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Busting a Move: Best Practices for Protecting Motion Marks in the United States



With the continued advancement and prevalence of multimedia technology, brands are looking for new ways to protect their intellectual property. Enter motion trademarks, which consist of moving images or objects used to identify the source of goods or services (J. McCarthy, *McCarthy on Trademarks and Unfair Competition*, § 7:109, 5th ed.). Motion marks have long been recognized in the United States—indeed, the United States Patent and Trademark Office (USPTO) issued its first motion-mark registration in 1996 for Columbia Pictures' "Columbia, a personification of the United States" logo (Reg. 1975999):



However, motion marks are a largely underutilized tool for brand protection. Since 1996, just under 300 filings for motion marks have been made, and only 172 of those filings are active today. That said, motion marks are becoming increasingly popular—in fact, nearly a third of all motion-mark filings were made between 2018 and today.

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