

Federally Registering the Trademark of Your NFT

In order to legally own your non-fungible token (NFT) brand, you can and should consider federally registering the trademark on it. NFTs are inherently valuable given that they represent unique, irreplaceable digital assets. Even if you believe that you may never use your trademark in connection with any NFT, third parties may want to license the ability to use it in connection with certain NFTs.

A trademark protects a company's brand, which includes NFT brands and the goods and/or services it represents. Federal registration of the trademark on an NFT provides a legal presumption that you own the trademark and have the right to use it. The ability to use the federal trademark registration symbol (®) may help deter others from using your trademark or one too similar to yours. Also, the trademark is listed in the trademark office database of registered and pending trademarks. This provides public notice to anyone searching for similar trademarks. They will see your trademark, the goods and services on your registration, the date you applied for trademark registration, and the date your trademark was registered. Registration also provides enhanced protection against counterfeiters and cybersquatters, and it usually significantly reduces the costs of enforcing trademark rights. Federally protecting your NFT also allows you to record your registration with U.S. Customs and Border Protection, which can stop the importation of goods with infringing marks.



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Related Practice Areas

- Intellectual Property
- Trademark & Brand