

## **Research Assignment**

Registration No. 2110475.

**What is the mark?** This mark is for shampoo and conditioner bottle designs.

**What type of mark is this?** Trademark - when consumers see the bottle's shape, they relate it to the mark's owner.

Registration No. 3621108.

**What is this mark?** 'Rihanna'

**For what services is the mark used?** 'Rihanna' is the name used to label Robyn Fenty's musical releases. The mark is used on streaming services, CD's, and fashion.

**What "Other Data" is given for this mark?** This mark refers to a living person, not a product, service, or design.

Registration No. 3442244.

**What is this mark?** A symbol that certifies a food product's status as gluten free.

**What type of mark is this?** Certification mark

**What "Other Data" is given for this mark?** This mark is given to products that meet gluten free standards and requirements.

Registration No. 2416794.

**What is this mark?** A design for catalog covers.

**Who is the owner?** Tiffany and Company

**Briefly, what is the description of the mark?** This service mark covers (primarily) the distinct blue color of a certain brand of mail order magazines.

**Would a mark that consists of less than a full name, such as PRINCE CHARLES'S MIDNIGHT COLOGNE, require the consent of the individual?** Yes, consent is required.

**Why or why not?** A person has the right to control what products, brands, or services are associated with his or her name.

**What are the two types of collective marks?** Collective membership marks and collective marks that are used in commerce.

**What distinguishes the two types?** Individuals can use membership marks to signify that they are affiliated with a collective. For instance, members of/speakers from a denomination might associate with the PCUSA, SBC, EFC-ER, ELCA, etc. In regards to the other type of collective marks, Girl Scout cookies can only be sold by actual Girl Scout members.

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Colors are trademarked all the time. From the distinct, deep red of Dr. Pepper, to the “golden arches” at McDonalds, brands are using colors to distinguish themselves. Associating your brand with a color is a smart decision, but there are some limitations in doing so.

Mainly, “a color mark cannot obtain trademark protection if it performs a utilitarian function.” (Bernet, 2018) Even if the bottle’s black color has become associated with salad dressing, it is still barred from trademark protection because it serves a purpose — to block out light. If the color is believed, by your company, to be important to the overall packaging, and the package itself is innovative, you may have grounds for a design patent.

References:

Bernet, M. (2018, August 24). Can You Trademark a Color? - IPWatchdog.com: Patents & Patent Law. Retrieved November 08, 2020, from <https://www.ipwatchdog.com/2018/07/14/can-you-trademark-a-color/id=99237/>