

# 'Kleenex Is a Registered Trademark' (and Other Desperate Appeals)

[theatlantic.com/business/archive/2014/09/kleenex-is-a-registered-trademark-and-other-appeals-to-journalists/380733](http://theatlantic.com/business/archive/2014/09/kleenex-is-a-registered-trademark-and-other-appeals-to-journalists/380733)

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## Business

To protect their products' names, the makers of Botox, Xerox, and Tabasco are advertising directly to the people who write articles about them.

By Megan Garber

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Here are some conventional products that used to have trademarked names: videotape, aspirin, dry ice, cellophane, linoleum, thermos, and heroin. Oh, and also escalators, kerosene, and laundromats.

Trademarks are tricky—almost paradoxical—things: The more popular your product gets, the greater the chance you lose control of its identity. Trademark law recognizes a spectrum of "distinctiveness" when it comes to products' names, ranging from "arbitrary or fanciful" (think Starbucks, Polaroid, and Apple-as-applied-to-computers) to "suggestive" (Whirlpool) to "descriptive" (Saltine crackers) to "generic." And once the Patent and Trademark Office determines that the name of your product—no matter how arbitrary /fanciful/suggestive it was at first—has become generic, you lose your trademark. You get, basically, cellophaned.

Call it tradesplaining. Or just, you know, (TM)I.

To counteract that, companies employ a slew of different strategies—some subtle, some very much less so—to associate their products with their brands in the minds of the public. And to prove, should they face a trademark challenge from a competitor, that they are actively protecting those brand identities. (Not to mention their brands themselves: Band-Aid's TV commercials now feature the adorable voices of children singing, "I am stuck on Band-Aid brand ...")

One of those strategies—a long-standing one—is advertising directly to the people who write about their products in the media. Companies place messages in trade publications targeted to journalists reminding them to include the ® when they're writing about products like Kleenex (sorry, Kleenex®), Botox (BOTOX®), and Tabasco (TABASCO®). They also place similar ads in legal trade pubs. Which is a more passive-aggressive, but possibly more effective, move—since a quick search through the archives of some of the biggest news outlets reveals references to those products that are noticeably ®-less.

Call it tradesplaining. Or just, you know, (TM)I. Herewith, a few notable examples of the quixotic pleas that have graced the pages of trade publications like the *Columbia Journalism Review* and the *ABA Journal*—reminders to the world that Botox is not "a generic term for botulinum toxin," that "rollerblade" is not a verb, and that Kleenex is, on top of everything else, a "brand name that we've worked so hard for all these years."

Kleenex:



do not erase

You may not realize it, but by using the name **Kleenex®** as a generic term for tissue, you risk erasing our coveted brand name that we've worked so hard for all these years. **Kleenex®** is a registered trademark and should always be followed by a ® and the words "Brand Tissue". Just pretend it's in permanent marker.

**Kleenex®**




Xerox:



## If a trademark is misused it could come undone.

If you didn't know zipper was a trademark, don't worry, it's not. But it used to be. It was lost because people misused the name. And the same could happen to ours, Xerox. Please help us ensure it doesn't. Use Xerox only as an adjective to identify our products and services, such as Xerox copiers, not a verb, "to Xerox," or a noun, "Xeroxes." Something to keep in mind that will help us keep it together.

[xerox.com](http://xerox.com)

Ready For Real Business **xerox** 

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via the ABA Journal

Gore-Tex:

**GORE-TEX® brand fabric  
from W. L. Gore & Associates, Inc.  
the only manufacturer of  
the original waterproof, breathable fabric**



*Creative Technologies  
Worldwide*

**GORE-TEX® is a registered trademark  
of W. L. Gore & Associates, Inc.**

Rollerblade:

INCORRECT:

- EATING RAW POULTRY
- MARRYING YOUR SIBLING
- "ROLLERBLADING"

Just a friendly reminder to use the generic terms "in-line skate(s), in-line skater(s), in-line skating" instead of the following, which are misuses of the ROLLERBLADE® trademark: "rollerblading, blading, rollerblade(s), blade(s), rollerblader(s), blader(s)." This message comes to you courtesy of our attorneys, who are correctly referred to as "extraordinarily anal."



©1997 Rollerblade, Inc., 5101 Shady Oak Road, Minnetonka, MN 55342; Tel: (612) 830-7248; Fax: (612) 830-7123. [www.rollerblade.com](http://www.rollerblade.com)

Tabasco:

**TABASCO®**

is a registered trademark  
& servicemark exclusively of  
McIlhenny Company  
Avery Island, Louisiana  
70513



Clorox:



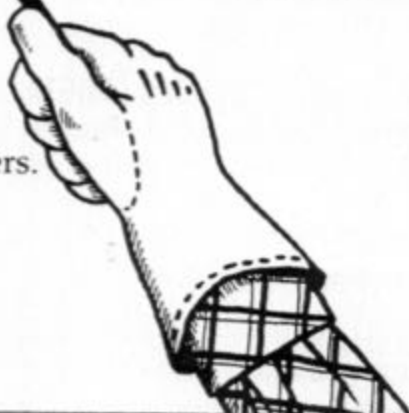
**Y**es, CLOROX® is a brand name. Our brand name—our registered trademark that we use for our laundry and cleaning products, including the quality bleach products we've been making for home laundry and disinfectant uses since 1916.

When you add our bleach product to your laundry, you're adding CLOROX® bleach. When you write a news item about the use of our bleach products, it's "CLOROX® bleach." When it's just bleach, it's just bleach... it's not "CLOROX"!

Please remember that CLOROX® is our brand for our products—laundry bleach, detergents and cleansers.

The ® says so.

The Clorox Company  
P. O. Box 24305  
Oakland, CA 94623



Frigidaire:



# THE WORD FRIGIDAIRE ALWAYS ENDS WITH A CAPITAL "R."

The capital "R" has a circle around it, too. Because Frigidaire® is more than an ordinary word, it's our registered trademark.

To many, it means the finest quality refrigerator available. It's a name that's so popular some people call every refrigerator a Frigidaire®. Unfortunately, that's wrong.

Only Frigidaire® refrigerators have the quality, engineering and heritage to bear the name.

So if a refrigerator really is a Frigidaire®, say so.

If it's not, use the other word that ends with an "R". Refrigerator.

We would **Frigidaire®** appreciate it. **HERE TODAY. HERE TOMORROW.**

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PriceWaterhouseCoopers (which is not a trademarked name, but is often misspelled as separate words):



THERE SHOULDN'T BE A GAP  
IN OUR NAME EITHER.

PRICewaterhouseCOOPERS 

PricewaterhouseCoopers. Two caps. No gaps. That's our name.

[www.pwcglobal.com](http://www.pwcglobal.com)

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Botox:

# MAKE NO MISTAKE.

BOTOX® isn't a nickname. It isn't generic for botulinum toxin, and it isn't a verb.

BOTOX® Purified Neurotoxin Complex is a drug that has made significant differences in many patients' lives.

And, BOTOX® is a registered trademark of Allergan, Inc.

So when you write about BOTOX® therapy, don't make the mistake of forgetting the proper way to use the BOTOX® trademark: as an adjective, and as a brand name.



**ALLERGAN** ©1998 Allergan, Inc., Irvine, CA 92612

Via [Rebecca Onion](#), with big thanks to Dennis Giza, the general manager of the Columbia Journalism Review, for passing along the ads printed in CJR.

