



## TTAB Expands Generic Inquiry to Product Packaging

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This article explores a recent Trademark Trial and Appeal Board (TTAB) precedential ruling, which holds that the term "generic name" as used in the Trademark Act includes product packaging, and that the generic inquiry is applicable to assessments of source identification capabilities of product packaging.

In *In re Odd Sox LLC*, the company sought registration on the Principal Register of the trade dress for use in connection with socks. They described the relevant part as a "three-dimensional configuration of product packaging for displaying a single pair of socks hanging side by side . . . in a manner in which the toe of the sock is flattened and faces forward from an elongated rectangular packaging design." Prosecution ensued, including multiple appeals and remands. The decision that followed provides interesting guidance with respect to what type of packaging would qualify (or would not qualify) for trademark registration.

Read "[TTAB Expands Generic Inquiry to Product Packaging](#)" in its entirety.

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