

# Will Google Go the Way of the Escalator?

by Donald Scarinci

If you use the term “google” as a verb (as in to search the Internet), the venerable tech company behind the popular search engine would like you to stop. You could be harming its trademark.

Google is fiercely protective of its [intellectual property rights](#), as evidenced by the number of patent lawsuits it is currently litigating around the globe. However, its trademark for the term “Google” is not being attacked by other companies, but rather is becoming a victim of the tech giant’s own popularity.

Google is now facing a lawsuit that claims its trademark has become too generic. In a dispute over the ownership of 750 website names such as “googlegaycruises.com” and “googledonaldtrump.com,” an Arizona man is seeking to cancel the trademark registration for Google. He contends that “[t]he term ‘GOOGLE’ is, or has become, a generic term universally used to describe the action of internet search with any search engine.”

While the merits of the [IP lawsuit](#) are questionable, trademarks can be extinguished if they lose their distinctiveness and become synonymous with a generic product or service. For instance, the term “escalator” was originally a trademark of Otis Elevator Company, while B.F. Goodrich held a mark for the “zipper.” Both lost their trademark significance under U.S. law because they became associated with the everyday items rather than a specific brand.

To avoid a similar fate, Google is very mindful of how the term “Google” is used. When the term became so popular that it warranted inclusion in popular dictionaries like Merriam-Webster, Google took steps to protect its brand. It insisted that the entries made it clear that, when used as verb, google refers to “using the Google search engine” rather than just any online search tool.

Google also used its own blog to protect its brand. The [blog post](#) stated: “While we’re pleased that so many people think of us when they think of searching the web, let’s face it, we do have a brand to protect, so we’d like to make clear that you should please only use ‘Google’ when you’re actually referring to Google Inc. and our services.”

Something to keep in mind the next time you suggest a colleague “just google it.”