

A Guide to the Care of Trademarks

You—each and every employee—play a most valuable role in preserving and enhancing our trademarks. For this reason it is important that you thoroughly understand how our trademarks are to be used.

A *trademark* is a word (or several words), a name, a symbol (such as one or more letters, or numbers, or a design), or any combination of these, used to identify the goods of our company. Some well-known trademarks are KODAK, LYSOL, and TEFALON. The mere use of a trademark to identify and distinguish the goods of our company from those of another creates trademark rights. However, in order to obtain additional advantages most companies register their trademarks in the United States Patent Office.

The *generic name* is the common descriptive name of the product it identifies. For example, "instant lather shaving cream" is the generic name that goes with RISE and "depilatory cream" is the generic name that goes with NAIR.

A trademark must not be confused with a *trade name*, which identifies a company. COKE is a trademark of The Coca-Cola Company. "The Coca-Cola Company" is the trade name.

Trademarks must be protected and cared for or they will be lost. Many trademarks which were once the proud possessions of corporate families have been lost because they were misused. Some famous *former* trademarks are: escalator, kerosene, shredded wheat, cellophane and mimeograph. A trademark is lost when it becomes *generic*, i.e. when it has come to mean the product as distinguished from a certain brand of the product.

If our trademarks became generic, they could be used by anyone and would no longer indicate to the public that the products on which they were used, were made, supplied or sold by our company.

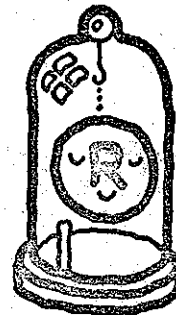
Our company's trademarks are well-known and signify to the purchaser that he is buying quality products from a company with a reputation for dependability and integrity.

Trademarks are one of our most important assets and should be treated with the care due something so valuable.

It is relatively easy to protect and care for trademarks. You need only follow the simple rules listed here. These rules should be followed on all business documents, advertising literature, displays, packaging, labels and correspondence.

If you have any questions relating to the rules of trademark use, call the Trademark Department.

How to care for trademarks.



1. Trademarks are loners. They must be distinguished in print from other words and must appear in a distinctive manner.

A trademark should always be used in a manner which will distinguish it from the surrounding text. Capitalize trademarks completely, or use initial caps with quotes, or as a minimum use initial caps. The generic product name should not be capitalized. If the material is being prepared by a printer, other suitable alternatives for distinguishing the trademarks are to place it in italics, bolder-faced type or a different color.

Example
ARRID cream deodorant
"Arrid" cream deodorant
Arrid cream deodorant

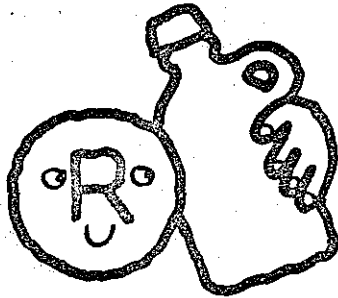


2. Trademarks are status seekers and ask that they be followed by a notice of their status.

Whenever possible a trademark notice should follow the mark. As a minimum requirement, it should be used at least once in each piece of printed matter and preferably the first time the trademark appears. If a trademark has been registered in the U.S. Patent Office, the registration notice,* or "**Reg. U.S. Pat. Off." should be used. The ® or Reg. U.S. Pat. Off. should never be used if the trademark has not been registered for the product concerned. In such a case, the letters TM should follow the mark or an asterisk can be used to refer to a footnote stating, "*A trademark of -----."

Example
ANSCOMATIC® camera
SHEETROCK* gypsum wallboard
XYZ™
XYZ†

*Reg. U.S. Pat. Off.
 ™(if the mark is not yet registered)
 † A trademark of X Company



3. Trademarks like good company and should be accompanied by the generic name for the product they identify.

A trademark is a proper adjective and should, whenever possible, be followed by the common descriptive name (noun) of the product. This should be done at least the first time the trademark appears in a piece of printed material.

Example

<i>Trademark</i>	<i>Generic Name</i>
KODAK®	cameras
JEEP®	vehicles
VASELINE®	petroleum jelly
LEVI'S®	jeans and sportswear

The word *brand* may also be used to reduce the possibility that the trademark will be thought of as the generic name for the product, or a line of products. When used, it should always appear in small print.

Example

- BAND-AID® brand adhesive bandages
- SCOTCH® brand transparent tape
- PYREX® brand heat-resistant glassware



4. Trademarks are not clinging vines. They are never possessive.

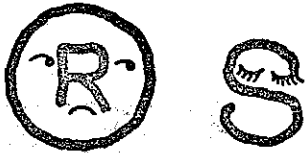
Never use a trademark in the possessive form.

Example

Correct—
 The good taste of FRENCHETTE® low calorie salad dressings.
 The fine quality of CURITY® diapers.

