Intellectual Property and Naming Risk Analysis for the RuneFrameOS Application Suite

Intellectual Property and Naming Risk Analysis for the RuneFrameOS Application Suite	1
Part I: Executive Briefing and Strategic Recommendations	3
1.1 Introduction and Mandate	3
1.2 Consolidated Risk Assessment Matrix	4
1.3 Summary of Strategic Recommendations	5
1.4 The Likelihood of Confusion Framework: A Primer for Decision-Makers	6
Part II: Comprehensive Trademark Analysis: Distilera™	7
2.1 Analysis of Proposed Mark and User's Premise	7
2.2 Analysis of Conflicting Marks and Market Landscape	8
2.3 Legal Risk Assessment: Likelihood of Confusion	9
2.4 Conclusion and Recommendation	10
Part III: Comprehensive Trademark Analysis: Hoardwell™	11
3.1 Analysis of Proposed Mark	11
3.2 Analysis of Conflicting Marks and Market Landscape	11
3.3 Legal Risk Assessment: Likelihood of Confusion	12
3.4 Conclusion and Recommendation	13
Part IV: Comprehensive Trademark Analysis: Mercatrix™	13
4.1 Analysis of Proposed Mark	14
4.2 Analysis of Conflicting Marks and Market Landscape	14
4.3 Legal Risk Assessment: Likelihood of Confusion	15
4.4 Conclusion and Recommendation	16
Part V: Comprehensive Trademark Analysis: Jonar™	16
5.1 Analysis of Proposed Mark	16
5.2 Analysis of Conflicting Marks and Market Landscape	17
5.3 Legal Risk Assessment: Likelihood of Confusion	17
5.4 Conclusion and Recommendation	18
Part VI: Comprehensive Trademark Analysis: Tapestry™	19
6.1 Analysis of Proposed Mark	19
6.2 Analysis of Conflicting Marks and Market Landscape	19
6.3 Legal Risk Assessment: Likelihood of Confusion and Dilution	21
6.4 Conclusion and Recommendation	21
Part VII: Alternative Naming Strategy and Go-Forward Plan	21
7.1 Framework for Selecting Low-Risk, High-Impact Marks	22
7.2 Proposed Alternative Concepts and Names	23

7.3 Next Steps	24
Works cited	25

Part I: Executive Briefing and Strategic Recommendations

1.1 Introduction and Mandate

This report presents a comprehensive intellectual property (IP) viability and trademark risk analysis for the five core software applications of the RuneFrameOS ecosystem: Distilera™, Hoardwell™, Mercatrix™, Jonar™, and Tapestry™. The analysis is based on the descriptions, market positioning, and strategic objectives detailed in the RuneFrameOS Program Runebook, Version 2.0.¹

The primary mandate of this assessment is to provide the executive leadership, business development team, and potential investors of RuneFrameOS with a clear, data-driven evaluation of the legal risks associated with each proposed application name. This serves to protect the company's intellectual property assets, mitigate potential legal challenges, secure investment, and facilitate strategic partnerships with entities such as Bethesda Softworks, Disney Interactive, and Wizards of the Coast.¹

The methodology employed for this analysis is grounded in established United States trademark law and practice. It involves a multi-faceted approach, including:

- Federal Trademark Database Search: A thorough examination of the United States Patent and Trademark Office (USPTO) database for registered and pending trademarks that may conflict with the proposed names.²
- Common Law and Market Analysis: An investigation of unregistered, "common law" uses of the names in commerce, including analysis of existing company names, product names, software applications, and other market signals across relevant industries (software, gaming, entertainment).³
- Legal Risk Assessment: The application of the "likelihood of confusion" doctrine, the central legal standard used by the USPTO and U.S. courts to determine trademark infringement. This framework evaluates multiple factors to

assess whether consumers are likely to be confused as to the source or sponsorship of goods or services.²

This report does not constitute a formal legal opinion but serves as an expert-level due diligence and strategic risk analysis intended to guide critical business and branding decisions.

1.2 Consolidated Risk Assessment Matrix

For at-a-glance comprehension, the following matrix consolidates the findings of the entire report. It provides a high-level overview of the risk profile for each application name, allowing for the immediate prioritization of strategic actions. The risk levels are categorized as Low (Green), Moderate (Yellow), High (Red), and Critical (Black), reflecting the escalating severity of potential legal and commercial conflicts.

