

TRADEMARKS MATTER IN BUSINESS! HERE'S WHY ...



Top Ten Reasons Why Business Owners Should Care About Trademarks

Trademarks:

- are encountered by everyone
- influence consumers and help products or services stand out
- create a brand identity for the business

Summary of Top Ten Reasons to Care about Trademarks

1) Consumers

- 1) Strong consistent use of trademarks helps consumers to recognize a brand. This promotes goodwill and will encourage consumers to purchase and create brand loyalty.

2) Identify Ownership & Quality

- 1) Trademarks identify the owner of which can distinguish the products and services from competitors and identify quality and superiority of a product or service.

3) Trademarks Communicate

- 1) Consistent use of a trademark can promote the nature of the quality of a product or service, which can convey a strong message.

Summary of Top Ten Reasons to Care about Trademarks

4) Trademarks are Transcending

- 1) Trademarks transcend language, culture, and borders. A trademark can be recognized throughout the world connecting products and services around the globe.

5) Trademark registrations are quite cheap nowadays

- 1) Obtaining a trademark registration can be really cheap. Both government filing and maintenance fees are quite low nowadays.

6) Protection of a trademark is maximized with its registration

- 1) Registration of a trademark confers a wide protection as all countries recognize them.

7) Additional value for trademarks if properly maintained

- 1) Long duration of a trademark if the same continues to be used in commerce.

Summary of Top Ten Reasons to Care about Trademarks

8) Different Forms of Protection

- 1) A trademark doesn't have to be a word or a logo – there are other items that may function as a source identifier.

9) Online Recognition – Internet, Domain Names And Social Media

- 1) Trademarks may serve to build brand recognition via the Internet and other social media platforms.

10) Trademarks Provide Increased Protection Of Rights

- 1) Owning a trademark allows businesses to take advantage of various laws and remedies to protect the brand.

1. Consumers

- Recognition – consumers recognize trademarks and the goods and services associated.
- Confidence – consistent use of trademarks produces confidence in consumers
- Approachable – strong and consistent trademark use will promote goodwill and encourage consumers to try a product

1. Consumers (continued)

- Brand Loyalty – consumers will likely pay higher prices for products/services with trademarks that they come to know and love
- Advocacy – consumers will tell others about a specific brand (trademark) of a product/service that they prefer

2. Trademarks

Identify Ownership & Quality

- Ownership – a trademark identifies the products and services owned by a company
- Competition – a trademark will distinguish the products and services of a company from competitors
- Quality – a trademark can identify that a product or service is the source of high and consistent quality
- Superiority – a trademark can identify that a product or service is more superior than another

3. Trademarks Communicate

- Conveyance – Consistent use of a trademark can convey many messages about a product or service
- Essence – Consistent use of a trademark can promote the nature of a product or services that an owner wants to convey
- Effective - Consumers can be reminded of positive aspects of product or service by simply seeing the trademark

3. Trademarks Communicate (continued)

- Efficient – Simple consistent trademark use can be an efficient way to promote the value and provide positive associations for product or services
- Economical – Simple and consistent use of a trademark is an cost effective way to advertise quality and source of a product or service to consumers

4. Trademarks Transcend

- Language – Trademarks can help consumers identify a product or service even if they speak different language
- Culture – Through proper and consistent use of a trademark a message about a product can be understood in many cultures
- Borders – Famous Trademarks can become known through-out the world
- Connection – Recognizable trademarks can help businesses make connections with people around the globe

5. Trademark registrations are quite cheap nowadays

- Low Costs of government fees/legal services – Other types of Intellectual Property services are quite expensive. Costs are also low comparing to the ones involved in advertising
- Property – Trademarks can be bought and sold/pledged/licensed if the owner decides to do so

6. Protection of a trademark is maximized with its registration

- Benefits – A registration provides protection across entire region or country
 - All countries recognize trademark registrations
 - First to register a mark, obtain superior rights over others in many countries
 - Mandatory registration for certain goods/services in certain countries
 - Registration in one country may assist in obtaining registrations in other countries

7. Additional value for trademarks if properly maintained

- Advantages – Long-term competitive benefits that may appreciate in value
- Lifespan – Potentially infinite regarding trademarks if used and renewed accordingly
- Evolve – Use and development of a trademark will help them stay current
- Business efficiency – Trademarks can be leveraged to provide value beyond a core business

8. Different Forms Of Protection

- A trademark doesn't have to be a word or a slogan.
- There are numerous other items that may function as a trademark:
- Letters: (CBS, CNN, IBM)
- Numbers: (7UP, 20th Century Fox)

8. Different Forms Of Protection *(continued)*

- Logos and Symbols: (Starbucks Mermaid, Apple Computer's Apple, McDonald's Arches)
- Shapes: (Coca Cola bottle, Toblerone prism shape, Kenzo perfume bottle, Zippo lighter, Rubiks cube, Weber grill shape)
- Sounds: (Intel sound, MGM lion, NBC chimes)

8. Different Forms Of Protection (*continued*)

- Colors: (Tiffany Blue Box, UPS Brown, Owens-Corning pink for its insulation, green-gold for dry cleaning presses)
- Fragrance: (bubblegum fragrance for jelly sandals; toothbrushes containing the scent of strawberries)
- Product packaging design and trade dress: (Jack Daniel' square bottle design, distinct restaurant décor)

8. Different Forms Of Protection *(continued)*

- Domain names if they function as a source identifier (amazon.com, yahoo.com)
- Foreign terms: (Volkswagen, Del Monte, Gioia)
- Motion: (20th Century Fox logo viewed through camera moving around the structure; the upward parallel motion of a Lamborghini car door opening)

9. Online Recognition – Internet, Domain Names And Social Media

- Searching: Trademarks make it easier for consumers to find a business on the internet. Consumers often use a company's trademark to search for information about the business on the internet or to find the business on a social media platform.
- Domain names: Consumers will search for the website using the trademark in a domain name and businesses may use a trademark in a domain name

9. Online Recognition – Internet, Domain Names And Social Media (continued)

- Increase in online activity: Higher website traffic may translate into higher rankings on search engine results, bringing even more traffic to the company's website and/or social media platform.
- Increased business: more consumers are buying goods over the internet
- Advertising: trademarks are used in advertisements in various social media platforms

10. Trademarks Provide Increased Protection Of Rights

- Infringement actions: A business may protect its brand by precluding others from using its trade mark or a mark that is confusingly similar
- Unfair competition: Owning a trademark is an effective tool in combatting unfair competition
- Usage: Owning a trademark gives your business exclusive rights to use the mark nationwide and provides a basis to stop competitors/other businesses from using anything that is confusingly similar

10. Trademarks Provide Increased Protection Of Rights (continued)

- Investment: Trademarks protect a business owner's investment by preventing the use of confusingly similar marks in the marketplace
- Recourse: A business owner has various rights and remedies if the trademark is infringed

INTA Trademark Resources

- The INTA website (www.inta.org) is a powerful portal filled with information about trademarks and trademark protection.
- Many portions of the INTA website are accessible to non-members.
- See, e.g., [Trademark Basics](#) and [Trademark Basics: A Guide for Business](#).