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No Infringement Intended: Can My Trademark Be a Victim of Genericide? A Look at Trademark Distinctiveness

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Many people swear the lyrics were “I’m stuck on Band-Aid, ‘cause Band-Aid’s stuck on me.” And they’re right, but only sort of. What feels like a Mandela Effect moment is actually the result of a quiet legal pivot. In the late 1980s, the company changed the jingle to say “Band-Aid brand,” adding a single word to help protect their trademark from something called *genericide*.

That’s the paradox at the heart of trademark law. You work tirelessly to build a strong brand, making it distinctive, recognizable, maybe even iconic. But in your success lies a hidden threat. The more your brand becomes the go-to term for an entire category, the more it risks slipping into generic territory, losing its legal protection altogether.

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