Table 1: Risk Assessment Matrix

Mark Name	Overall Risk Level	Key Conflicti ng Mark(s)	Similarit y of Marks	Similarit y of Goods/S ervices	Overlap of Consum ers/Trad e Channel s	Strength of Conflicti ng Mark	Recomm ended Action
Distiler a™	HIGH	Distilled (Board Game) ⁵	High	High	High	Moderat e to High	Rebran d
Hoardw ell™	LOW	Hoard Well Furnitur e (India)	Moderat e	None	None	Low (in US)	Proceed
Mercatr ix™	MODER ATE	Mercatri x (Digital Agency,	Identical	Low (Potenti al	Low	Low (in US)	Proceed with Caution

		India) ⁷		Overlap)			
Jonar™	CRITIC AL	Jonar (ERP Software Co., Canada)	Identical	High	High	High	Rebran d Immedi ately
Tapestr y [™]	CRITIC AL	Apache Tapestry , Tapestry Solution s (Boeing) , Tapestry ® (CGI) 9	Identical	High	High	High	Rebran d Immedi ately

1.3 Summary of Strategic Recommendations

The comprehensive analysis detailed in this report leads to the following strategic recommendations for the RuneFrameOS application suite:

- Distilera™ (High Risk): The name Distilera presents a high risk of trademark infringement due to a direct conflict with the popular and trademark-pending board game Distilled.¹² The target markets and product concepts are closely related, creating a significant likelihood of consumer confusion.
 - **Rebranding is strongly recommended** to avoid legal disputes and to build a unique brand identity.
- Hoardwell™ (Low Risk): The name Hoardwell is a strong, distinctive mark with no significant conflicts in the relevant software or gaming markets. The primary identified use is by a foreign furniture company, which poses negligible risk.⁶
 This name is cleared for use and federal trademark registration.
- Mercatrix™ (Moderate Risk): The name Mercatrix is a highly distinctive mark. A
 moderate risk exists due to an identical name used by a foreign digital marketing
 agency that offers some related web services.⁷ However, their lack of U.S. market
 presence mitigates the immediate threat.
 - It is recommended to proceed with caution by filing for a U.S. trademark

immediately to establish priority rights and by monitoring the foreign entity's activities.

 Jonar™ (Critical Risk): The name Jonar is unusable. It is identical to the name of a long-established Canadian company that sells enterprise resource planning (ERP) software, a closely related field.⁸ The risk of litigation and market confusion is exceptionally high.

Immediate rebranding is required.

 Tapestry™ (Critical Risk): The name Tapestry is unusable. The trademark landscape for this name in the software and technology sectors is critically crowded by multiple, powerful senior users, including Apache, Boeing, and CGI.⁹ It is impossible to establish a unique brand identity or secure clear trademark rights. Immediate rebranding is required.

1.4 The Likelihood of Confusion Framework: A Primer for Decision-Makers

The core of U.S. trademark law is the prevention of consumer confusion. The central legal test used to determine if one trademark infringes upon another is the "likelihood of confusion" analysis.² This is not a simple, mechanical test but a comprehensive balancing of several factors. Understanding this framework is essential for appreciating the risks outlined in this report.

The analysis is guided by a set of factors first articulated in the case *In re E. I. du Pont de Nemours & Co.*, and they are used by both the USPTO during the application process and by federal courts in infringement litigation. While the exact list can vary slightly by jurisdiction, the key factors relevant to the RuneFrameOS portfolio are as follows ²:

- 1. The Similarity or Dissimilarity of the Marks: This is a holistic comparison of the marks' appearance, sound, connotation (meaning), and overall commercial impression. Marks do not have to be identical to be confusingly similar.
- 2. The Similarity or Dissimilarity of the Goods or Services: This factor assesses whether the products or services are related in the minds of consumers. They do not need to be identical or even competitive. For example, software and related consulting services are often considered related.
- 3. The Similarity or Dissimilarity of Trade Channels: This examines where and how the products are sold. If two products are sold through the same online app stores, marketed on the same social media platforms, or advertised in the same

- industry publications, their trade channels are similar.
- 4. **The Conditions of Sale and Sophistication of Buyers:** This considers the context of the purchase. Inexpensive, impulse-buy products are more likely to cause confusion than high-cost, specialized products where buyers are expected to exercise greater care.
- 5. **The Fame of the Prior Mark:** A famous or well-known trademark receives broader protection than a lesser-known mark. A strong brand is more likely to be associated with new products, even in adjacent fields (the "zone of expansion").
- 6. The Strength of the Mark: Trademarks exist on a spectrum of distinctiveness, from "fanciful" (coined words like 'Kodak') and "arbitrary" (real words with no connection to the product, like 'Apple' for computers) at the strong end, to "suggestive" (hinting at a quality, like 'Coppertone' for suntan lotion), and finally "descriptive" (merely describing the product) and "generic" at the weak end. Stronger marks receive greater legal protection.

No single factor is determinative. The final assessment is a qualitative judgment based on the totality of the circumstances. The analyses in the following sections apply this framework to each of the five RuneFrameOS application names to arrive at the risk levels and recommendations summarized above.

