

Use Your Trademarks Wisely And They Will Serve You Well

Your company's trademarks are important and valuable assets which, with proper treatment and with due care, can serve you well for many years. The U.S. Patent and Trademark Office defines a trademark as a word, phrase, symbol, design, or combination of these, which identifies and distinguishes the source of the goods or services of one party from those of others. However, many trademarks, which were once proud possessions of large corporations, have been lost through misuse or because they became generic. "Aspirin" and "cellophane" are examples of marks that are now generic terms no longer identifying any particular company's product. If your company's trademarks were lost, they could be used by anyone and would no longer indicate to the public that the products and services they designate are from your company. It is relatively easy to protect and care for trademarks. You need only follow these simple rules in all uses of your trademark, wherever it appears:

1. Use trademarks in a distinctive manner. Always distinguish your mark from the surrounding text. The general rule is to capitalize trademarks completely, put them in italics, use initial caps with quotes, or, at a minimum, use initial caps. If you have a stylized word for a mark, it is good practice to use the stylized depiction even in text, but it is not required. Whatever depiction you choose should be applied consistently for the mark.
2. Identify trademarks with their status. If a mark has been registered in the United States Patent and Trademark Office, ® should be used with it. If the mark has not been registered, TM should be used; or if it is an unregistered mark for services, as opposed to goods, it should be marked with SM. As a minimum requirement, the proper status identifier should be used on all prominent appearances of the mark and on the first appearance of the mark in any text.
3. Trademarks are proper adjectives — use them with the generic name of their product or service. As a minimum requirement, use the generic term after the trademark at least once in each document – preferably the first time the mark appears. For example, "Windows XP® operating system is the preferred operating system for corporate IT departments." Or "The RegulatorPro™ UPS takes power management even further."
4. Never use trademarks in the possessive form. Trademarks should never be used in the "...s" form, unless the mark itself is possessive such as "McDonald's® restaurants".
5. Don't pluralize your trademark. Since trademarks are not nouns, they should never be used in the plural form. Instead, pluralize the nouns they describe.
6. Trademarks are never verbs. For example, write "Xerox® photocopiers allow you to photocopy documents the way you want." NOT "You can Xerox® any document the way you want."
7. Trademarks are privately owned — always indicate the owner. You can accomplish this with a simple footnote or notice paragraph stating who the owner is. This could appear on the cover page, copyright notice page, bottom of the page on which the trademark is used, or on the last page. For software, it can appear on the log-on screen, the splash screen, the

"About" screen, or other similar place. The notice may read, for example, as follows: "IBM is a registered trademark of IBM Corp." Or "The following are trademarks or registered trademarks of Microsoft Corporation: ActiveX, PowerPoint, XL and design (the Microsoft Excel logo). All other trademarks are trademarks or registered trademarks of their respective companies (or list companies, if known)." You may list stylized or design marks in their stylized or design form, or in descriptive form as the Microsoft Excel logo was listed in the sample notice above.