

Webinars | November 5, 2020 | 1:00 PM - 1:00 AM

Analysis of Descriptive versus Generic Trademarks and Establishing ?Secondary Meaning /Acquired Distinctiveness in the EU, UK and the US

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Sean Fifield and **Robert Nail** presented at the Celesq AttorneysEdCenter Webinar, Analysis of Descriptive versus Generic Trademarks and Establishing ?Secondary Meaning /Acquired Distinctiveness in the EU, UK and the US, on November 5, 2020.

The program explored the distinctions between descriptive and generic marks in the United States, the United Kingdom and the European Union and the impact of the recent Booking.com case in the United States. The program then discussed the requirements for protecting a descriptive trademark by establishing secondary meaning in the United States, the United Kingdom and the European Union. They explored the types of evidence and relevant factors that will be considered in the United States when establishing secondary meaning.

In Europe, the scope of usage required to acquire distinctiveness through secondary meaning in the United Kingdom was explored and compared to that required in the European Union. The presentation also discussed the impact of Brexit transition rules upon the acquisition of secondary meaning, particularly the relevance of use in the UK to the maintenance of trade mark rights in the EU, and vice versa.

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