Part II: Comprehensive Trademark Analysis: Distilera™

2.1 Analysis of Proposed Mark and User's Premise

- Mark: Distilera[™]
- Proposed Use: As outlined in the RuneFrameOS Program Runebook, Distilera™ is an "Advanced alchemy simulation platform with ingredient management and potion crafting".¹ Its primary application is within the tabletop role-playing game (TTRPG) and broader digital gaming market, providing tools for magical item creation and crafting systems. The projected market value for such tools is over \$200 million.¹
- User Premise: The initial assessment provided was that the name Distilera is "safe" for use. This analysis is tasked with rigorously testing and ultimately

- validating or refuting that premise.
- Initial Assessment: The name Distilera is phonetically and conceptually rooted in the word "distill." The process of distillation is central to both real-world chemistry and the fantasy concept of alchemy (e.g., distilling potions and elixirs). The "-a" suffix lends the name a slightly stylized, perhaps Latinate or feminized, quality. However, this minor modification does little to create legal or commercial distance from the root word "distill" or its direct cognates, such as the Spanish "destileria" (distillery). From a trademark perspective, the name is highly "suggestive" of the product's function, meaning it hints at the nature of the alchemy simulation without explicitly describing it. While suggestive marks are protectable, they are not as strong as arbitrary or fanciful marks and require careful clearance.

2.2 Analysis of Conflicting Marks and Market Landscape

A comprehensive search of the market landscape reveals several significant conflicts that directly challenge the viability of the Distilera name. The user's initial premise of safety appears to have overlooked a critical conflict within the core target market.

- Primary Conflict The Distilled Board Game:
 - Description: The most significant conflict is Distilled, a highly thematic and successful strategy board game for 1-5 players centered on crafting alcoholic spirits in a distillery.⁵ The game's mechanics involve resource management, recipe fulfillment, and tableau building, mirroring the intended gameplay loop of the
 - Distilera simulation platform.¹⁶ Published by Paverson Games,
 Distilled is not an obscure product; it was a major success on the
 crowdfunding platform Kickstarter, raising over \$549,000 from more than
 8,000 backers, which indicates a large, established, and engaged fanbase
 within the gaming community.¹⁸ The game is sold through major online
 retailers like Walmart and specialty game stores.¹⁶
 - Trademark Status: Crucially, the creator of Distilled, Dave Beck of Paverson Games, has demonstrated significant IP savvy. In a public blog post, he detailed his process of applying for a U.S. trademark for the name "Distilled" in the category of board games in February 2020. This action establishes a clear "intent to use" and defend the mark, giving Paverson Games senior rights. The application passing the "published for opposition" phase indicates the USPTO found it to be a registrable mark.

Secondary Conflict - Idle Distiller Tycoon Game:

• Description: A mobile simulation game available on major platforms like the Google Play Store, published by Kano-Apps.²⁰ In this game, players manage and grow a virtual distillery and brewery empire. While the "idle tycoon" genre differs from the proposed TTRPG tool, it represents another direct use of a "distiller"-based name for a game product, further crowding the space.

• Tertiary Conflict - The "Distillery Management Software" Category:

Description: The term "distillery" and its variants are heavily used in the B2B software market for actual distilleries. Products such as Distill x 5, MasterDistiller, BrewMan, and Unleashed all offer software for inventory management, production tracking, and compliance for spirits producers.²¹ While these are not games, their existence establishes a strong commercial association between the concept of "distilling" and software products, which can contribute to the overall potential for confusion.

• Linguistic and Conceptual Conflicts:

 The Spanish word for distillery, "Destileria," is the subject of numerous business registrations and trademark filings in the U.S. and internationally for alcoholic beverages.¹⁴ This widespread use of the root concept further weakens any claim to uniqueness for the name Distilera.

2.3 Legal Risk Assessment: Likelihood of Confusion

Applying the legal framework for likelihood of confusion reveals an unacceptably high risk. The user's initial assessment that the name is "safe" appears to have been made without a full appreciation for the context of the consumer market. The fatal flaw is the direct overlap between the target audience for RuneFrameOS's TTRPG tools and the existing customer base for the Distilled board game.

A consumer who is active in the TTRPG and board game communities—a demographic explicitly targeted by RuneFrameOS for partnerships with companies like Wizards of the Coast and Paizo ¹—would be highly likely to encounter both products. Upon hearing of a new "alchemy simulation game called

Distilera," this consumer could reasonably and mistakenly believe that it is a digital adaptation of the Distilled board game, an officially licensed expansion, or a new product from the same publisher, Paverson Games. This precise scenario of potential

consumer confusion is the foundation of a trademark infringement claim. The fact that Paverson Games has already initiated the trademark process demonstrates their intent to protect their brand, making a legal challenge not just possible, but probable.

