

TRADEMARKS AND UNFAIR COMPETITION

Room 208
Tues. 3:05-4:30
Thurs. 3:05-4:30

Lori Krafte
Spring 2011

First Week's Reading Assignments:

Tuesday, January 18th:

- Casebook, pages 3-41
- Attached articles

Thursday, January 20th:

- Casebook, pages 45-68

AdvertisingAge®

Twitter's Trademark Rules Apply, Even to Twitter Moms

The Popular TwitterMoms Will Become SocialMoms in the New Year

By Irina Slutsky

Published: December 23, 2010

Twitter mommies beware! You are no longer allowed to be "Twittermoms," according to, well, Twitter. The popular social media mommy community, Twittermoms.com, was asked by Twitter to change their name to be in accordance with Twitter's trademark policy -- no one can use the Twitter name in their business or url. "To an average person, there could be confusion," said Twitter spokesman Matt Cohler. "That's why TweetDeck is TweetDeck and not TwitterDeck." Mr. Cohler said there shouldn't be any misconception about which business is Twitter and which business is not.



Though the request seemed reasonable to TwitterMoms.com CEO Megan Calhoun, when she first got the email from Twitter HQ, it made her heart stop. On the blog post to her community of 30,000 moms, she sounded a little sad: "After more than two years of operating a public fan site dedicated to nurturing, supporting and promoting Twitter to the 'mom' community, they asked us to change the name of our web site for trademark reasons." But Mrs. Calhoun said it was an opportunity for growth. "When I launched TwitterMoms, I wasn't launching a business," Mrs. Calhoun said. "We have outgrown the name so it was perfect timing for us."

Mrs. Calhoun and her team of six decided on "SocialMoms" as the new name, since the company works

with brands like Kraft Foods and Proctor & Gamble to help with social media marketing campaigns all over the web -- Twitter was just the jumping off point. Not a single comment on the name change blog post belabored the name change -- if any mommy was sad about not being a TwitterMom, she kept quiet.

But Twitter's request brings up a bigger point, as these things usually do. It seems that Twitter only recently decided to start going after these kinds of trademark violations -- TwitterMoms was allowed to exist for two years! A quick search for websites turned up TwitterJobs.org, a job search engine, and TheTwitterGuys.com -- were those businesses asked to change their names as well? Mr. Cohler declined to comment on individual cases. I suppose the Twitter trademark situation is a lot less difficult than the one Facebook is up against: trademarking the word "face."

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Starbucks' New Logo Signals Intent to 'Think Beyond Coffee'

CEO Howard Schultz Promises New Product Offerings in Spring

By Maureen Morrison

Published: January 05, 2011

CHICAGO (AdAge.com) -- Starbucks Corp. today unveiled the latest iteration of its logo -- a move that CEO Howard Schultz said signaled the java giant's intent to "think beyond coffee."



Starbucks revealed the logo -- which drops the green ring with the text "Starbucks Coffee" and more prominently displays its famed siren -- to employees in its Seattle offices and on a webcast. Mr. Schultz said in a video post on the company's website that while allowing the siren to come out of the circle indicates Starbucks' intention to broaden its focus, "make no mistake: We have been, we will continue to be and we always will be, the world's leading purveyor of the highest-quality coffee."

In a blog post today, Mr. Schultz said: "Starbucks will continue to offer the highest-quality coffee, but we will offer other products as well. ... You'll begin to see our evolution starting this spring." He didn't say what products were in the offing, but it's clear the company has had its sights set on being more than a coffee chain for a while. It is once again selling breakfast sandwiches, which were once banned because the smell supposedly infringed on the coffeeshouse atmosphere.

The new logo is part of a celebration of Starbucks' 40th year, and it is the fourth in the company's

history. Starbucks revamped the logo in 1987 by dropping the brown and embracing green; it also changed the formerly bare-breasted siren to a more modest sea nymph. The company again modified the logo in 1992.

