

[YOUR BUSINESS' TRADEMARKS JEOPARDIZED FROM IMPROPER USE](#)

One of the numerous responsibilities of a trademark owner is to ensure that whenever its marks are used, they are used properly. Proper use of a mark helps preserve the owner's trademark rights and significantly enhances the value of the business as well. Improper use of trademarks and service marks will over time result in total loss of rights in those marks.

If you have ever taken an *aspirin*, burned *kerosene*, walked on *linoleum*, ridden an *escalator*, or eaten *corn flakes*, then you are familiar with former trademark rights which were lost entirely, due to their owners' neglect and improper use.

Among other guidelines, proper trademark use includes:

Affix the mark to goods and services– Failure to affix the mark to associated goods or services will fail to create and maintain rights in that mark. Trademarks must be applied directly to the product, packaging, or labels physically attached to the goods. Service marks are properly “affixed” by using the marks in promotional media offering the services for sale.

Use the mark distinctively– When used in print, a mark should be presented in a way that distinguishes it from the surrounding text so that it stands out.

Use the mark only as an adjective, never as a noun, verb or in the possessive form– Trademarks and service marks should only be used as adjectives, to modify the generic word for the product or service. They must never be used as proper nouns or verbs. Likewise it is improper to use a trademark or service mark in the possessive form, unless the mark itself is possessive.

Never abbreviate or alter the mark– Always use the mark in its entirety and avoid using any altered or abbreviated form of the mark, unless the altered or abbreviated form is intended to constitute another mark.

Use the mark with appropriate notice of rights– Public notice of trademark rights should be provided when using the mark. Failure to do so may open the door for an infringer to claim the defense of “innocent infringement,” which may significantly reduce damages and other relief available to a trademark owner.

Trademark rights can erode or be lost entirely through improper use or misuse of the mark, a devastating loss for any small, medium or large company. To help preserve your businesses' valuable trademark and service mark rights, obtain the advice of experienced Intellectual Property counsel.

QUESTIONS? GET ANSWERS 

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