An application of the key legal factors confirms this high-risk assessment:

- Similarity of Marks: HIGH. Distilera and Distilled are nearly identical in sound and appearance. A simple one-letter difference and a vowel change at the end are insufficient to distinguish them. Their connotations within the context of crafting beverages (whether magical potions or real spirits) are identical.
- Similarity of Goods/Services: HIGH. RuneFrameOS's Distilera is a "simulation platform" for gaming.¹
 Distilled is a board game.⁵ Both fall squarely within the International Class O28
 (Toys and Sporting Goods, which includes board games) or Class O09/O41
 (Downloadable software/Online entertainment services). Courts consistently find that board games and their digital counterparts are highly related goods.
- Overlap in Trade Channels and Consumers: HIGH. Both products are marketed to gamers. They are sold online, discussed on the same forums (e.g., BoardGameGeek, Reddit), promoted by the same influencers, and targeted at the same consumer demographic that enjoys strategy and simulation games.
- Fame of the Prior Mark: MODERATE to HIGH. The Distilled board game is not a minor, unknown product. Its significant Kickstarter funding ¹⁸, widespread retail availability ¹⁶, and industry awards ⁵ have established considerable brand recognition and goodwill within the niche but valuable tabletop gaming market.
- Strength of the Mark: The mark Distilled is suggestive for a game about distilling spirits, which makes it inherently less strong than an arbitrary mark. However, its commercial success has likely established "secondary meaning," where consumers now associate the word Distilled specifically with the Paverson Games product. Distilera is similarly suggestive and would struggle to build its own secondary meaning against the established senior user.

2.4 Conclusion and Recommendation

- Validation of Premise: The user's preliminary finding that the name Distilera is "safe" is conclusively invalidated. The evidence points to a severe and actionable risk of trademark conflict.
- Risk Level: HIGH.
- Recommendation: Rebrand. It is strongly recommended that RuneFrameOS

abandon the name Distilera entirely. Proceeding with this name would expose the company to a high probability of a cease-and-desist demand, costly litigation, and a potential injunction against its use. Beyond the legal risk, the commercial risk is equally damaging. The name is unable to function as a unique brand identifier, which would perpetually hinder marketing efforts, create consumer confusion, and be a significant red flag for sophisticated investors and strategic partners who conduct their own due diligence. Launching with this name would be a significant unforced error that would jeopardize the product's launch and the company's credibility.

Part III: Comprehensive Trademark Analysis: Hoardwell™

3.1 Analysis of Proposed Mark

- Mark: Hoardwell™
- **Proposed Use:** The application is described in the Runebook as a "Multi-Agent Communication Platform" and, more specifically, a system for "Central inventory management" and "Al agent communication". Its gaming application is for NPC management, dynamic storytelling, and automated game mastering.
- Initial Assessment: The name Hoardwell is a strong, highly effective mark for its intended purpose. It is a compound word formed from "Hoard" and "Well." "Hoard" means to accumulate, gather, or store valuables in a cache or stockpile.²⁹ "Well" functions as an adverb meaning in a good, proper, or satisfactory manner.³³ The combination creates a memorable and suggestive name that cleverly communicates the platform's core function: to manage a hoard of items or data effectively. The name is particularly resonant within the gaming and fantasy context, where "hoards" of treasure are a common trope. This makes it both functionally descriptive and thematically appropriate.

3.2 Analysis of Conflicting Marks and Market Landscape

A thorough search for conflicting uses of the name Hoardwell reveals a very clear and favorable landscape for RuneFrameOS.

- **Primary Search Result:** The only significant commercial use of a similar name is "Hoard Well Furniture Private Limited". This is a company based in Indore, India, that is registered as a private, non-government entity. Their business is in "Other manufacturing n.e.c." (not elsewhere classified) and they produce physical goods such as steel windows and other furniture items. They do not appear to operate in the software, gaming, or technology sectors.
- Other Uses: The constituent words "hoard" and "well" are, of course, common. Incidental descriptive uses of the phrase appear in literature, such as in Dungeons & Dragons source material describing a dragon's lair ("...with its hoard well protected...").³⁷ However, these are purely descriptive phrases and do not function as a trademark to identify the source of a product. There is no evidence of any other company, particularly in the United States or in the technology sector, using Hoardwell as a brand name for software, communication platforms, or gaming tools.³

3.3 Legal Risk Assessment: Likelihood of Confusion

The legal risk associated with using the name Hoardwell is exceptionally low. The analysis of likelihood of confusion is decisively resolved by the vast commercial and legal distance between the proposed use by RuneFrameOS and the existing use by the Indian furniture company.

The determination rests on a straightforward application of the core legal factors. While the names Hoardwell and "Hoard Well Furniture" are phonetically identical and visually similar, this is the only factor that weighs against RuneFrameOS. Every other, more dispositive factor points to a finding of no confusion.

A step-by-step evaluation demonstrates this clearly:

1. **Similarity of Marks:** The marks themselves are moderately similar. Hoardwell is a single compound word, while "Hoard Well Furniture" is a three-word trade name. While the core element is the same, the addition of "Furniture" in the latter serves to distinguish it.

- 2. **Similarity of Goods and Services:** There is zero similarity. RuneFrameOS's product is an enterprise-grade AI software platform for the gaming industry. The conflicting entity manufactures and sells physical furniture in India. There is no functional overlap, no competitive relationship, and no scenario where a consumer would substitute one for the other.
- 3. Overlap in Trade Channels and Consumers: There is zero overlap. RuneFrameOS targets global video game publishers, TTRPG studios, and entertainment companies through B2B sales and API monetization. Hoard Well Furniture targets consumers and businesses in the local Indian market for physical goods. Their marketing, sales, and distribution channels are entirely separate.
- 4. **Geographic Scope:** The existing user is geographically isolated in India and shows no indication of having a commercial presence or trademark rights in the United States.

