

Trademark owners take note: Google enters the dictionary

Merriam-Webster's latest edition of the Collegiate Dictionary added the term 'google.' According to the dictionary, google means to use the Google search engine to obtain information about a subject on the World Wide Web.

I often use the Google search engine as the starting point for my internet research on a person or subject.

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I go to the Google search engine and type in my inquiry. The search engine does the rest and I have successfully 'googled' my subject matter.

The term 'google' is now a part of our vocabulary.

The trademark folks at Google, Inc. may not be so happy about that because Google is also a registered trademark of the search engine company.

Google, Inc. fears that its famous trademark could become generic because of its widespread use.

In its 2005 annual report to investors, Google, Inc. noted the risk that the word Google could become so commonplace to describe an internet search, the company could lose rights to the trademark. Google, Inc. wants to prevent that from happening.

Other brand names that are often used as generic terms include Xerox, Kleenex, Walkman, Band-Aid and Jello.

Even this trademark attorney would confess that he has said, "I bought a coke" or "Let's go get a coke" when he truthfully purchased a soft drink other than a Coca-Cola. In such a case, I am using the term 'coke' in a generic sense.

Trademark owners should make sure they are not using their trademarks as a common noun or verb.

Trademarks are adjectives that describe a product or

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service.

For example, the makers of Kleenex brand tissue don't advertise Kleenex as a common noun, as in "Grab a Kleenex." The ad might instead say, "Grab a KLEENEX brand tissue."

Similarly, the makers of Xerox copiers don't have advertising that uses the term Xerox as a verb, as in "to Xerox pages." Instead, the ad might say, "use XEROX copiers to copy pages."

Most companies don't have to worry about their trademarks appearing in the dictionary.

However, a trademark creates and solidifies consumer association with your product or service and if your company uses its trademark in a generic sense, it reduces the likelihood that consumers will associate your unique product with your company.



CHRIS STEWART

Chris Stewart law offices are located at 301 S. Polk, Suite 700. You can contact him at chris@christewartlaw.com.

CALL 322-1251