was like, "Okay. Cool. Here you go." And it turns out that the client had actually been using the R with the circle on their logo even though they hadn't registered it.

**Sam Vander Wielen:** [00:04:31] And so, when the United States Patent and Trademark Office reviewed their application and went back and looked and saw that they were already using the R with the circle on their website and elsewhere in marketing, they declined to register the mark because they were using it improperly. So, it's really important that we don't mess this up. Don't worry, we'll breakthrough all of this today.

**Sam Vander Wielen:** [00:04:55] All right. Let's talk about the copyright symbol first, since there's only one of those. And this is a really important one for you to know how to use properly because it can really help protect your content. So, the symbol that I'm talking about is the C with the circle around it.

**Sam Vander Wielen:** [00:05:12] I only use Mac, like Apple products, so if you use that, then there are emojis for it. I'm sure all the other tools have it as well, but I know for sure there are emojis for it. I also do control command space on my keyboard, and that pops up the emojis on your computer. So, that's one way you can do it.

**Sam Vander Wielen:** [00:05:35] Another way you can just do this very, very simply or when you're writing documents, if you don't want to use an emoji, is, Google copyright symbol. And it's like a font - I don't know - there's some techie description of it. But, basically, I'll just Google copyright symbol and then I copy and paste that in. If you're working in a Google Doc or a Word Doc or Pages, you can go to insert symbol and then choose the copyright symbol. So, that's kind of how you get the symbol.

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**Sam Vander Wielen:** [00:06:04] I think the confusion, though, comes from can you use it? That's what most people's questions are. So, I did a reel on this actually on Instagram and it went really wild. But, also, it was so funny, like, a couple of people got really mad at me because I was explaining the point of this reel was just saying that the copyright symbol, the C with the circle, is one that you can use whether you've registered or not. And the point of the reel was just telling you like, "Hey, did you know that you could use this even if you haven't registered?"

**Sam Vander Wielen:** [00:06:32] And then, all these people jumped on my back. Most people were really happy. But a few people jumped on my back and were like, "That doesn't mean it's the same protection. Like, I can't believe you don't even know what you're talking about." I was like, "No. No. That's not the point of the reel. The point of the reel was just to tell people that there's a lot of confusion about whether or not you can use it if you haven't registered." So, let's break down what some of their comments are and kind of why they were jumping in and saying that.

**Sam Vander Wielen:** [00:06:59] You can use the copyright symbol on your written documents, like PDFs or bottom of your videos or blog posts or your website. You can use that on anything that is copyrightable, even without registering it. So, even if you have not sent off this piece of content to the United States Copyright Office, you can put the copyright symbol.

**Sam Vander Wielen:** [00:07:22] The way that you do this is by what I call the copyright formula. So, you use the copyright symbol, then you put the year of first publication. So, that's the year that you first published this work. So, if you published this work back in 2018, then that's what you would put. And you would leave it as that because you want to establish that you wrote it first.

**Sam Vander Wielen:** [00:07:42] So, a lot of people get confused and they think they need to keep updating the year every single time. That's not what you would want to do, because you would want to establish that you actually did something first. It's not being the most present. Plus, you get copyright protection for your entire lifetime, plus 70 years after your death, so I don't think we're in a rush to update the year. So, you can leave the year of first publication.

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**Sam Vander Wielen:** [00:08:07] And then, you put the name of your business or whoever owns this piece of content, who created, who's the author of this content. So, if I was doing something today, it would have the copyright symbol, 2022, Sam Vander Wielen LLC. And like I teach you, if you have an LLC, you want to do everything in the name of the LLC, act on behalf of your LLC. And so, when I produce documents for the business, I do it on behalf of the LLC.

**Sam Vander Wielen:** [00:08:33] And so, that has to be reflected in the copyright formula, because if somebody sued me or was upset about something I did in that document, I want them to sue the business. So, everything I do is just on behalf of the business. I'm always trying to bring it back to that and teach you all that as well. So, yes, you can slap that copyright formula on all of your stuff without registering. There's nothing else you would have to do. You can do that without having had taken any other steps.

**Sam Vander Wielen:** [00:09:00] And my point in that reel, too, is just, you should do that for anything because it's also not practical that you're going to send every single thing off for registration. You know, we create a lot of content in these businesses and you're not going to send it off, right? So, my point in that reel is just like, "Well, you can put that there without registering, so why not? Why would you not have it there?"

**Sam Vander Wielen:** [00:09:24] You might be thinking, though, like, "Well, what's the point of having that there without registering if it doesn't do too much for us?" Well, it does do a couple of things for you. So, for one, it puts somebody on notice that this is original content that you've created. It establishes who the owner is of that content. Because in your content formula, your copyright formula, you're telling them who owns the content. You're establishing the date that you created that content.

**Sam Vander Wielen:** [00:09:49] And you'll also kind of have a record of sorts. So, like let's say that you created a guide two years ago and then somebody copies it now, you'll have this document with the copyright formula on it, showing that you created it back then, and that you owned it, and that you were sending it out to people, you were sharing it, and then this person created theirs now.