Because the goods, services, markets, and consumers are completely unrelated, there is no plausible basis upon which a consumer could be confused into believing that the Hoardwell AI platform is in any way associated with the Indian furniture manufacturer.

3.4 Conclusion and Recommendation

- Risk Level: LOW.
- Recommendation: Proceed. The name Hoardwell is a strong, distinctive, and legally available mark for the proposed services in the United States. The identified potential conflict is commercially and legally remote and poses no meaningful barrier to use and registration. It is recommended that RuneFrameOS proceed with adopting this name and file an "intent-to-use" trademark application with the USPTO as soon as possible to formally secure nationwide rights.

Part IV: Comprehensive Trademark Analysis: Mercatrix™

4.1 Analysis of Proposed Mark

- Mark: Mercatrix™
- **Proposed Use:** The Runebook specifies that Mercatrix is the "Economic Foundation Engine" of the ecosystem, designed as a "world-aware economy engine with dynamic markets". Its purpose is to simulate dynamic economies and trade systems within gaming worlds.
- Initial Assessment: This is an exceptionally strong and distinctive name choice. The mark is a Latin term, the feminine form of *mercator*, meaning "merchant" or "trader". This etymology gives the name a classical, sophisticated, and authoritative feel that is highly appropriate for an economic simulation engine. The name is fanciful in the context of modern English, meaning it is a coined or archaic word with no common meaning to the average consumer. This inherent distinctiveness makes it a very strong candidate for trademark protection. The word is phonetically distant from common English words, with the obscure term "meretricious" (meaning tawdry or falsely attractive) being a remote phonetic cousin that poses a negligible risk to the brand's perception due to its rarity in common parlance. 41

4.2 Analysis of Conflicting Marks and Market Landscape

The search for conflicting marks reveals a single, notable use that requires careful consideration.

- Primary Conflict: A company named "Mercatrix" operates as a digital marketing agency based in Kochi, India.⁷ The company's website indicates it was re-established in 2020 from a previous entity founded in 1997, suggesting some operational history.⁴³
- Services Offered by Conflicting Mark: The Indian firm's primary services are in digital marketing, including SEO, social media marketing, and brand marketing.⁷
 However, their service list critically includes "Web Development Services" and "E Commerce Drop Shipping Services".⁴⁴ This expansion from pure marketing into technology service implementation is a key point for analysis.
- Trademark Status: An extensive search of the USPTO database and other sources reveals no evidence that the Indian Mercatrix has sought or obtained a registered trademark in the United States.³ Their business presence appears to be

4.3 Legal Risk Assessment: Likelihood of Confusion

The risk associated with the Mercatrix name is moderate and hinges on the legal concept of the "zone of natural expansion." This doctrine considers whether the goods or services of a new user fall into an area where the senior user would naturally be expected to expand its business.

The analysis proceeds as follows:

- 1. **Similarity of Marks:** The marks are **identical**. Both entities use the name Mercatrix. This is the strongest factor weighing in favor of a potential conflict.
- 2. **Similarity of Goods and Services:** The core services are currently distinct. RuneFrameOS offers a highly specialized B2B economic simulation engine for gaming. The Indian company offers general digital marketing and web development services. However, the offering of "Web Development Services" creates a bridge between the two. Both companies operate within the broad B2B technology services industry. A court might find that while the services are not directly competitive, they are related enough that a consumer could believe one is an extension of the other.
- 3. **Overlap in Trade Channels and Consumers:** The overlap is currently **low**. RuneFrameOS targets a niche global market of game publishers and developers. The Indian
 - Mercatrix appears to target general businesses within India.⁴⁶ However, as both are B2B technology companies, their potential marketing channels (e.g., online tech publications, LinkedIn) could eventually overlap.
- 4. **Senior User's Lack of U.S. Presence:** This is the most significant mitigating factor. The Indian company's lack of a U.S. trademark registration and its apparent focus on the Indian market means it currently has very weak, if any, trademark rights within the United States. Foreign use of a mark does not, in itself, establish rights in the U.S. Rights in the U.S. are based on use *in commerce* within the U.S.

The primary risk is not a current conflict, but a future one. If the Indian Mercatrix were to expand its services into the U.S. market, it could create a situation of direct conflict. However, by being the first to use and register the mark in the U.S., RuneFrameOS can

establish superior rights and a strong defensive position.

