



ESL Podcast 708 – Trademarks and Logos

GLOSSARY

logo – an image used to identify a company or organization

* Don't forget to put the company's logo at the top of the press release.

to design – to create the image, form, shape, or style of something

* Who designed her wedding dress?

competitor – a company that sells products or services that are similar to those sold by one's own company, so that both companies are trying to reach the same buyers

* Whenever our company comes up with a new idea, our competitors copy it as quickly as they can.

identical – the same as something else; with no differences

* Those identical twins are so much alike that even their own relatives can't tell them apart!

shade – a slight difference in the color of something

* Which shade of blue is your new shirt, light blue or bright blue?

graphic – an image, especially one that was created by computers, usually without any text

* People would be more likely to buy from our website if we had better graphics.

nothing alike – completely different; not similar in any way

* Lynette and Michel have the same parents, but you'd never guess it, because they are nothing alike.

side by side – with two things placed next to each other so that one can compare and contrast them directly

* Before deciding which stock to invest in, we compared their past financial performance side by side.

trademark infringement – a violation of the laws against using another company's logo, brand name, or design for one's own company or other use

* When our competitor began using our logo and name, changing only one letter, we sued the company for trademark infringement.

to associate – to connect two things; to believe that two things are related or connected to each other in some way

* Do you believe higher crime rates are associated with drug and alcohol abuse?



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brand – a particular name and design for a particular product

* Which brand of razors do you use to shave your face?

exclusive rights – the legal ability to do something and not let anyone else do it; the ability to do something that nobody else is allowed to do

* When Hermione wrote her first book, the publishing company asked her to give them exclusive rights to publish any of her future novels.

trademark registry – an official list of all the protected trademarks (words, phrases, images, logos, etc.) and the organization that enforces protection of the items on that list

* If you want to protect your company's new logo, fill out this application and submit it to the trademark registry.

to nail (someone) – to get someone in trouble and punish him or her for having done something wrong

* If the professor sees us cheating on the exam, he'll nail us.

to go back to the drawing board – to begin something again; to give up on what one had been working on or had recently completed and start over again, usually because the first version wasn't good or appropriate

* An ad agency might spend months developing a campaign, but if the client doesn't like it, they have to go back to the drawing board.

literally – referring to the actual, direct meaning of the words, not the symbolic meaning of those words

* He said he'd give anything to have that job, but of course he didn't mean it literally.



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COMPREHENSION QUESTIONS

1. Why doesn't Vien like the logo Bianca designed?
 - a) Because it's too similar to other logos.
 - b) Because it's the wrong color.
 - c) Because it's too unusual.
2. What does Vien want Bianca to do?
 - a) To design a new, different logo.
 - b) To present her logo to the Board of Directors.
 - c) To learn how to make better drawings.

WHAT ELSE DOES IT MEAN?

graphic

The word “graphic,” in this podcast, means an image, especially one that was created by computers, usually without any text: “The graphic has a cool design, but it’s too hard to read the words.” A “graphic designer” is someone who uses computers to create interesting images and logos: “Does your company produce its newsletter in-house, or does a graphic designer do it for you?” Something that is “graphic” has a lot of details, especially if they are grotesque or unpleasant: “This video game is very graphic and shows too much blood for young children to play it.” Or, “I wish James wouldn’t be so graphic when he talks about his injuries and illnesses. Only his doctor wants to hear those kinds of things.”

to associate

In this podcast, the verb “to associate” means to connect two things or to believe that two things are related or connected to each other in some way: “A lot of people associate movies with eating junk food, such as popcorn and candy.” The phrase “to associate with (someone)” means to spend time with someone, especially if they are not well liked or admired: “Mariah’s parents moved her to a different school because they didn’t like the young people she was associating with.” Sometimes an “associate” is a colleague or co-worker: “Every Thursday, Miguel and his business associates eat lunch together in a restaurant.” Finally, an “associate professor” is a person who works in a university, teaching classes, but without as much power or responsibility as a full professor: “Traci worked as an associate professor for years before she was promoted to a full professor.”



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CULTURE NOTE

The U.S. Patent and Trademark Office

The U.S. Patent and Trademark Office (USPTO) is the part of the U.S. government responsible for “granting” (issuing; making and giving out) “patents” and “registered trademarks.” A “patent” is legal protection for an “inventor” (a person who creates something nobody else has ever created) to make and sell an “invention” for a period of time when nobody else is allowed to copy it. A “registered trademark” can be a name, phrase, logo, image, or symbol that is associated with a company or product and legally protected so that it cannot be used by other companies or products.

USPTO is located in Alexandria, Virginia and “employs” (gives jobs to) almost 9,000 engineers, scientists, and others. It also has a National Inventors “Hall of Fame” and Museum as a way to recognize famous and “influential” (affecting many people) inventors in American history who have “held” (had) patents or registered trademarks.

The activities “conducted” (done) by USPTO are “authorized” (permitted; allowed) by the U.S. “Constitution,” the nation’s most important legal document, which states that “the ‘federal’ (national) government should ‘promote’ (encourage) the ‘progress’ (advancement) of science and the useful arts by ‘securing’ (saving and holding for a particular purpose) for limited times to inventors the exclusive right to their ‘respective’ (belonging to each inventor) discoveries.” On its website, USPTO states that the strength of the country’s economy depends on its patents and trademarks, which encourage Americans to continue to “innovate” (create new things and have new ideas) and work as inventors and “entrepreneurs” (people who start their own business).

Comprehension Questions Correct Answers: 1 – a; 2 – a



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COMPLETE TRANSCRIPT

Welcome to English as a Second Language Podcast number 708: Trademarks and Logos.

