

Seymore’s small software company needs a name for a new product. He wants to use the same name for: (i) the app that would be installed on a phone; (ii) the software that would be installed on a user computer; and (iii) the “backend” server software that communicates with the devices.

Companies use the software to communicate with loyal customers who purchase consumer items. Companies license the software from Seymore’s firm. For example, the software delivers coupons and product promotions, as well as information about novel uses of the consumer item.

For instance, Seymore has signed a contract with Proctor & Gamble for it to use the software in relation to its Tide product. A customer with the software on her phone can scan a QR code on a box or bottle of Tide and get information, give P&G feedback, get coupons, or volunteer for a survey by P&G. Like an airline frequent flyer program, the more use by the consumer, the more benefits. The smartphone app can also identify the Tide product via image analysis using the camera.

Seymore’s clients will allow the phone app software and the computer software to be “co-branded.” Using P&G and Tide as an example, the phone app software shows the Tide brand, and will show the new name and brand that Seymore needs to select for the product.

Seymore hired a creative naming consultant. His marketing department held brainstorming sessions. The department also ran internal naming contests. The result is the following list of names.

Source	Suggested Name	Comments
Consultant	FUNGO	A quote from the consultant’s report: “Just a fun way to go!”
Consultant	CONFINITY or CONFFINITY	From the consultant’s report: the basic aspect of the software is that it lets a company have affinity with a customer over a consumer item – thus, “Con” is joined with part of the word “Affinity”
Marketing	CORDANCE or CONCORDANCE	From the marketing department: concordance means “agreement,” and the software lets us have more harmonious, agreeable relations with our customers
Naming Contest Among Employees	CRAZED	The employees fell in love with the acronym used to describe the project internally when in development among the programmers, so that name won the internal naming contest: Consumer Relations Adjustment and Zero Enemies Development

Your tasks:

- A. Search each name for possible use as a mark:
 - a. tmsearch.uspto.gov
 - i. search slight variations of the name
 - ii. use the “Basic Word Mark Search” capability
 - b. General search engines, such as www.google.com
 - i. Search the name, but also search the name with the word “brand” after it
- B. How do the results impact the wisdom of selecting that particular name as a mark? Be prepared to discuss for the names in the table.
- C. Think of one new suggested name and repeat steps A and B with it; be prepared to discuss why you selected your name.

Hint for clearing rights in a name to use as a mark: the new name should not be confusingly similar with existing marks. “Confusingly similar” means trademark law’s likelihood of confusion test, which can be stated in short form as: the same or similar mark on the same or similar goods or services such that the relevant market audience would be confused.