Wrong—

FRENCHETTE'S good taste
 CURITY'S fine quality



5. Trademarks are singular.

Since a trademark is not a noun, it should never be used in the plural form.

Please note, however, that some trademarks actually end with "s" such as KEDS®, COETS®, Q-Tips®.

Example

Correct—

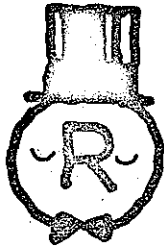
Take some pictures with KODACOLOR® film.

The doctor prescribed MILTOWN® anquilizer tablets.

Wrong—

Take some KODACOLORS.

The doctor prescribed MILTOWNS.



6. Trademarks are never common: They are always proper.

Trademarks are proper adjectives and should never be used as common descriptive adjectives.

Thus, never use a trademark for a raw material to describe finished products made from it.

Example

Correct—

This flotation equipment made of STYROFOAM® plastic foam can be readily installed.

Wrong—

This STYROFOAM® flotation equipment can be readily installed.

Since a trademark is a proper adjective and not a verb, it should never be used as a verb.

Example

Correct—

Make six copies on the XEROX® copier.

or

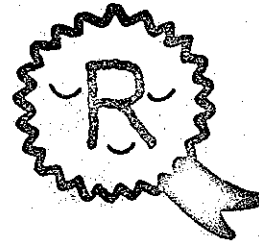
Make a photocopy.

Polish your car with SIMONIZ® paste wax.

Wrong—

XEROX® the report

SIMONIZ® your car



7. Trademarks are proud of the companies that own them.

If it is not readily apparent who owns the trademark, for example, where the company letterhead is not being used, a notice of ownership should be given. This can be accomplished by placing an asterisk after the trademark, which refers to a footnote stating that the trademark is the brand name for a product which is made by our company.

Example

JELL-O*

*JELL-O is a registered trademark for dessert products made by General Foods.



And, if you still have questions about trademarks, call the Trademark Department.

MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY

*File in
T.M. file*

TO : ALL B/I/D DIRECTORS

DATE: June 26, 1974

FROM : Patent Counsel, OS/GCB/DHEW

SUBJECT: Registration of Department-owned Trademarks

In recent years there has been a marked increase in requests for trademark registration of names and marks used in connection with Department programs. It is, therefore, appropriate to disseminate some general information regarding trademarks so that steps can be initiated to insure that trademark rights are established in accordance with statutory requirements and are not lost due to improper use after trademark rights have been established. Accordingly, the following summary of relevant trademark law is submitted for your information.

A trademark serves to identify the source of goods and services and enables the public to distinguish them quickly and easily from similar goods and services from a different source. Some programs have found it expedient to register marks or names used in connection with program activities to help insure that the public is made aware that the Department is the source of the services being provided and to facilitate the protection of the marks against improper and/or fraudulent use by others which, unfortunately, has occurred recently in some few instances.

Most of the marks utilized by the Department relate to services rather than goods and are usually in the form of a name or initials. From the first use of a mark as a trademark in association with Department goods or services, the mark should be identified as a trademark by placing a small "TM" adjacent and to the right of the mark. This provides notice to the public that trademark rights are being claimed. After registration of the mark has been obtained the registration symbol $\text{\textcircled{R}}$ should be used in place of the "TM" wherever the mark appears.

Unless the mark has a distinctive form of logo, it is advisable to use it on packages, goods, brochures, advertisements, publications, etc., in block letters. Alternatively, it may be used in italics or in quotes so as to clearly distinguish the mark as a trademark. Generally, the first letter of the mark should be capitalized. When the mark appears in printed material it should be shown, at least the first time it appears, with an asterisk referring to a footnote which advises that the mark is a trademark and identifies the owner.

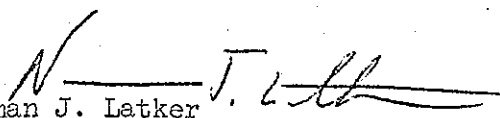
In order to insure that trademark rights are not lost after they have been established, the nature and quality of the goods or services with which the mark is used must be controlled exclusively by the owner of the mark. The unauthorized use of the mark by third parties on similar goods or services can result in the loss of trademark rights if the trademark is not actively enforced. Accordingly, this office should be advised promptly whenever Department-owned marks are being

Subject: Trademarks

2

used by others without permission. If it is necessary to allow a third party to use a Department trademark, a license agreement should be executed so that it is clear that the use by the third party is by permission and under the control of the Department.

A copy of A Guide to the Care of Trademarks prepared by the United States Trademark Association which contains examples of proper and improper trademark use is attached. If additional information or advice regarding trademarks is desired, please contact this office.


Norman J. Latker

Enclosure

cc: OGC/B/H
NLM
Dr. Ehrlich/Rose Belmont/O.I.H.
Dr. John C. Greene/Division of Dental Health
HEW Audit Agency