4.4 Conclusion and Recommendation

- Risk Level: MODERATE. The risk is not from a current, direct conflict but from the potential for a future conflict should the senior foreign user expand into the U.S. market. The inherent strength and distinctiveness of the name itself are major assets.
- Recommendation: Proceed with Caution. The name Mercatrix is too strong and well-suited to its purpose to abandon based on the current level of risk. The following proactive steps are recommended to secure the name:
 - 1. **File Immediately:** RuneFrameOS should immediately file an "intent-to-use" trademark application with the USPTO for Mercatrix for use in connection with downloadable software, software-as-a-service (SaaS), and online entertainment services. This action will establish a nationwide priority date and is the single most important step in mitigating future risk.
 - 2. **Monitor:** Periodically monitor the activities of the Indian Mercatrix company for any signs of expansion into the United States market or into the gaming software industry.
 - 3. **Use the Mark:** Begin using the Mercatrix[™] name in commerce as soon as practicable to solidify common law rights and move the trademark application from "intent-to-use" to full registration.

By taking these steps, RuneFrameOS can confidently proceed with the Mercatrix name, leveraging its inherent strength while managing the low-probability future risk.

Part V: Comprehensive Trademark Analysis: Jonar™

5.1 Analysis of Proposed Mark

Mark: Jonar™

- **Proposed Use:** The Runebook defines Jonar as the "Infrastructure as Code Platform" for the ecosystem, responsible for Kubernetes-based infrastructure management, scalable game hosting, and deployment automation.¹
- Initial Assessment: The name Jonar appears to be arbitrary or fanciful, as it has no inherent or obvious connection to the concepts of software infrastructure, cloud hosting, or Kubernetes. In a clear field, such a name would be considered a strong trademark because it is inherently distinctive. However, the strength of a mark is irrelevant if it is already in use by a senior party for related services.

5.2 Analysis of Conflicting Marks and Market Landscape

The search for this mark reveals a direct and insurmountable conflict with an established company in the same industry.

- **Primary and Critical Conflict:** A company named **Jonar** exists and operates out of Montreal, Canada. ⁴⁷ This is not a new or small entity; it was founded in 1986 and has over three decades of experience in the enterprise software market. ⁸
- Services Offered by Conflicting Mark: The Canadian company Jonar is the
 developer and provider of ParagonERP, a cloud-based Enterprise Resource
 Planning (ERP) software solution.⁸ They explicitly target small and medium-sized
 businesses with their software and have established a partner program to expand
 their sales and service channels, indicating a broad, international market reach.⁴⁸
- Other Uses: While the name Jonar appears in other, unrelated contexts—such as a name for the plant *Zea mays* in India ⁴⁹, a colloquial Spanish verb meaning "to annoy" ⁵⁰, and the name of a registered patent attorney ⁵¹—these are commercially and legally irrelevant. The conflict with the Canadian software company is the dispositive issue. A search of corporate databases and trademark registries shows no other significant conflicting uses.³

5.3 Legal Risk Assessment: Likelihood of Confusion

The legal risk of using the name Jonar is critical. This represents a textbook case of a trademark conflict where nearly every legal factor points to a high likelihood of confusion, making the name indefensible.

The argument against using the name is straightforward and compelling:

- 1. **Similarity of Marks:** The marks are **identical**. Both companies would be operating under the name Jonar.
- 2. Similarity of Goods and Services: The services are highly related.
 RuneFrameOS's Jonar is an "Infrastructure as Code Platform".¹ The Canadian Jonar sells "ParagonERP" software.8 Both are complex, B2B software solutions designed to manage critical business operations and infrastructure. While a software engineer might distinguish between IaC and ERP, the average business consumer would not. They would simply see two companies named "Jonar" selling sophisticated business management software. In the eyes of trademark law, these services would almost certainly be found to be closely related and part of the same general category of enterprise software.
- 3. Overlap in Trade Channels and Consumers: The overlap is high. Both products are marketed and sold to businesses, IT departments, and software developers. Both companies use the internet as their primary marketing and sales channel. The Canadian Jonar's active partner program ⁴⁸ demonstrates their intent to market their software broadly, including into the United States, the primary market for RuneFrameOS.
- 4. **Strength and Seniority of the Prior Mark:** The Canadian company's rights are **strong and senior**. Having operated under the name "Jonar" since 1986 8, they have established more than 30 years of common law trademark rights. This long-standing use gives them clear priority over a new entrant.

Any attempt by RuneFrameOS to use or register the name Jonar would almost certainly be met with a cease-and-desist letter from the Canadian company, followed by litigation if the use were not discontinued. The Canadian company would have a very strong case for trademark infringement.

5.4 Conclusion and Recommendation

- Risk Level: CRITICAL.
- Recommendation: Rebrand Immediately. The name Jonar is not legally viable
 and must be abandoned. The existence of a long-standing, senior user with an
 identical name in the same broad industry presents an insurmountable legal
 obstacle. Proceeding with this name would be a guaranteed legal conflict that
 would drain resources, damage the company's reputation with investors, and

ultimately fail. There is no path forward for this name.

