

# Module 4

## Trademarks in Physics

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## REVISION HISTORY

Version	Date	Author	Description	Action	Pages
1.0	20/01/2021	HESO	Creation	C	TBS

(\*) Action: C = Creation, I = Insert, U = Update, R = Replace, D = Delete

## REFERENCED DOCUMENTS

ID	Reference	Title
1	2020-1-UK01-KA201-078934	IPinSTEAM Proposal
2		

## APPLICABLE DOCUMENTS

ID	Reference	Title
1		
2		

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# 1. Title of the Module

## 1.1 Learning Outcomes

This module aims to introduce the students to Trademarks so that they know how it can be related to Physics.

After completing this module, you will be able to:

- Be able to define the term “trademark”
- Categorise products as generic or brand name
- Identify popular trademarks

Estimated seat time: 45’

## 1.2 Main Content

### 1.2.1 Terms and Definitions

Trademarks provide us with valuable information. They are source indicators that allow us as consumers to know what to expect in the quality of a product or service. They allow us to buy with the assurance that we are getting products or services we did not like. In addition to offering protection to the consumer, trademarks are often a company’s reputation and good will. Often, consumers confidence and trust built upon brand loyalty encourages product sales.

A trademark includes any word, name, symbol, sound, scent, or device, or any combination used, or intended to be used, in commerce to identify and distinguish the goods of one manufacturer or seller from goods manufactured or sold by others, and to indicate the source of goods. In short, a trademark is a brand name. Sound and scent makers are protected in many countries but in all. A service mark is the same as a trademark except that it identifies and distinguishes the source of a service rather than a product, such as a dry cleaning service or banking services.

A trademark may be registered at the [European Union Intellectual Property Office](#).

#Activity suggestion for students: Look around the classroom and try to identify trademark products

### 1.2.2 Theory behind the IP implementation

#### BRAND VS GENERIC

A trademark is known as a Brand name. Most inventions have two names – a brand name and a generic name. For example Coca-Cola: you may know it as Coke – the brand name, but its generic name is soda or pop. It is important for new inventions to be given both a brand name and a generic name. That way people identify it generally and associate the brand with quality and desire to purchase.

Some of our everyday words were actually once registered trademarks, such as “Escalator, aspirin, yo-yo), along with many other words, but have been so commonly mis-used that they have lost their trademark significance and are now generic names for those products.

Companies spent millions of dollars to advertise their products, so no company wants their trademarks to be used generically.

### Why are they important?

Trademarks can help make an invention sell. Trademarks identify the source or origin of a product or service. Trademarks, or brand names, can also come to signal quality of a product to consumers. A shopper may be more inclined to pick up a “Branded” bottle due to the name, rather than a generic equivalent.

#### 1.2.3 Practical examples

Developing a Brand name

Developing a brand name is not an easy task. There are guidelines to consider to make sure your name is fully protected under trademark law. Trademarks must do more than merely describe the goods or services. Remember, the main purpose of a trademark is to serve as a source indicator. Take a look at the scale below:

Fanciful/Arbitrary	Suggestive	Descriptive	Generic
Very Protectable	<< << <<	>> >> >>	Not protectable

The farther the left of the scale the name is, the more it can be protected and guaranteed under law. So, what is meant by each of these terms?

**Fanciful:** New words that had no meaning before their use as a trademark. Example: Starbucks

**Arbitrary:** Common words used so that their original meaning has no relationship to the goods or services to which they are applied. Example: The trademark apple for computer products – an apple has nothing to do with computer products.

**Suggestive:** These trademarks allude to a quality or characteristic of the product or service. For example, the name Jaguar implies speed - a quality that is desirable in high end cars also named Jaguar.

**Descriptive:** These names describe the service or product such as Autoway – a store for autos, or Frosted Flakes to describe flakes of frosted cereal. Descriptive names may be easier to market but harder to register. A merely descriptive name is not entitled to federal registration. Therefore, to register a trademark, the company must show that consumers identify it as a particular brand from a specific course.

**Generic:** A generic term identifies a type of oproduct or service, without indicating any particular manufacturer or source. For example, coca cola and soda are generic terms, PEPSI and COCE are trademarks used to identify types of cola and soda. Trademarks can lose their ability to identify the source of specific products when the public begins with using them as generic names of products. For

example escalator was once a trademark (in the USA) for the product known as moving stairway. At one time, aspirin also was a trademark (in the USA).

### 1.2.4 Case studies

The case study is enclosed in the lesson plan that is provided together with this module.

## 1.3 Knowledge Assessment

Quiz-like assessment based on the main content. Please mark the correct answer with bold when required. Include 10 questions for your module. Increase gradually the level of difficulty.

### Question 1.

Which of the following are true statements about trademarks?

- a) They are words, names, symbols or designs used to identify a company's goods and to distinguish them from similar products other companies make.
- b) They encompass the size, shape, color, texture and graphics associated with a product or service.
- c) They offer protection for distinctive sounds, or "sound logos" associated with a product or service.
- d) Both A and B
- e) **Both A, B and C**

### Question 2.

Once a company obtains a registered trademark, it is unlikely that it will ever lose protection of its use.

True

**False**

### Question 3.

Courts often consider which of the following factors when ruling in competing name cases.

- a) The interest of the plaintiff in protecting the good will attached to the name.
- b) The interest of the defendant in using his or her own name in business activities.
- c) The interest of the public in being free from confusion or deception.
- d) The interest of the government in using the name for themselves.
- e) **Both A, B and C**

### Question 4.

Which of the following can be considered the major categories of trademarks?

Fanciful marks, arbitrary marks, descriptive marks and distinctive marks.

Fanciful marks, evocative marks, descriptive marks and suggestive marks.

Fanciful marks, descriptive marks, adjective marks, and noun marks.

**Fanciful marks, descriptive marks, arbitrary marks, and suggestive marks.**

Fanciful marks, descriptive marks, arbitrary marks and general marks.

## 1.4 Skills Assessment

### THE MAN BEHIND THE PRIZE – ALFRED NOBEL

An outstanding scientist, entrepreneur and businessman. Read about Nobel, and try to find if he had any case of trademarks registered. <https://www.nobelprize.org/alfred-nobel/>

## 2. References

United States Patent and Trademark Office: High school resource guide

[https://www.uspto.gov/sites/default/files/kids/icreatm\\_guide\\_hs.pdf](https://www.uspto.gov/sites/default/files/kids/icreatm_guide_hs.pdf)