


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


[Look for Reese's "Perfect Mix"](#)

Posted on December 10, 2010 by [Dan Kelly](#)

Earlier this week, [Jason Voioovich](#) commented on [The Great Chocolate War](#) between [Hershey](#) and [Mars](#).

We obviously have chocolate on the brain here this week. The company that brought you the product configuration trademark to the right has recently released the below commercial for Reese's Peanut Butter Cups--perhaps further establishing rights in what is getting to be another well known product configuration? 

http://www.youtube.com/watch?v=-Hj-hTbLswM&feature=player_embedded

 Product configuration trademark rights can be difficult to establish. To do so, you have to convince the consuming public that the product configuration itself is a trademark--a symbol of the source of the product. The Hershey's Kiss is a good example--one that claims [registered](#) status to 1924 (in use since 1921). The [Coke bottle](#) is another (in use since 1916). These rights are obviously not established overnight. The Reese's commercial above pounds the viewer with image after image of the product. A supersaturation that says "look for this product" without ever having to say "look for." Most of their commercials do that--this one just does it par excellence.

