

Riger

R E P R I N T

Please pass this article along to all who might find it of value:



Reprinted from the *Riger Update* newsletter. To receive future newsletters, subscribe using the "request info" page at www.riger.com.

For more free articles on advertising and marketing, visit the "knowledge base" at www.riger.com.

Trademarks vs. Register Marks

Many people don't realize it's perfectly legal to display a TM (trademark) or SM (service mark) with your logo or logotype without federal clearance. Using a TM or SM merely serves as informal notice to the public that commercial trading is taking place under that mark. To display a ®, however, you must officially register your mark with the U.S. Trademark Office in Washington.



Protecting your trademarks

Once upon a time, thermos, victrola, cellophane, nylon, escalator, aspirin and linoleum were trademarks but eventually became part of the public domain because their owners failed to protect their property. The problem arises when the public begins using a trademark as a generic description for a product category rather than a specific brand within that category. That's why companies develop strict guidelines for the use and protection of their trademarks. Some of the basic rules for protecting a trademark include:

1. Make sure the trademark word is capitalized or set off in distinctive type.
2. Always follow the mark with the generic name of the product (i.e. BIG MAC sandwich)
3. Don't speak of it in the plural (Wrong: Buy two BIG MACs get one free; Right: Buy two BIG MAC sandwiches get one free)
4. Don't use it in a possessive form (Wrong: BIG MAC's big taste; Right: BIG MAC sandwich's big taste)

Do increases in trademark applications signal economic recovery?

According to trademark attorneys at Dechert Price & Rhoads, the economy must be picking up. About 140,000 trademarks were registered last year. This is up 10,000 over the previous year and 30,000 more than two years ago. They also found a decrease in the number of marks using the word "value" and an increase in marks using the words "internet" and "virtual."

Fred Riger
Advertising
Agency, Inc.

Fred Riger Advertising Agency, Inc.

53 Chenango Street • PO Box 1623 • Binghamton, NY 13902-1623 • Phone 607.723.7441 • Fax 607.723.7623 • E-Mail agency@riger.com • Web site www.riger.com