

Trademark basics

- Signal a common source, or at least affiliation
- Words, phrases, logos . . .
- Federal / state regimes
- Use in commerce
 - Law of marks is based on use of the brand on goods
 - Exclusivity derives from that type of use in commerce
 - Must:
 - “Affix” the mark to goods
 - Move the marked goods in commerce
 - Registration not needed – but Federal registration is highly beneficial
- Service marks
 - Used “in connection with” services to signal common source
- Certification / Collective marks

Trademarks

SONY



Service Marks



Certification Marks



LISTED



WOOLMARK



Collective Marks



Geographic Indications



Consorzio del Prosciutto di Parma




Trade-Mark Cases 100 U.S. 82 (1879)

- Act of 1870 (“An Act to revise, consolidate, and amend the statutes relating to patents and copyrights”); Act of Aug. 14, 1876 (“An act to punish the counterfeiting of trade-mark goods, and the sale or dealing in, of counterfeit trade-mark goods”)
- U.S. Constitution, I.8.8: “[The Congress shall have Power] To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries”


The right to adopt and use a symbol or a device to distinguish the goods or property made or sold by the person whose mark it is, to the exclusion of use by all other persons, has been long recognized by the common law and the chancery courts of England and of this country and by the statutes of some of the states. It is a property right for the violation of which damages may be recovered in an action at law, and the continued violation of it will be enjoined by a court of equity, with compensation for past infringement. This exclusive right was not created by the act of Congress, and does not now depend upon it for its enforcement. The whole system of trademark property and the civil remedies for its protection existed long anterior to that act, and have remained in full force since its passage.

There propositions are so well understood as to require neither the citation of authorities nor an elaborate argument to prove them.



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9  +40% \$32,893 \$m		10  +9% \$30,280 \$m	11  +10% \$30,097 \$m	12  +18% \$29,052 \$m	13  -5% \$27,438 \$m	14  +7% \$27,197 \$m	15  -8% \$26,087 \$m

www.interbrand.com/en/best-global-brands/2012/Best-Global-Brands-2012-Brand-View.aspx



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