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What Does "Trademark" Mean to You?

Posted on February 13, 2011 by [Steve Baird](#)

Inherent in the question posed by the title of this post is the *fact* that the word "trademark" has more than one meaning, in fact, multiple meanings in the English language.

Yet, [some trademark types](#) would have you believe that there is only [one true meaning](#) to the word "trademark" and that this meaning is not and [cannot be as a verb](#). According to this viewpoint, all uses outside the confines of the Lanham Act are "misuses." Nevertheless, some of us [trademark types](#) don't share that narrow perspective, and some of us even have the audacity to think we have a solid and "[fundamental understanding of American trademark law](#)." In any event, since it has been more than a short while since writing on the topic of [IP Grammar](#), I thought it might be time for a gut check on my position.

So, to make sure I hadn't been seeing things the last time I consulted the dictionary, I pulled the well-worn *American Heritage Dictionary of the English Language* (Third Edition, 1992) from my shelf, and what did I find, but two noun meanings and two verb meanings for the single word "trademark" -- just as I had remembered them:

1. *n.* A name, symbol, or other device identifying a product, officially registered and legally restricted to the use of the owner or manufacturer;
2. *n.* A distinctive characteristic by which a person or thing comes to be known: the shuffle and snicker that became the comedian's trademark;
3. *v.* To label (a product) with proprietary identification; and
4. *v.* To register (something) as a trademark.

Dictionary.com says pretty much [the same thing](#).

So, why the [persistence of some](#) in pushing for a single meaning, one rooted in the Lanham Act, declaring all other uses "misuses," even when they comport with black-letter dictionary definitions?

My thoughts on the subject are in more detail here:



- [IP Grammar . . . and Those Who Cringe About It](#)
- [What Does "Trademarked" Mean to You?](#)

Which of the above definitions of the word "trademark" have meaning to you?

Can you sleep at night knowing that it might take further inquiry to understand which one is intended when the word "trademark" is used by someone other than a trademark lawyer?



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