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### Intellectual Property Law and Practice

## Trademarks

### Selecting a good trademark for your product or service

You should select a trademark to meet your business needs. The mark should easily let customers distinguish and remember your products. Some general advice on trademarks are that trademarks should:

- memorable,
- be short,
- be easily spelled,
- pronounceable,
- attractive,
- legally strong trademarks, and
- legally available/registerable.

There are many ways to select a trademark including: writing down a long list of possibilities, have a committee choose, have a brainstorming session with co-workers, have a contest, hire a consultant, and take a poll.

Some considerations:

- avoid marks that can't be federally registered.
- stay away from marks that are confusingly similar to names of already existing trademarks
- stay away from descriptive words
  - if you do use descriptive words after the first word, try to make the first word in your trademark as distinctive/non-descriptive as possible.
- stay away from using surnames
- avoid generic words
- Do use distinctive marks or nonsensical words (e.g., like drug names or Kodak, etc)
  - Distinctive names make the strongest trademarks