



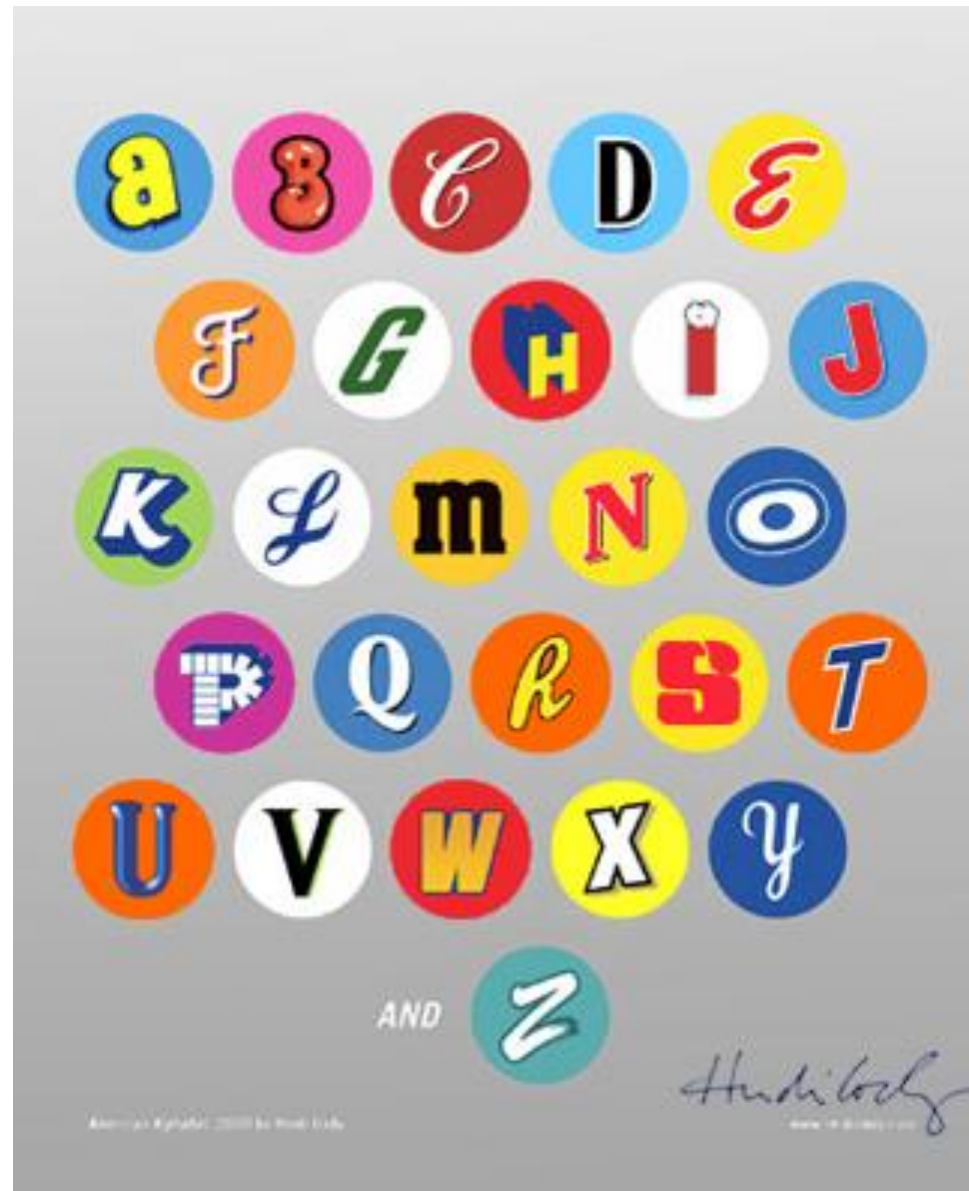
UCSB ENGINEERING
capstone

Introduction to Trademarks and Branding

By Ilan Ben-Yaacov

- **Patent** – protects inventions, original ideas or new processes (e.g. machines, formulas, product designs)
- **Trademark** – a word, symbol, phrase, or design that identifies the source of the goods TM / [®]
- **Copyright** – protects original works of authorship (e.g., literary, music, dramatic, artistic work) ©

ABCs of Trademarks



What are Trademarks?