There have been a number of high-profile logo changes in the past few years; [Pepsi-Cola](#), Tropicana and Gap all tweaked their iconic symbols. Notably, all have received further tweaks since the initial rollouts. Pepsi-Cola, which initially rolled out three different smiling logos, scaled back to just one. Tropicana reverted to its straw-in-an-orange imagery after consumer outcry and a [drop in sales](#). And Gap quickly scrapped plans to roll out a new identity when consumers panned the logo's Helvetica font and graduated blue box online.

An [Ipsos Observer poll](#) conducted by Ad Age in the midst of the Gap logo debacle showed that more than half of consumers expect companies to ask for the public's input before making a major change to its logo, packaging or product. Thirty-six percent said they didn't expect that, and 12% said they weren't sure.

Starbucks appears to have put a great deal of thought into the logo rollout: Mr. Schultz scheduled a call with associates, and the company posted a video explaining the change as well as a post on its website. Even so, consumers are generally quick to judge a logo change. "If you ask customers what they think, they'll say a logo change is just a logo change," said Tony Spaeth, president of Tony Spaeth/Identity. "It's easy for people to demean a logo change. Does that really reflect their genuine perception of Starbucks? I don't think so."

Brand consultant Denise Lee Yohn said consumers are "always resistant to change, and given what happened with the Gap logo, there's probably going to be a backlash in the social-media world." Sure enough, there were a few dissenters, with some tweeting comments such as, "Starbucks has to be feeling pretty confident to drop name from new logo" and "Is new Starbucks going to last as long as the new Gap logo?"

Mr. Spaeth said he thinks the Starbucks logo rollout will fare much better than the Gap logo debacle. "The big difference is that Gap management didn't really understand the significance of what they were doing and that the public was interested. Howard Schultz is very much on top of this and regards this as a very significant step forward. It's being undertaken with supreme confidence and pride."

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*Contributing: Natalie Zmuda*

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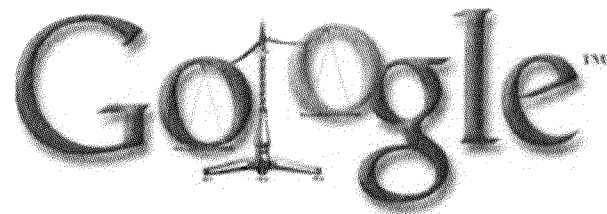
Google 24/7

Searching for answers

# Android trademark infringement case thrown out, Google pleased

Posted by Seth Weintraub  
December 22, 2010 9:14 AM

The plaintiff's original trademark, Android Data, was also canceled.



Imagine Paul Specht's surprise and delight in 2008 when Google (GOOG) announced that it would be calling its new phone operating system "Android" (Google bought Android in 2005, Andy Rubin bought the domain years earlier). Specht previously had a company called "Android Data" a decade ago, which at the time he trademarked with the USPTO. The trademark was granted in 2002.

But 2002 was the tail end of the dot com bubble and Specht's business went under. He tried to sell the company, including the Android Data trademark, but no one would buy it. That is, until Specht (and likely some legal types) heard about Google's Android plans. They sprang into action quickly throwing up an Android Data website to "prove" he was still using his abandoned trademark.

So, as any stereotypically litigation-happy American would, he took Google to court asking for a \$94 million in "damages." Maybe Google would just settle, rather than risk losing their Android trademark? They make \$94 million in the time it takes to read this post.

Nope...

Google fought and a judge ruled today that Google was not liable for trademark damages and stripped Specht of his trademark in the face of Android, the Google phone brand, lest there be any confusion there.

Chalk one up for common sense.

Google provided the statement:

"We are pleased to see this case dismissed, as it was baseless from the start."

**via Techcrunch.**

Tags: Android, GOOG, Google, IOS (Apple), Motorola, Paul Specht, TechCrunch, Trademark