Part VI: Comprehensive Trademark Analysis: Tapestry™

6.1 Analysis of Proposed Mark

- Mark: Tapestry[™]
- Proposed Use: Tapestry is positioned as the "Comprehensive world-building and content management" engine within the RuneFrameOS suite.¹ It is intended for campaign management, world creation, and Al-powered content generation for gaming.
- Initial Assessment: The name is intended to be metaphorically suggestive, evoking the idea of weaving together disparate elements (lore, characters, maps) to create a rich and complex whole, much like a physical tapestry. This is a common and intuitive metaphor. However, because "Tapestry" is a common dictionary word, it is an inherently weak mark from a legal standpoint. It can only acquire distinctiveness and strong legal protection through extensive use and marketing that causes consumers to associate the word with a single source. As the following analysis will show, this is impossible in the current market. The common nature of the word is highlighted by its many synonyms, such as arras, drapery, and embroidery. 55

6.2 Analysis of Conflicting Marks and Market Landscape

The primary issue with the name Tapestry is not a single conflict but a "crowded field" of multiple, powerful, and well-established senior users, particularly in the technology and software industries. This saturation makes it legally and commercially impossible for a new entrant to claim any unique ownership of the name or to build a distinct brand identity around it.

Any attempt to market a new product called "Tapestry software" would be

immediately drowned out by these existing entities. This creates a high risk of both direct confusion (where consumers believe the new product is from an existing company) and "reverse confusion" (where consumers believe the established company is the source of the new product, potentially exposing the smaller RuneFrameOS to claims of trading on the senior user's goodwill).

The critical conflicts are numerous and severe:

- 1. Apache Tapestry: This is a well-known, open-source Java web application framework developed and maintained by the Apache Software Foundation.⁹ It has been a top-level Apache project since 2006.⁹ The Apache Software Foundation explicitly claims "Apache Tapestry™" and the "Tapestry" project logo as trademarks.⁵⁹ As a framework used by software developers, it exists in the exact same industry and targets a similar technical audience as the RuneFrameOS ecosystem. This is a direct and formidable conflict.
- 2. **Tapestry Solutions (a Boeing company):** Tapestry Solutions is a wholly-owned subsidiary of The Boeing Company, providing global "information management software and services for defense, government and commercial customers". Their product suite includes logistics, supply chain management, and, critically, **simulation software**. The overlap with RuneFrameOS's business of "simulation" and "content management" is significant. They prominently use the mark "TAPESTRY SOLUTIONS TM" and have been part of Boeing since 2008. 62
- 3. **Tapestry®** (by CGI): CGI Group Inc. holds a registered U.S. trademark for Tapestry®, which is a suite of software for rating, billing, and order management in the telecommunications industry. This is another major enterprise software product from a global IT and business consulting services firm, further cementing the association of "Tapestry" with enterprise software.

Beyond these direct technology conflicts, other major entities use the name, contributing to the overall dilution and lack of availability:

- Tapestry, Inc.: This is the publicly traded corporate parent of major fashion brands Coach and Kate Spade.⁶⁵ While their industry is different, they own the high-profile corporate name and have a history of engaging in trademark litigation to protect their brands, including the COACH mark.⁶⁷ Their ownership of "tapestry.com" and the
 - TAPESTRY mark for their corporate identity creates significant brand noise.⁶⁸
- Tapestry Collection by Hilton: Hilton holds a registered trademark for TAPESTRY for use in hotel services.⁶⁹ While less of a direct conflict, it adds to the saturation of the mark in the commercial landscape.

6.3 Legal Risk Assessment: Likelihood of Confusion and Dilution

The legal risk for the name Tapestry is critical. The likelihood of confusion with Apache Tapestry and Tapestry Solutions (Boeing) is extremely high due to the direct overlap in the software industry and the similarity of the target audiences (developers and enterprise users).

Furthermore, the name is so widely used by these and other major companies that it has become a weak mark for any new entrant. It would be exceedingly difficult, if not impossible, for RuneFrameOS to successfully register the mark with the USPTO, as oppositions from Apache, Boeing, CGI, and potentially others would be highly likely.

From a commercial perspective, the name is a liability. It carries no unique branding potential and would constantly be confused with its more famous namesakes. Any marketing budget spent on promoting "Tapestry" would inadvertently benefit the other, larger companies who dominate search engine results and market perception for that name.

6.4 Conclusion and Recommendation

- Risk Level: CRITICAL.
- Recommendation: Rebrand Immediately. The name Tapestry is legally and commercially non-viable. It is unequivocally blocked by multiple senior users in the software and technology sectors. It is also too generic and diluted to be effectively branded, registered, or defended. This name must be abandoned without question. Continued attachment to this name would be a strategic failure, wasting resources and creating unavoidable legal and commercial liabilities.

