



# A Letter From the Editors

## Trademarks

Trademark might not be everyone's favorite subject, but it's time to rip that adhesive-backed gauze pad right off. Let's start with the basics ...

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### What's a trademark, anyway?

Per the U.S. Patent and Trademark Office's [website](#),

*"A trademark can be any word, phrase, symbol, design, or a combination of these things that identifies [a business's] goods or services."*

Trademarks signify the original source of particular products, providing legal protection to the brands who developed them and protecting both businesses and consumers from fraud. Tons of trademarks are instantly recognizable, but frequent conversational usage of trademarked terms can at times blur the lines between trademarked and generic product names.

### Trademarks vs. generics

For our purposes, to refer to a consumer product without using trademarked words or attaching a widely recognized brand name is to refer to it generically.

*"Coca-Cola" and "Coke" vs. "soft drink," "soda," or "pop"*

Some brands have been so effectively tied to their consumer products -- through remarkable feats of marketing, lasting and historied household use, or both -- that we tend to use those brand names in conversation as though they were generic product descriptions. If you live in Texas long enough, you'll likely come across some form of this conversation, for example:

*"Hey, will you grab me a **Coke** out of the fridge?"*

*"Sure. What kind?"*

*"Dr. Pepper."*

Okay, maybe that's just a regional conversational trait, but certain generic products have become downright difficult for many of us to describe without defaulting to the use of trademarked terms:

- **Band-Aid** is the trademarked term for the gauze and adhesive tape combo owned by Johnson & Johnson.
- **ChapStick** has been the trademarked name for a type of lip balm since the 1890s.
- The petroleum jelly product **Vaseline** has been in use since 1870.
- **Q-tips** are a type of cotton swab.
- **Kleenex** is a popular brand of facial tissue.

And we're still only in the pharmacy aisle of your local grocery store. Here are a whole bunch more household products whose trademarked names are wildly popular in casual usage:

- **Frisbee** throwing discs
- **Rollerblade** in-line skates
- **Velcro** fabric fasteners
- **Sharpie** permanent makers
- **Scotch** tape
- **X-ACTO** knives
- **Post-it** notes
- **Bubble Wrap** packing material
- **Crock-Pot** cookers
- **Pyrex** dishes
- **Tupperware** containers
- **Popsicle** frozen treats
- **Jell-O** gelatin
- **Jet Ski** personal watercrafts

This is, by no means, an exhaustive list, but hopefully, it strikes a chord and proves how easy it is to let these not-so-generic terms slip into our writing. And here's where things get just a bit more confusing. Some words, over time, lose or abandon their trademark. These product names were once registered trademarks but have since become open to generic use:

- **trampoline**
- **dumpster**
- **aspirin**
- **zipper**
- **yo-yo**
- **dry ice**

Slightly more complicated than meets the eye, yeah? While we don't need to memorize long lists of trademarked and/or generic terms, we do need to remember to look before we leap when writing. Though I'm not a legal expert – and I'm not here to give any legal advice – I can point you in the best direction to minimize risks in your content.

## Identify and avoid trademarked language when practical

Using truly generic terms will always limit the possibility that there's any confusion over the originator of the product in question. In short, the guaranteed best course of action surrounding trademarked terms is to avoid them.

Creating a Product Highlight post for your pharmacy customer?

*"We don't stop at prescriptions when it comes to caring for our community. We also happily provide over-the-counter items like bandages, balms, tissues, and anything else that helps you*

*keep feeling your best.”*

Responding to a positive review for a local dive bar that serves up a specialty shot called *The Creamsicle*?

*“A little bit sweet, a little bit creamy, and 100% awesome: That happy-hour special is a great way to beat the afternoon heat.”*

A reminder that we’ll always avoid trademarked language and logos when promoting any sporting event for our customers so we don’t imply official sponsorship:

*“There’s no better way to enjoy the biggest game of the year than hot wings and cold beer, so gather your game-day buddies and come feast with us this Sunday!”*

## **Default to AP Style for formatting and usage guidelines if trademarked words are required in copy**

In some cases, our customers may be licensed to sell brand-name products and even depend on brand recognition to fully thrive. When that’s the case, we need to proceed with caution regarding the formatting, spelling, and styling of trademarks.

If you’re unsure whether a consumer product is trademarked, search it in the Stylebook. There are loads of trademarks listed there separately, with formatting examples and even accompanying generic equivalents to boot. Guidance found in the [“company names”](#) entry may be useful too.

If trademarked language is required in copy, we need to adhere as closely as possible to brand-preferred capitalization, spelling, and formatting:

Is your retail customer having a sale on a specific brand or brands?

*“This week only: Save big on brands you can depend on! We’re offering 10% off kitchen appliances from **Maytag**, **KitchenAid**, and **Whirlpool**.”*

Drafting content for a licensed auto dealership?

*“Whether it’s the reliability of the **Jetta SE** or the performance of the **Golf R** that grabs your attention, you can enjoy the peace of mind that comes with a lifetime powertrain warranty on every **Volkswagen** we sell.”*

Maybe you’ve got an electronics customer who specializes in repairing a specific brand.

*“As an **Apple-authorized** service provider, we know **iOS** devices like the **iPhone** and **iPad** inside and out. Don’t forget that we honor and accept **AppleCare+** and limited warranty program.”*

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*“As an **Apple-authorized** service provider, we know **iOS** devices like the **iPhone** and **iPad** inside and out. Don’t forget that we honor and accept **AppleCare+** and limited warranty program.”*

Exceptions:

- AP suggests we default to standard capitalization rules and maintain brand-preferred formatting found elsewhere in the word when a brand name begins your sentence. That'll create some unique looking stuff if "*iPhone*" or "*EBay*," is your first word, for example.
- AP and our [Internal Style Guide](#) differ on the styling of the trademarked term **REALTOR®**, which we'll write in all-caps with the registered symbol at the end – and only use if it's clear our customer is a member of the National Association of Realtors.

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## Challenge

In the coming weeks, try to identify instances in conversation where you use brand names instead of generic terms. Give it a shot as you head to the dog park with your buddy's favorite throwing disc or while you whip up some gelatin shots for that party next weekend.

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### CECIL SPARKMAN | EDITOR I

Cecil grew up in a sleepy little town between Austin and Houston best known for Blue Bell and bluebonnets. He earned degrees in journalism and literature at Texas State and fell in love with the beautiful river, good vibes, and cheap rent of San Marcos, where he lives today. He's a drummer, a Trekkie, and a wine nerd. He might be the same height as Mugsy Bogues, but his love for the Spurs is David Robinson-sized.

**Main Street Hub**