A Trademark is Any:

- Word
- Name
- Logo
- Color
- Trade Dress
- Sound
- Slogan
- Smell

Used by a party to identify its goods or services and distinguish them from those manufactured or offered by others

Trademark Examples

➤ Word

SPACEX

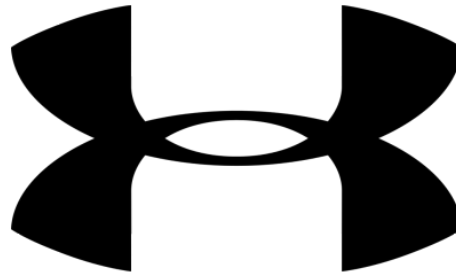
Shell

➤ Name

Walt Disney



➤ Logo



Trademark Examples

➤ Color



➤ Trade Dress



Trademark Examples

➤ Sound



➤ Slogan

"Don't leave home without it."



"Mmmm mmmm good" - Campbell's Soup



"Good To The Last Drop" - Maxwell House



- Primary policy rationale for which Congress originally enacted trademark laws was to protect consumers from confusion and harm
- Trademark law falls under the “Commerce Clause” (unlike Copyrights and Patents which have direct authority in the “Progress Clause”)
- More recent “additions” to trademark law by Congress protect exclusive rights holders
 - Dilution
 - Anticybersquatting

Public Domain vs. Exclusive Rights

More Distinct



- **Fanciful** KODAK, POLAROID, GOOGLE
- **Arbitrary** APPLE for computers, SHELL for gasoline
- **Suggestive** COPPERTONE for suntan oil, BLU-RAY
- **Descriptive** CHAP STICK, SPORTS ILLUSTRATED
- **Generic** SALT, ASPIRIN (KLEENEX and VELCRO are close)



Less Distinct

- International Classes of Goods and Services
- Application Contents
 - Class
 - Description of Goods and Services
- Trademark Prosecution
 - Descriptiveness
 - Likelihood of Confusion

**What makes for a good
brand / trademark?**

Ability to **DRIVE REVENUE!!!**

- CostCo
- Intel
- Motorola

- CostCo
- Intel (Pentium)
- Motorola

- CostCo
- Intel
- Motorola (razr)

- CostCo
- Intel
- Motorola (RAZR)

- How to come up with a non-descriptive mark/brand that's attractive to the consumer

Brainstorming session:

1. List the qualities of your service / product that make it special.
2. Try to come up with as many (preferably unrelated) items / services that also have some of these same qualities.
3. After you have lots of ideas, get creative about using / combining your best ideas into distinctive marks / brands. Ideally, try to come up with about 5-10 marks / brands.
4. Rank your ideas, run preliminary clearance searches.
5. Run a full search, file TM apps.

Come up with the following:

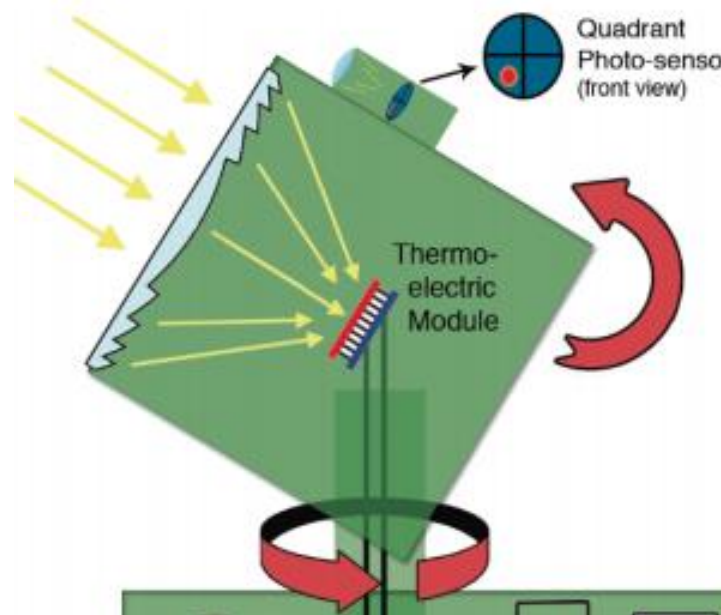
- a) A brand name and artistic logo for the product you are building.
- b) A brief (approx. 5 words or less) slogan/description of your product.

Email an image of the logo to your instructor and TA by 11:59pm on 2/5/2021. In class on 2/8/2021, be prepared to discuss the following:

1. What are the qualities of the product that you would like to impart upon the consumer?
2. What were some of the key words that came out of your brainstorm session (including ones that you did not use)?
3. Where on the spectrum of distinctiveness does your mark fall?



Harvest the Sun



inferno

thermal third eye



Bliss 
Making peaceful recoveries.



- Appearance / attractiveness to consumer
- Length
- Other meanings (e.g., languages) – where will mark be used?
- Terms alluding to product/technology (pros and cons)

