

*A Winthrop & Weinstine blog dedicated to bridging the gap between legal & marketing types.*

## [The Galleria of Retail Jewelry Store Taglines](#)

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



On this [Valentine's Day](#), after enduring weeks of the same endless running of national retail jewelry chain advertising, leading up to this annually celebrated day of love and affection, I thought it might be fitting to try a few retail jewelry store taglines on for size and examine -- at least from a trademark perspective -- their protect-ability and likely placement on the [Spectrum of Distinctiveness](#), leaving for our friends who are genuine [marketing types](#) an assessment of the taglines' [color, clarity, carat, and cut](#).

(1) "[The Diamond Store](#)":

[Zales](#) apparently has been using "The Diamond Store" as a tagline for over thirty-five years, but its latest [federal registration](#) for "Zales The Diamond Store" [still disclaims](#) exclusive rights to "The Diamond Store." Also no surprise that Zales was unable to federally register "[America's Diamond Store](#)". It appears Zales never has attempted to register "The Diamond Store" standing alone, obviously there are more than a few other competing "diamond stores" out there.

For example, the "[Most Dominant Diamond Store in America](#)" was refused registration just last month, based on mere descriptiveness. And, the very same applicant fared no better with this tagline: "[The World's Best Diamond Store](#)" -- similarly refused under Section 2(e)(1) of the Lanham Act for being merely descriptive of jewelry store services.



No imagination, thought or perception required for any of these claimed taglines, so there's clearly no hope of being inherently distinctive, and it's even hard to imagine any of them actually acquiring distinctiveness either, so really, what's the point?

Marketing types, aren't there more creative ways to communicate that you sell diamonds?

Actually, it appears Zales may have one such tagline pending: "[Wish Upon a Diamond](#)". Now, that's much better.

(2) "[Every Kiss Begins With Kay](#)":

[Kay Jewelers](#) apparently has been using the "[Every Kiss Begins With Kay](#)" tagline for about ten years, and the federal registration reveals no disclaimers and no need for proving acquired distinctiveness, so this tagline falls squarely within the suggestive category, as an inherently distinctive mark. Bravo Kay!

Interestingly, Kay Jewelers at least used to be "[The Diamond People](#)" -- and this tagline is still federally-registered, but curiously, [at least one internet listing](#) for a competing Zales store refers to "The Diamond People" -- not, "The Diamond Store" as indicated above.

Amazing how substituting the word "people" for "store" can make such a difference from a trademark ownership perspective, and from a relational or emotional one too, the latter being of particular interest to marketing types, I trust.

(3) "[He Went to Jared](#)":

As far as I'm concerned, this tagline really takes the prized jewel. But, I never would have guessed so, had I been clearing the proposed tagline before its first use years ago. Why? The words themselves seem so pedestrian and on print advertisements they seem totally void of any life or emotion. I'm not saying the phrase would be merely descriptive, it probably does have sufficient creativity to satisfy the suggestive category on the Spectrum of Distinctiveness. But the bare words seem, well, boring and lifeless.

Obviously, those behind the creation of the words knew how they could be given life in [television advertising](#). Indeed, it seems to me that what has given this tagline more life and interest (and trademark strength) than any of the others is the television advertising that provides the repetitive ([annoyingly so](#) to many) and emotional connection to the phrase. There are [spoof](#) ads [galore](#) on the web ridiculing the "He Went To Jared" ads. Clearly, this tagline resonates in very [strong](#) ways, both [pro](#) and [con](#).

My son confirmed this for me over the weekend when he shared a funny incident in his 4th grade history class from last week. Apparently his teacher was looking for students to fill in the blank on her question, "He went to . . ., He went to . . ." -- looking for the answer to be the place where Napoleon apparently went on a certain occasion, and one of my son's friends loudly said, "[JARED](#)," and the entire class, including the teacher, burst into laughter.



Clearly, there is power in the "He Went to Jared" branding. Indeed, when typing into the Google search engine the words "he went" the top suggested search completes the request as "he went to jared".

My question is, when a trademark owner has such a recognizable tagline as "He Went to Jared" -- why not federally register it? Especially when the very same owner has taken the time, effort, and expense to register the bland, laudatory, and virtually unknown "[It Can Only Be Jared](#)" tagline. This one certainly would not have drawn any laughter in my son's history class.

Bonus questions: Did you know that Sterling Jewelers Inc. apparently owns both the [KAY](#) and [JARED](#) jewelry brands? By the way, does anyone know why both brands are maintained? Do they compete for different demographic segments of the population? Perhaps you can tell from my questions, I've never been inside [Jared: The Galleria of Jewelry](#).



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