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**Sam Vander Wielen:** [00:10:10] You do have copyright rights. You have what's called common law copyright rights whenever you've created something that's original to you. So, as long as it's unique and creative enough, you've created it, it falls under the umbrella of copyright, meaning it's a literary work, it's a video, it's a song, it's lyrics, something like that, it falls under copyright. You still have rights.

**Sam Vander Wielen:** [00:10:35] What happens is that you, essentially, get what I call elevated rights or bonus rights when you register something. So, when you send something off to the U.S. Copyright Office, let's say, you have a PDF and you've had the copyright formula on it, you have some protection. Somebody can't just come along and steal it.

**Sam Vander Wielen:** [00:10:53] But, now, if you send that to the U.S. Copyright Office for registration and someone steals it, you get those elevated rights, which include things like being able to sue them in federal court and getting additional damages, establishing that you were the first to create it because you essentially get the benefit of the doubt, essentially, I would say, and you get the deference that you have created this thing first because you went and actually registered it.

**Sam Vander Wielen:** [00:11:19] So, let's say you registered your PDF and then somebody copies it later on. They never registered it, because they copied it, so they probably wouldn't do that. But if you were already registered, you're going to be able to show like, I already had registered this years ago and this person just came out now. You would be able to sue them in federal court, have access to all these additional damages, like I said.

**Sam Vander Wielen:** [00:11:42] So, it is a huge bonus. Don't get me wrong, it's a huge bonus to registering. And there definitely is a lot that you're missing when you don't register. I just always find with legal stuff in general for online businesses, for all of you, I just want to be this practical voice who's also like, "Well, you're not going to send everything off for registration. That's just not realistic."

**Sam Vander Wielen:** [00:12:04] You would have to have a legal team. Like, I would have to have literally a fulltime legal team to send every single thing that I do off for registration. We can't. I have what I call the bread and butter pieces. That's what I

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consider to be register-able. That's what I do. That's the method I'm going to teach you very soon, in about another week for something I got coming for you.

**Sam Vander Wielen:** [00:12:25] But it's just not practical to assume that all online content creators are going to send everything off. So, I just want to teach you, like, you can use this copyright symbol. It does some stuff for you. Sure, it's not the best solution. It's not the ultimate solution. The ultimate solution is sending it off for registration, but it's just not practical. So, I know you're not going to do that for everything. So, that's that.

**Sam Vander Wielen:** [00:12:46] I want you to take this copyright symbol. I want you to slap it on all your PDFs. You can put it on the bottom of any guides. You can put it inside your course stuff, like on the slides for your courses, on trainings, on videos. You can do it all kinds of places. You can put it in your YouTube video descriptions. Everywhere. I have it on the bottom of the transcripts for the podcast. So, you can put this everywhere. You can use this a lot. So, hopefully, this part was helpful.

**Sam Vander Wielen:** [00:13:12] Let's jump in then to talking about trademark symbols. So, now, we understand what the copyright symbol is. There's only one for that one. And it's the same, by the way, whether you register or not. Hopefully, I mentioned that. But for trademark, that's a little bit of a different process.

**Sam Vander Wielen:** [00:13:25] So, we have one symbol that we use when you haven't registered something and one that you can only use when you have registered a trademark. The one that you can use when you have not registered any trademark is the TM. So, it's a little TM symbol. It doesn't have a circle around it. It's just a little - whatever they call it - superscript TM.

**Sam Vander Wielen:** [00:13:47] You can use this on anything that falls under the trademark umbrella that's original to you. Of course, you always want to make sure you're not infringing on anybody else or anything like that. But anything that you've created that's original to you. So, I'm talking course names, product names, taglines, the names of your business if it's creative, logos, any of that kind of stuff, symbols if you have those for your business, you can put the TM on that.

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**Sam Vander Wielen:** [00:14:15] And the cool thing about the TM is that you can use the TM without registering ever or you can use the TM on things while you're in the process of registering. Registration, for example, takes a really long time, like over a year, a-year-and-a-half to get everything back and to be approved. So, in that case, you want to use something in the meantime. So, I'm using a bunch of things right now where I'm just waiting for these things to go through. In the meantime, you want to use the TM.

**Sam Vander Wielen:** [00:14:45] You can obviously only use that on trademarkable things, so we don't want to just go slapping this on everything. I see people using this a lot on things that would never kind of pass muster for something for a trademark. I mean, there's nothing really wrong with that. It's just that if you think that you're getting protection for using it on a super generic word or something, and that would never get approved for a trademark, I don't know that you would have any success in enforcing it.

**Sam Vander Wielen:** [00:15:09] It's really a signal. That's kind of what I think of it as. So, the TM to me is like a signal. It's kind of telling other people like, "Hey, I consider this to be something that's my intellectual property. Something I'd be worth ready to enforce that I'm not okay with you using." That's kind of like the subscript that I see when I see somebody using the TM. It doesn't give you a ton of enforcement mechanisms, but it does give you some intellectual property rights.

