

## Trademarks are Valuable Property for Advertisers

Anyone who has spent time and money to develop and register a trademark, plus a good deal more money to promote it, is justly protective of the mark and the investment in it.

For example, aspirin originally was the trade name of a pain reliever developed by what is now the company that produces Bayer Aspirin. But the product became so popular that the company, in the early years of its existence either couldn't or didn't, work hard enough to protect the name. As a result, aspirin became the generic name of the pain relief product.

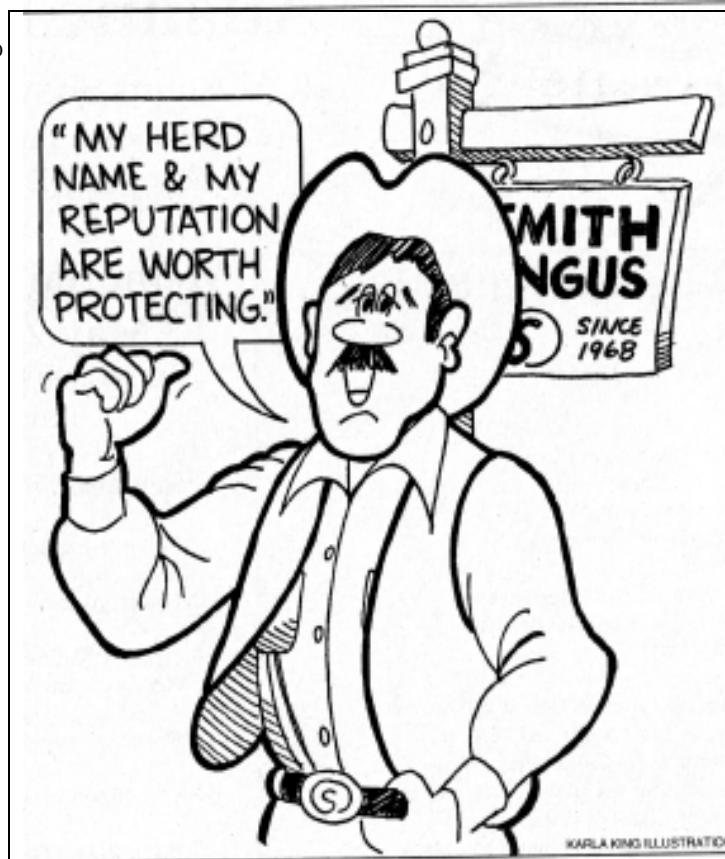
At one point Kleenex almost became the generic name for tissues, as did Band-Aid for prepared elastic bandages. Some people still ask, "Do you want a Kleenex?" when all they have to offer is a tissue sold under a generic name at the supermarket.

For this reason, companies work hard to differentiate their products and protect their trademark from being used by a competitor.

Even if your name is Homer Ford, you can't legally manufacture automobiles or automotive products under your last name. Just the hint that you might be associated in some way with the Ford Motor Co., would quickly land you in legal trouble.

From time to time registered Angus breeders have tried to tie their farm or a good bull to a well-known product. It can seem harmless enough to some to name a bull after a well known trademarked product. After all, some ask, "What can it hurt?" But you can bet that when this happens the breeder is sure to hear from the owner of the trademark as soon as the company finds out about it. It's not that the situation will hurt their business. Rather it's the threat that if they allow even a minor misuse of their mark to go unchallenged it could weaken their claim in a more serious case.

Usually all that happens at first is that the offender gets a letter from the company's legal department. It will point out the offense, and ask, often in strong legal language, that it cease immediately and not happen again. If the warning is not heeded then legal action is almost sure to follow.



Some Angus breeders have wondered over the years why they can't use the Certified Angus Beef Program trademark in their advertising. After all, the trademarks are the property of the American Angus Association, and they are members of the Association who produce cattle that may qualify for the CAB Program.

However, the trademarks can be used only under specific circumstances. These don't include being used to help promote a herd of cattle or a breeder or group of breeders. Without proper use and protection, the Association's rights to the logo would be jeopardized.

In fact, there has already been an unsuccessful challenge to the Association's right to the federally registered Certified Angus Beef™ product mark. You can imagine how serious it would be for the American Angus

Association to lose our ownership. That is why every effort is made to protect it and enhance it.

Some Angus herd names are trademarked, but not many. Most breeders don't want to go to the trouble and expense of doing so. But if you have a fairly large operation, or have invested a lot of money into promoting your herd name and logo, you might want to investigate the possibility.

Evidently you don't always need a trademarked name in order to get some protection from the courts. A few years ago a story in one of the national advertising magazines told of a popular, locally owned Iowa restaurant that won a court judgment against a competitor in a neighboring town who started up a restaurant with an identical name. The judge ruled that the new restaurant was obviously trying to trade on the good name and reputation of the original restaurant, and he put a stop to it.

Trademarked or not, your business logo and name are valuable property. They deserve to be protected and enhanced.

by Keith Evans, Director of Communications and Public Relation