SFA Trademark Worksheet: ‘Farmer-to-Farmer Network’

Intangible property, such as trademarks, is a significant portion of SFA’s assets. To properly protect this property, as trademark owners we must follow certain usage guidelines. Proper trademark use can lead to increased brand value and higher leverage in licensing and other transactions, as well as stronger rights in enforcement actions.

In the United States, trademark rights can begin when a trademark owner starts using a mark in commerce or has a bona fide intent to use a trademark in commerce and files a trademark application with the United States Patent and Trademark Office (PTO).

**Rules for Proper Trademark Usage**

- Avoid using our trademark as a noun. The noun is the product or service at issue, and the trademark is the modifier (e.g., “SFA is a Farmer-to-Farmer Network® organization,” not “join our Farmer-to-Farmer Network”). Not following this guideline may result in what is called “genericide,” which happens when a trademark becomes the common name for its associated products or services. Genericide destroys trademark value. For example, “aspirin” used to be a registered trademark.

- Avoid using trademarks as plural names (e.g., “Three Diet Coke® soft drinks,” not “Three Diet Cokes”).

- Avoid using trademarks in a possessive sense (e.g., “The flavor of a Diet Coke® soft drink,” not “Diet Coke’s flavor”).

- SFA has registered the phrase “Farmer-to-Farmer Network” with the U.S. Patent & Trade Office, so you should use the ® symbol adjacent to the mark. If the mark is visible near other branding elements, placement of this symbol must carefully show that it applies only to the registered mark.

- An alternative to using notice symbols is a footnote or endnote that states that your mark “is a [registered] trademark of Company Name.”

- Be consistent in the use of the trademark within SFA’s branding strategy (see “SFA Branding Guidelines”)

- Slow down and ensure that the look of the trademark sets it apart; for example, use a different color, font, style or size for our trademark to separate it from written copy and other design elements.

- Ensure that when we allow others to use our trademark, they do so under a written license.

- Take care when shortening the name of our trademark to some sort of nickname. It may be important to protect the nickname as a trademark as well, if it is a part of the brand strategy. For instance, “farmer network.”

- When using a trademark in copy, use the notice symbol at least the first time the mark appears.

- Make ongoing use of our trademark. Long lapses in use can erode trademark rights.

Source: Amie Peele Carter, Faegre Baker Daniels