

Potential Trademark Cautions When Creating New Goods/Services in These Times

During these very trying times, we see many of our clients, as well as others shifting from their primary business operations to ones that aim to provide help and give new solutions to this problem that we face. We see automobile manufacturers, vacuum companies, and even Formula 1® teams racing to create ventilators. We see our own apparel clients using their connections and capabilities to create masks and gloves.

While we hope no one thinks to enforce their trademarks or intellectual property against people who are attempting to do good, we must also caution our clients on the potential risks involved. For some clients who have existing trademarks, they should use caution when using them on new goods and services, in particular for medical goods. For example, a trademark registration for clothing, which is normally categorized in International Class 25, does not cover masks or gloves for medical purposes which is categorized in International Class 10. (Trademarks do not cover the mark for any and all goods/services, but only the International Classes and goods/services that they are registered for.) Thus, it would be prudent to have your trademark attorney search for marks you intend to use on the goods/services and provide you the level of potential risk involved with their use.

Buchalter has a full team of attorneys working remotely that can handle any patent, trademark, and copyright action during this time of crisis and cover any actions that need immediate attention.

If we can be of assistance and to discuss various options and specific situations, please feel free to contact the Buchalter Intellectual Property Attorney below.



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