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[A Few Trademark Grammar School Facts](#)

Posted on March 14, 2011 by [Steve Baird](#)

Any recent graduate of trademark grammar school knows, at least, the following twenty facts (perhaps there is, at least, one opinion among them):

1. A trademark [identifies, distinguishes, and indicates the origin](#) of goods;
2. A trademark should be [searched and cleared](#) before adoption and first use;
3. A trademark needs a trademark attorney to [take a position](#) on availability;
4. A trademark is one form of [intellectual property](#);
5. A trademark can be [federally registered](#);
6. A trademark is not a [patent](#);
7. A trademark is not a [copyright](#);
8. A trademark is [not limited to distinctive words and symbols](#), but [includes devices](#) too.
9. A trademark cannot be composed of [functional subject matter](#).
10. A trademark can [offend](#).
11. A trademark sometimes can be [truncated](#).
12. A trademark can cause a [likelihood of confusion](#);
13. A trademark can be [infringed](#) and even [diluted](#) (if [famous](#));
14. A trademark can be [misused](#) as the overreaching weapon of a [trademark bully](#).
15. A trademark that is [suggestive](#) is [inherently better](#) than a [descriptive](#) one.
16. A trademark [sometimes](#) can [become generic](#) and available for anyone to use.
17. A trademark is an [adjective](#) that modifies a noun, i.e., [Rollerblade in-line skates](#).
18. The word "[trademark](#)" has [both noun and verb](#) meanings ([making some unhappy](#));
19. Best to [avoid the d-word](#) when explaining the genesis of your trademark.
20. [Dated](#) trademark advice is [dangerous](#).

Could you graduate from trademark grammar school?

Your GPA? Any surprises here?

