



# FOB: Financial Operating Base

*Making sense of financial issues for the veteran community*

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## Tips To Strengthen Your Trademarks

Strengthening your trademarks is a simple way to preserve value and rights to important intellectual property in your business. Trademarks are a type of intellectual property that every business is likely to possess. Put simply, trademarks are the words, symbols, and the like that consumers associate with a particular source of goods or services. A trademark is the distinctive commercial identifier that sets one business apart from another and reduces not only the business's efforts over time to market its brand, but also the consumer's effort to set expectations about the quality of the company's goods or services. For example, if an electronic product bears APPLE® on the packaging, today's consumer likely, and immediately, knows the source of the product and needs little convincing that it will be a quality product.

That would not have been the situation 40 years ago when the company was too new and unfamiliar. Over time, Apple Computer, Inc. adopted practices that helped strengthen its APPLE® trademark. While few businesses are going to be Apple Computer, Inc., any business can enjoy a stronger commercial identity, stronger brand recognition, and therefore increased business, if it simply adopts some of the following practices.

First, the business owner should strive to use its marks repeatedly and consistently. This helps create that immediately recognizable mark consumers associate with particular goods or services.

Second, trademarks should be used as adjectives. For example, APPLE® computer and KLEENEX® facial tissues. This helps consumers associate the mark with particular goods or services. Simply using a mark as a synonym for the goods or services it is associated

with runs the risk of genericizing the mark, resulting in a complete loss of rights. Need proof? Thermos, escalator, and laundromat were all once valuable trademarks that are now generic terms.

Third, a business owner should tell the world that it is using, and therefore claiming, something as a trademark. This is done in a few ways. Initially, trademarks should stand out from everything around it. Marks can be in ALL CAPS (see the APPLE® and KLEENEX® examples above). They may be larger or more visible than the text and content around them. And they should, to the extent practicable, have a "flag" placed next to them in the form of a "tm" for trademarks (marks associated with goods) or "sm" for service marks (marks associated with services). And if an owner goes so far as to obtain a federal registration for its mark, the recognizable ® reflecting that registration should be placed next to the mark.

These are a few of the steps that a business owner can take to help strengthen its trademark. With the exception of pursuing a federal registration, these steps cost nearly nothing but an exercise in discipline. Whether a business owner merely wishes to increase its revenue by attracting more customers, or eventually exiting at some point with a demonstrably valuable intellectual property asset, the effort is well worth it.



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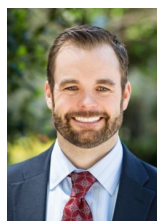
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