

“Ask the Legal Professional”

Question and answer articles on legal topics featured in The Pittsburgh Business Times



PROTECTING INVENTIONS

Q Can I stop a competitor from using my company's name or registered trademarks in web and print advertisements?

A The unsatisfying answer is: it depends. If the competitor is merely using your company's name for the purpose of accurate, truthful comparisons between the competitor's products/services and those of your com-

pany, it is unlikely that the use can be stopped through legal action. This is so-called “nominative fair use”, and does not raise issues of infringement or dilution of your name or trademarks. However, you may be able to obtain legal relief if your competitor is using your company's registered name or trademarks in the advertisements. Further, if untruthful claims are made concerning your company, or if the use of your name is made in bad faith, for example, to perpetuate a claim/shortcoming that had previously been proven untrue, you may have legal remedies.

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