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US Trademarks: Google Defeats Genericness Claim

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The general test to determine if a designation has become generic is whether the relevant public believes that the primary significance of such designation connotes the generic name of a product or a brand indicating the source of the product. This article examines *Elliot v. Google*, a law suit in which the plaintiffs sought cancellation of two of Google's trademark registrations covering search engines on the basis that the Google mark had become generic.

In this case, the court held that even if a majority of the public uses “Google” as a verb to refer to the act of searching on the Internet, such usage does not make the term generic, since the public still uses “Google” as a trademark to refer to Google's search engine. This case highlights the risks of genericide and serves as a reminder that brand owners should take steps to prevent the generic use of their marks.

To read the article, click here.

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