**Sam Vander Wielen:** [00:15:35] So, when you create something, again, you have common law trademark rights. You technically only have common law trademark rights wherever you're using this mark in the geographic location that you're actually using it. Where I find that to be a little confusing for people like us is, like, what happens when you're using it online and we're using it everywhere.

**Sam Vander Wielen:** [00:15:57] I have clients in every state. I have clients and followers in every state. I have customers in, like, six or eight countries now, I think. So, what does that mean? Because I'm using some of my stuff everywhere. So, I don't know that the law has exactly come down on that yet because this industry is relatively new in the eyes of the law and the law is a dinosaur. But, essentially, what it has said is like, "Yeah. You have common law trademark rights." Again, it's not like you have to register in order to get any rights. You have some - hear me loud and clear - you have some just by creating something that's original to you, but it's definitely not as good as registering.

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**Sam Vander Wielen:** [00:16:36] So, registering your mark with the United States Patent and Trademark Office, USPTO, that gives you tons of elevated rights. Same thing as a copyright. It gives you access to federal courts. A presumption of having established this thing early at the time or earlier. Because, essentially, when you register a trademark, you are like putting a pin in history. It's like you're registering this thing, you're saying that you're using it, and you have to actually show them how you're using it, and then they approve you for it. And so, you kind of have this proof sitting there all the time.

**Sam Vander Wielen:** [00:17:09] So, if three years from now, six months from now, someone starts using your program name, you can be like, "It's a registered trademark. You can't use it." And that's what really helps with registering is that it cements this, like you don't have to argue anymore. Like, "I was using it first. You were doing this," because you've now cemented this in time. So, that's kind of the benefit. We're going to be talking a lot more about the registration process and all of that over the next couple of weeks.

**Sam Vander Wielen:** [00:17:34] So then, what's the R with the circle around it? The R with the circle around it means registered trademark. That, you can only use once you've actually registered your trademark with the United States Patent and Trademark Office and it's been approved. So, you don't start using that just when you file your application. You actually have to wait and get approved. Once it's approved, then you can slap that on whatever phrase or word that you're using it on.

**Sam Vander Wielen:** [00:17:59] So, those are the symbols. The C with the circle is for copyright, you can use that now, you can also use that if you register. The TM, you use on things that are trademarkable that are not registered. And then, the R you can only use when you've actually registered a mark.

**Sam Vander Wielen:** [00:18:15] So, I hope that this was helpful. I go into this a little bit more inside of my Ultimate Guide to Taking Down Copycats. It's my new freebie, chock-full of information about how to protect your content, what to do about copycats. I give you little take away to-do list for every single section of this guide so that you know exactly what steps you need to take. And I break it down just as simply as I always do,

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just to make sure you have just what you need to keep copycats off your content or to be able to do something about it if they take it anyway, because we all know that can happen.

**Sam Vander Wielen:** [00:18:46] So, you can grab that link to my free guide, my Ultimate Guide to Taking Down Copycats in the description. I would love for you to send me a DM on Instagram. Let me know if this was helpful. If the Ultimate Guide to Taking Down Copycats is helpful to you, shoot it to a friend. Send the link to sign up for it to a friend, if you could do me that favor, because you don't want to break my intellectual property. So, send them the link to sign up for it or tag me on social media so I can share that you're loving the guide. It would mean so much to me.

**Sam Vander Wielen:** [00:19:14] I am so excited. It's only about one more week until I've got something so big coming to help you actually make sure that you can do something about it if copycats snag your content. I am so excited for that to drop so soon.

**Sam Vander Wielen:** [00:19:28] So, I can't wait to carry this conversation over to Instagram. Let me know if this was helpful. I'm @samvanderwielen over there. Hopefully, we're connected already. Until next week. Next week, we're talking about the difference between stealing content and mimicking. I can't wait to break that one down. Talk to you next week.

**Sam Vander Wielen:** [00:19:48] Thanks so much for listening to the On Your Terms podcast. Make sure to follow on Apple Podcasts, Spotify, or wherever you like to listen to podcasts. You can also check out all of our podcast episodes, show notes, links, and more at [samvanderwielen.com/podcast](http://samvanderwielen.com/podcast). You can learn more about legally protecting your business and take my free legal workshop, Five Steps to Legally Protect and Grow Your Online Business, at [samvanderwielen.com](http://samvanderwielen.com). And to stay connected and follow along, follow me on Instagram, @samvanderwielen, and send me a DM to say hi.

**Sam Vander Wielen:** [00:20:27] Just remember that although I am an attorney, I am not your attorney, and I am not offering you legal advice in today's episode. This episode and all of my episodes are informational and educational only. It is not a substitute for seeking out your own advice from your own lawyer. And please keep in mind that I can't

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offer you legal advice. I don't ever offer any legal services. But I think I offer some pretty good information.