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Recording Date – September 28, 2016

Recording Available – December 23, 2016

Meeting Location	Date	Time	Topic
King County Bar Association 1200 Fifth Ave., Suite 700 Seattle WA	Wednesday, September 28, 2016	12:00 pm to 1:15 pm	Trademark Basics: Issue Spotting and New Developments

AGENDA

- 12:00 p.m. Introductions
- 12:15pm Presentation: ‘Trademark Basics: Issue Spotting and New Developments’, by Ashley Long, Carney Badley Spellman
- 1:15 p.m. Evaluations & Adjourn

SPEAKER BIOGRAPHY:

Ashley Long, Carney Badley Spellman – Ashley Long focuses her practice on providing brand owners and technology companies with the means to use, protect, and commercialize their intellectual property. Ashley has worked with clients throughout the technology spectrum, from e-commerce retailers to video game studios. Her current client base includes local startups and global emerging companies.

Ashley has extensive experience in trademark clearance, registration, protection, and enforcement. As clients prepare to select new trademarks, Ashley is able to advise on issues of use and registration - both domestically and internationally. From the initial filing through the first renewal, Ashley can guide clients throughout the entire trademark prosecution process.

Ashley also provides intellectual property enforcement services. She is able prepare and respond to cease and desist letters, submit social media infringement notifications, conduct matters before the Trademark Trial and Appeal Board, initiate Uniform Domain Name Dispute Resolution Policy proceedings, and litigate in district court proceedings. Ashley is skilled in creating technology related commercial agreements, including distribution and licensing agreements, internet and website related contracts, sweepstakes and contests rules, and entertainment agreements.

Ashley joined Carney Badley Spellman in 2015. Prior to joining Carney Badley Spellman, Ashley worked in prominent trademark practices throughout the country. She has taught the subjects of trademark law, unfair competition law, and copyright law at Boston area law schools. She was an adjunct faculty member at New England School of Law, and has served as guest lecturer at New England School of Law and Suffolk Law School.

HOW DO I EARN CREDIT FOR SELF-STUDY OR AUDIO/VISUAL (A/V) COURSES?

For pre-recorded A/V (self-study) programs, although the sponsor should apply for accreditation, **lawyers need to report the credits earned for taking the course.**

To add an approved course to your roster, follow the procedures below:

- ❖ Go to the "mywsba" website at www.mywsba.org/.
- ❖ Log in.
- ❖ Click on the "Access MCLE" link in the "MCLE Info" box on your home profile page.
- ❖ Click on "Add Activity." Search to find the approved course in our system. (See search suggestions on the screen.)

Adding a Recorded Course

Select Recorded Course from the Add New Activity screen.

This will prompt you to search for the activity in case the activity has already been accredited in the MCLE system.

You can search by Activity ID or by specific Activity Details. For the Activity Details search, you can use keywords for the title, sponsor name and date.

After entering your search criteria and selecting Search at the bottom of the screen, a list of possible activities will be provided.

You can select the correct one by clicking the Activity ID. This will take you to the specific activity. Entered the date(s) on which you began and ending viewing this recorded activity.

Then claim the correct credits for which you attended this activity in the Credits Claimed fields and click the Submit button at the bottom of the page.

You will receive a confirmation message at the top of your screen stating, "The activity has been added to your roster."

TRADEMARKS – THE BASICS

How to identify, manage, and
protect you client's brands.

Ashley K. Long
Carney Badley Spellman PS



TODAY'S PRESENTATION COVERS 3 MAIN POINTS

1. Trademark Basics.
2. Trademark Management.
3. Trademark Protection.



TRADEMARK BASICS

WHAT EXACTLY IS A TRADEMARK?



TRADEMARKS

A source indicator for a particular good or service.

- Trademarks, copyrights, and patents are three distinct types of IP.
- A trademark can be thought of with a simple formula:
 - “Identifier” + Goods or Services = Provider.



**What's the
"identifier"
really
mean?**

TRADEMARKS

- The “identifier” is typically what we think of when we say “brand.” It can be....
 - A word or words
 - Image
 - Sound
 - Smell
 - Product Packaging
 - Product Configuration
 - Color
 - Etc.?





JUST DO IT.

The "Roar"



WHAT DOES THAT MEAN?

○ Examples....

- **Word Mark:** The word “Kindle” + e-reader = Amazon.
- **Color Mark:** The cherry red lacquer finish + shoes = Louboutin.
- **Sound Mark:** The “G-E-C” musical sequence + television = NBC.

An “identifier” isn’t really a trademark until it’s associated with some kind of good or service.

This association allows consumers to identify the source of the goods or services.



TRADEMARK MANAGEMENT

How do you identify, build, and manage your client's brand?

Selection

Clearance

Registration



TRADEMARK SELECTION

- **Strong Marks versus Weak Marks**
 - Arbitrary/Fanciful Marks (Reebok, Apple)
 - Suggestive Marks (Habitat, Greyhound)
 - Descriptive Marks (FashionKnit, World Book)
 - Generic Marks (Shoes, App)
- **Which Types Are Best?**
 - Both a legal and commercial consideration.
Suggestive marks are often the best of both worlds!



CLEARANCE

- **Legal versus Business Considerations**
 - Legal:
 - Likelihood of Confusion
 - Realm of Expansion
 - Business
 - Big Brand Owners
 - Trademark Bullies



REGISTRATION

- **First to Use and First to File**
 - What are your rights at home and abroad?
- **State/Federal/International**
 - *State Registrations*: Only provide registration on a per state basis. May not be used in many enforcement situations.
 - *Federal Registrations*: Available to brand owners with multi-state use of their marks.
 - *Int'l Registrations*: Most jurisdictions require registration to enforce your mark.



WHY SHOULD I REGISTER?

- **Presumption of Validity.**
- **Nationwide Exclusivity.**
- **Easy Online Enforcement.**
- **Customs Registration.**





PROTECTING YOUR TRADEMARKS

ENFORCING
YOUR
CLIENT'S
RIGHTS.

Consistency.
Monitoring.
Licensees.



**AS THE BRAND OWNER, IT'S YOUR CLIENT'S
RESPONSIBILITY TO ENFORCE ITS RIGHTS!**

**Enforcement starts at home. Make sure you client
maintains brand consistency within its organization.**



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BE AWARE OF WHAT'S OUT THERE.

- **Google News Alerts.**
- **Social Media Monitoring.**
- **Domain Name Acquisition.**
- **Watch Services.**



CAREFULLY MONITOR THIRD PARTY USE.

- **Employee and Independent Contractor Agreements.**
- **Third Party Agreements.**
- **Fan Use.**



TRADEMARKS ARE BRAND INSURANCE

Proper brand maintenance ensures the healthy existence of your client's brand.



THE END

- Questions? Comments?
- Contact me at: long@carneylaw.com or 206-607-4194.

CARNEY
BADLEY
SPELLMAN

