

5 Trademark Lessons from Pokémon GO

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Unless you have been under a rock for two weeks, you have heard for the summer gaming fad, Pokémon Go. Like or not, the fad is here for a while this summer (will it last longer than the “ice bucket challenge” of a few summers ago?).

Here are five trademark lessons from the Pokémon Go mania:

Be prepared. File trademark applications with the USPTO early, before commerce (based on an “intent to use”) so that when the product or service launches protection has already begun and it is more difficult for someone (or a competitor) to cause trademark problems. Nintendo Co. Ltd. filed three US trademark applications for the Pokémon Go logo on March 3, 2016.

Old brands can become new brands. Nintendo’s first POKÉMON trademark applications were filed in December of 1997. The brand never went away, but Pokémon Go is certainly a new resurgence. Many “old” brands are still valuable and strong brands. (For example: Ford, Macy’s, Jack Daniel’s, Paramount Pictures, NBC, and many others.) It also helps that Pokémon is a unique and strong name.

Defining the goods and services in USPTO applications is critical. To receive proper and full protection, the USPTO applications, and registrations, must describe the good and services used with the trademark thoroughly and accurately. Here, Nintendo’s attorneys filed three separate Pokémon Go applications to cover video game devices, online gaming services, and video game software.

Ensure that ownership is proper. The Pokémon Go game is reportedly a partnership of several companies. The trademark applications were filed by Nintendo Co. Ltd. Proper ownership of trademarks- and proper documentation – is especially important in joint ventures and other business relationships involving multiple entities.

Use proper trademark symbols. On the www.pokemongo.com website, the Pokémon Go logo appears with a ‘TM’ next to it to indicate that it is a trademark. Use of the proper trademark symbols strengthen the brand with consumers and under the aw.