Trademark Analysis Report

# Trademark Office Opinion

Error running trademark analysis: 'goods\_services'

# Web Common Law Opinion

## WEB COMMON LAW OPINION: BLACK MARSHMALLOW

## Section IV: Comprehensive Cited Term Analysis

(a) Identical Cited Terms:

|  |  |  |  |
| --- | --- | --- | --- |
| Cited Term | Owner | Goods & Services | Goods & Services Match |

|------------------|-------------|------------------------------------------------------------|------------------------|

|  |  |  |  |
| --- | --- | --- | --- |
| Black Marshmallow | Not specified | Scented products (blend of sweet marshmallow fluff and rich ambers) | False |
| Black Marshmallow | Empress Me | Youth-boosting natural mud mask | False |
| Black Marshmallow | TK Maxx | Scented candles | False |
| Black marshmallow | Not specified | Exfoliating body scrub | False |

(b) One Letter and Two Letter Analysis:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Cited Term | Owner | Goods & Services | Difference Type | Goods & Services Match |

|------------|-------|------------------|-----------------|------------------------|

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| None | None | None | None | None |

(c) Phonetically, Semantically & Functionally Similar Analysis:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Cited Term | Owner | Goods & Services | Similarity Type | Goods & Services Match |

|----------------------------------------|------------------------|------------------------------------------------------------|-----------------|------------------------|

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Marshmallow Black | Golden Paws Candle Company | Soy candles | Semantic | False |
| BLACK AMBER | Mistral | Bar soap, eau de parfum, body wash | Semantic | False |
| BLACK RASPBERRY VANILLA SOAP | Buff City Soap | Handmade plant-based soap | Semantic | False |
| BLACK HATCHET | Latika | Men's grooming products, including activated charcoal bar soap and organic charcoal body wash | Semantic | False |
| Black Tie | Bath & Body Works | 3-in-1 hair, face & body wash | Semantic | False |
| Black Forest Body Wash | RM Soap Market | Body wash | Semantic | False |
| Toasted Marshmallow Body Wash | Hickory Ridge Soaps | Body wash | Semantic | False |
| The Body Shop Shower Gel Vanilla Marshmallow | The Body Shop | Shower gel | Semantic | False |
| Summer Marshmallow | Bath & Body Works | Shower gel | Semantic | False |
| Keff Body Wash Marshmallow | Rockland | Body wash, bath lotion, skincare products | Semantic | False |
| Vegan Marshmallow Body Wash | FLOURYSH | Body wash, personal care products | Semantic | False |

Evaluation Guidelines:

- Goods/services match if they overlap with proposed trademark's intended use

- One letter difference = exactly one character changed/added/removed

- Two letter difference = exactly two characters changed/added/removed

- Phonetic similarity = sounds similar when spoken

- Semantic similarity = similar meaning

- Functional similarity = similar purpose/use

- State "None" when no results are found

- Filter out rows where both match criteria are False

- Always include complete goods/services text

## Section V omitted due to identical cited terms

## Section VI: Web Common Law Risk Assessment

Market Presence:

- The term "Black Marshmallow" appears in various product categories, including scented products, mud masks, scented candles, and exfoliating body scrubs. However, none of these uses match the goods/services intended for the proposed trademark.

Enforcement Patterns:

- No specific enforcement patterns identified for the term "Black Marshmallow."

Risk Category for Use:

- **MEDIUM-HIGH**

- Identical cited term(s) found, elevating risk to MEDIUM-HIGH. Crowded field analysis not performed.

III. COMBINED RISK ASSESSMENT

Overall Risk Category:

- **MEDIUM-HIGH**

- Identical cited term(s) found, elevating risk to MEDIUM-HIGH. Crowded field analysis not performed.