Part VII: Alternative Naming Strategy and Go-Forward Plan

7.1 Framework for Selecting Low-Risk, High-Impact Marks

For the three applications requiring rebranding (Distilera, Jonar, Tapestry), a disciplined approach to selecting new names is essential to avoid future conflicts and build strong, defensible brands. The following framework should guide the naming process:

- 1. **Prioritize Distinctiveness:** The strength of a trademark lies in its distinctiveness. Names should be chosen from the stronger end of the trademark spectrum:
 - Fanciful: Invented words with no prior meaning (e.g., 'Kodak', 'Exxon'). These are the strongest marks.
 - Arbitrary: Real words used in a way that has no connection to the product or service (e.g., 'Apple' for computers, 'Amazon' for retail). These are also very strong marks.
 - Suggestive: Words that hint at a quality or function of the product without directly describing it (e.g., Hoardwell for inventory management). These are good marks but require more careful clearance.
 - Avoid **Descriptive** marks (which directly describe a feature, like 'World-Building Engine') and **Generic** marks (the common name for the product, like 'Software'), as they are weak or unprotectable.
- 2. **Conduct Preliminary "Knock-Out" Searches:** Before significant creative energy is invested in a potential name, a basic clearance search must be performed. This involves searching the USPTO's TESS/Trademark Search system ³ and conducting simple web searches to identify obvious, direct conflicts. This is a cost-effective way to eliminate high-risk candidates early.
- 3. Consider Connotation and Memorability: A great name should be more than just legally available. It must resonate with the target audience of gamers and developers. It should be easy to remember, spell, and pronounce. The name's connotation should align with the product's function and the overall brand identity of RuneFrameOS.
- 4. **Secure the Domain and Social Handles:** In the modern digital marketplace, the availability of the corresponding.com domain name and key social media handles (e.g., Twitter, Instagram, Twitch) is a critical component of brand viability. This check should be performed in parallel with the trademark search.

7.2 Proposed Alternative Concepts and Names

This section provides strategic conceptual directions for the rebranding efforts. The names listed are for illustrative purposes to guide brainstorming and must undergo the full clearance process outlined above before any are selected.

• For Distilera (High Risk - Rebrand):

- Core Concepts: Alchemy, crafting, mixing, infusion, magical reagents, potions, simulation.
- Strategic Direction: The goal is to evoke the feeling of magical creation and experimentation without using the word "distill" or its phonetic equivalents.
 Focus on the tools of alchemy or the process of combination. Fantasy and mythological name generators can be a source of inspiration.

Potential Candidates (for screening):

- Alchemix (Suggestive, combines 'alchemy' and 'mix')
- PotionForge (Suggestive, combines two relevant concepts)
- Athanor (Fanciful to most, refers to an alchemical furnace)
- Sim-Alchemy (Descriptive, but could be stylized)
- Quintessence Engine (Suggestive/Fanciful, refers to the fifth element in alchemy)

For Jonar (Critical Risk - Rebrand Immediately):

- Core Concepts: Infrastructure, foundation, Kubernetes, automation, stability, scalability.
- Strategic Direction: The original name was arbitrary. The replacement should also be arbitrary or fanciful to maximize legal strength. The name should sound robust, reliable, and technically proficient.

Potential Candidates (for screening):

- KubeGrid (Suggestive of Kubernetes and infrastructure)
- RuneGrid (Connects to the parent brand, arbitrary)
- Axion Infra (Fanciful, 'Axion' is a hypothetical particle, sounds technical)
- *The Foundry* (Suggestive of building/forging infrastructure)
- Praetorian (Arbitrary, evokes concepts of guarding/stability)

• For Tapestry (Critical Risk - Rebrand Immediately):

- Core Concepts: World-building, weaving narratives, lore, content management, cartography.
- Strategic Direction: The key is to find a unique metaphor or a fanciful name.
 Avoid common world-building terms like "anvil" (a direct competitor is World Anvil ⁷⁴), "forge," or "codex," which may be overused. Focus on the act of

creation or the repository of knowledge.

Potential Candidates (for screening):

- LoreWeave (Suggestive, but potentially too close to the 'Tapestry' metaphor)
- Cartograph (Suggestive, focuses on the map-making aspect)
- Codex Engine (Can be strong if 'Codex' is not overly used in the space)
- Mythoscribe (Fanciful, combines 'myth' and 'scribe')
- The Weaver (Simple, but may face similar issues as Tapestry)

7.3 Next Steps

To move forward effectively and securely, RuneFrameOS should implement the following plan:

1. Legal Actions:

- Immediately engage IP counsel to file "intent-to-use" U.S. trademark applications for Hoardwell and Mercatrix.
- Task IP counsel with conducting full, formal trademark clearance searches on the final one or two naming candidates for the applications currently named Distilera, Jonar, and Tapestry. This is a critical investment to ensure the new names are legally sound before any public announcement or development investment is tied to them.

2. Business and Creative Actions:

- Initiate the internal creative and branding process to select new names for the three high-risk applications, using the framework and conceptual directions provided in this report.
- Ensure the availability of corresponding domain names and social media handles for the final name candidates before making a final decision.

3. Strategic Action:

 Formally adopt the findings of this report and remove the high-risk and critical-risk names (Distilera, Jonar, Tapestry) from all internal and external-facing documentation, including future versions of the Program Runebook, to prevent accidental disclosure or continued attachment to these non-viable marks. This demonstrates decisive action and risk mitigation to potential investors and partners.

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