

“Ask the Legal Professional”

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TRADEMARKS: BEST PRACTICES

Q How should our company's trademarks be used in promotional materials?

A Proper trademark notice should be provided on such materials at least once with the first or most prominent occurrence of the mark. Provide notice by using the appropriate symbol to the upper right hand side of the mark. The TM symbol should be used with unregistered

trademarks that identify the source of your company's goods, and the SM symbol should be used with unregistered service marks that identify the source of services of your company. If a mark is registered, the ® symbol should be used. Marks are adjectives, and not nouns or verbs. For example, stating “You can access competitive information using the GOOGLE® search engine” is correct, while “You can GOOGLE® your competitors” is not. Further, when using marks as adjectives, do not make them plural or possessive, unless they truly are, such as WENDY'S®. Finally, remember that consistency of use across all materials is key.

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