

ETSI's Guidelines regarding TRADEMARKS

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1. **Avoid, to the extent possible, the use of trademarks in ETSI standards,** as mentioned in clause 4 of the ETSI Drafting Rules.
2. **If you cannot avoid referencing a trademark,** we ask you (rapporteur, contributor and/or members of the drafting team), in a first instance to try and find the appropriate guideline or licence from the trademark owner on its website. If doubts subsist concerning the right or the way to reproduce the trademark in your deliverable, please contact the ETSI secretariat for help. **The ETSI legal department at legal@etsi.org** will, in last resort, assess the associated risk and provide the appropriate recommendation.

Please find below the disclaimer in the first pages of every ETSI deliverable.

Intellectual Property Rights

Trademarks

The present document may include trademarks and/or tradenames which are asserted and/or registered by their owners. ETSI claims no ownership of these except for any which are indicated as being the property of ETSI and conveys no right to use or reproduce any trademark and/or tradename. Mention of those trademarks in the present document does not constitute an endorsement by ETSI of products, services or organizations associated with those trademarks.

What is a TRADE NAME and what is a TRADEMARK..?

The terms trade name and trademark are sometimes confusing because they sound similar and also, a company may use its trade name in its trademark. Let's try to make it a little clearer for everyone.

A **TRADE NAME** is a trading name, or a business name which is simply the name under which the company does business, and this name may be registered before the administration handling the registration of profit and not-for-profit organizations. The most obvious example is ETSI which is the name of the European Telecommunication Standards Institute and which is also registered as a trademark via the ETSI logo:



A **TRADEMARK** is a sign or a graphic representation which serves to distinguish and identify the source of the goods and/or services of an individual or a company in the market.

The use of the symbols TM or [®] is recommended to inform people about the relevant trademark rights. The TM symbol can be used to indicate that a particular word, phrase or logo is subject to a trademark application that may not be registered yet.

The use of the symbol [®] is trickier than TM since it can only be used when a trademark is registered. If badly used it can be considered legally as an offence.

If still in doubt about the right symbol to use (TM or [®]) please refer to the trademark owner itself, as it knows about the actual status of its rights.

How to verify a trademark

If you are unsure of the term you wish to use in your document and you want to check if it's legally protected we recommend you refer to the organisation's trademark policy webpage. In most cases if such a page exists then the organisation is wary as to the use of its trademarks. Usually it is detailed quite precisely how these companies wish you to use their trademarks. You may also further check among free trademark databases (see links provided from the [editHelp! webpage](#)).

Practical solutions

If you cannot rephrase without using the trademark (ETSI's preferred option) and you've determined whether the trademark is registered or not, this is the way we recommend you introduce the TM or the [®] in your deliverable.

Depending on the recommendations provided by the copyright owner you may need to add the [®] or the TM:

- only once (the first time it is mentioned in your deliverable);
- or every time the trademark is mentioned in your deliverable.

It may be the same with the attribution notice. Since it isn't always required and entirely depends on the copyright owner you may need to either:

- copy the content into a NOTE and mention it only once (the first time the trademark is mentioned in your deliverable);
- mention it in a NOTE every time the trademark is mentioned.

See example below:

[Trademark] TM/[®]

NOTE: [Content of the attribution notice].

See examples on the [editHelp! webpage](#).

© What is a COPYRIGHT? ©

A **COPYRIGHT** protects a concrete expression of ideas in all intellectual work whatever their kind, form of expression, merit or purpose (literary and artistic works but also scientific literature, etc.) provided that the work is original and fixable on a tangible form.

Ideas as such are not protectable.

In practice what to keep in mind when drafting an ETSI deliverable

The figures, tables, text and code you have read and used to develop the very ideas you're now ready to introduce in an ETSI deliverable may also be owned and protected by copyrights.

Understandably you wish to join this material alongside your work to enhance the quality of the standard you're drafting, but reproducing this material **without authorisation may be against the law**.

To make sure, you need to **check the very sources you wish to reproduce** and see whether they are protected by copyright.

For further information concerning the use of reproduction of third-party material which may be protected by copyright, **please refer to** the following page:

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