

October 30, 2013 /24-7PressRelease/ -- **Don't let an infringer damage your good name: Protect your trademark**

Jack Daniel's is an American institution. Everyone knows the distinctive square-shaped bottle, black label and white lettering that marks the world's highest selling brand of American whiskey. Yet, an upstart in the world of Tennessee whiskey recently came out with a new bottle that Jack Daniel's says is strikingly similar to its flagship design. Popcorn Sutton's Tennessee White Whiskey hit the shelves in late 2012 or early 2013 with a new bottle featuring a square shape, a black label and white lettering. As of October 2013, Jack Daniel's has filed suit against Popcorn Sutton in an attempt to protect their [trademark](#).

The latest Jack Daniel's litigation is just one example of a prominent company using the legal system to protect their name, their image and their reputation. If you are having trademark issues, protecting your intellectual property can be among the most important things you can do for your business.

Trademark litigation can stop infringers, recoup trademark holder's losses

Generally, a trademark is a word, phrase or symbol used to identify the source of products or services and distinguish them from products or services from some other organization. Prominent examples include the distinctive Nike "Swoosh" or the term "iPhone."

Sometimes, trademark protections can extend to other aspects of a product, for example, the product's color or its packaging. Intellectual property protection for these extended aspects of a product falls under a subset of trademark protection known as "trade dress." Trademark protections for trade dress are available when consumers associate packaging design and similar features with a given manufacturer. The recent Jack Daniel's lawsuit over bottle design and labeling is an example of a trade dress issue.

Many trademark holders register their mark with the U.S. Patent and Trademark Office. But, even if a trademark has not been registered, a company can acquire rights to a trademark by being the first to use it in commerce.

A trademark infringer may attempt to draft off a trademark holder's good name in order to make

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more sales. By imitating a well-known trademark, an infringer can get business from consumers who confuse the infringer's products with those that come from the trademark holder. The trademark holder is harmed not only by losing business; if the marks are similar enough, consumers can be confused as to the true source of the goods, and, thinking the infringer's products came from the trademark holder, may begin to doubt the quality of the trademark holder's goods.

In general, to win a [trademark infringement](#) suit, a trademark holder must have a valid mark, must prove the alleged infringer used that mark or a similar mark to engage in commerce without the consent of the trademark holder, and that the alleged infringer's use of the mark will likely cause consumer confusion as to the source of the goods. Remedies that may be available to the trademark holder include an injunction that forces the infringer to stop using the mark and monetary damages.

Call an intellectual property attorney if your mark is being infringed upon

In business, reputation is everything. If some other company is putting your reputation at risk by imitating your trademark, you need to take steps to protect yourself. Get in touch with an intellectual property attorney today to learn more about protecting your trademark.

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