This is English as a Second Language Podcast episode 708. I'm your host, Dr. Jeff McQuillan, coming to you from the Center for Educational Development in beautiful Los Angeles, California.

Our website is eslpod.com. Support this podcast by becoming an ESL Podcast member; more information can be found on our website.

This episode is called "Trademarks and Logos." Let's get started.

[start of dialogue]

Bianca: Look at this logo I designed for our new line of products.

Vien: That's really nice, but it looks a lot like our competitor's logo. In fact, it's almost identical.

Bianca: No, it's not. The color is a different shade of green, the graphic is smaller, and instead of a picture of a woman, I'm using a picture of a man. They're nothing alike.

Vien: That's not what most people would say. Looking at your logo and our competitor's logo side by side, I'd say this was a clear case of trademark infringement.

Bianca: Okay, to be honest, I purposely made them look a little alike so that customers will associate our products with their brand. So what? I don't think that's a big deal.

Vien: Our competitor has exclusive rights to use its logo. If ours is too similar, the trademark registry and the courts are going to nail us.

Bianca: So what do you want me to do?

Vien: Go back to the drawing board – literally!

[end of dialogue]



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Bianca begins by saying, “Look at this logo I designed for our new line of products.” A “logo” (logo) is the image used to identify a company or an organization. It’s usually what goes above or below their name; it’s a special symbol that you recognize that company from. The symbol – the logo for Apple Computer is an apple that has a small bite taken out of it. The logo that Bianca designed is for their new line of products. A “line of products” are a set of related things. You could have a line of products for shoes; there would be a number of different kinds or styles of shoes. “To design” means to create some sort of image or shape or style of something. The person who creates the logo – who designs the logo is called a “designer.”

Vien says, “That’s really nice, but it looks a lot like our competitor’s logo.” Vien is saying that he likes the logo, but it looks like someone else’s logo, their competitor’s. A “competitor” (competitor) is a company that sells products or services similar to the ones that your company sells, so the two companies are “competing,” they are trying to get the same customers. Coke and Pepsi are competitors in the world of soft drinks – of sodas. Vien says, “In fact, (the logo you designed Bianca) is almost identical.” Something that is “identical” is the same as something else, there are no differences between them. We talk about identical twins, two boys or two girls that are born at the same time, from the same mother, who look exactly alike. I have two older brothers who are identical twins. One of them is named Mark and the other one is named Mike, but I don’t know who is who; I still can’t tell them apart. That is, I don’t know which one is Mark and which one is Mike. Maybe someday!

So, Vien is saying that this logo that Bianca designed is almost identical with their competitor’s. Bianca says, “No, it’s not. The color is a different shade of green.” A “shade” is a slight difference in a color; colors have different shades, small differences. She says that the logo she designed has a different shade of green. “The graphic,” she says, “is smaller.” The “graphic” is the image, especially an image that is created by a computer. Often, the word “graphic” is used to describe something that doesn’t have any text – any lettering, any words on it. She says, “instead of a picture of a woman, I’m using a picture of a man. They’re nothing alike.” When we say some things are “nothing alike,” we mean they are completely different; they are not similar in any way.

Vien says, “That’s not what most people would say,” meaning if we showed your logo to people outside of our company most of them would say they are identical. Vien says, “Looking at your logo and our competitor’s logo side by side, I’d say this was a clear case of trademark infringement.” The expression “side by side” means two things are placed or put right next to each other so that you can look at them and see how they are different and how they are similar. Vien is saying if



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you take the new logo from Bianca and compare it to the competitor's logo, that it would be a case – a clear case of trademark infringement. “Trademarks” are official registrations that you make with the government. Usually a company, after it designs a logo or it has some sort of expression that it uses in its advertising, the company will get a trademark for it. They will ask the government to protect it so that no one else can copy it, no one else can use it. We at ESL Podcast have a trademark. ESLPod, our website, is trademarked; those six letters together are trademarked. They are protected by the U.S. government's laws, and by extension, international laws. “To infringe on (something)” means to violate or to break some sort of rule or law. So, when we talk about “trademark infringement,” we're talking about someone who uses illegally – without permission – someone else's logo or graphic or phrase that the company has protected with their trademark. Vien thinks this is a clear case, or a clear example of trademark infringement.

Bianca says, “Okay, to be honest (if I'm telling the truth), I purposely made them look alike – a little alike,” she says, “so that customers will associate our products with their brand.” “To associate” means to connect two things, to believe that two things are related. “Associate” has other meanings in English; take a look at our Learning Guide for some additional explanations of those. Bianca wants their customers to associate their products, the things that they sell, with the other company's brand. A “brand” (brand) is the particular name and design of a company's product. For example, there are different brands of tennis shoes; different companies make different kinds of shoes. One company may have several different brands, several different types that go by the same name and have a similar design – if it's a big company, often the company really has only one brand. Bianca then says, “So what?” meaning who cares, this is not important. She says, “I don't think that's a big deal,” meaning I don't think it's important.

Vien says, “Our competitor has exclusive rights to use its logo.” “Rights” are your legal abilities to do something. “Exclusive rights” are things that only you can do or your company can do. If the company trademarks a logo, only that company can use the logo; they have exclusive rights, no one else can use them. Vien says, “If ours is too similar, the trademark registry and the courts are going to nail us.” The “trademark registry” is the official list of all of the government registered trademarks; you can go to a website nowadays and look for those. The “courts” refer to the legal institutions in a country. “The courts,” Vien thinks, “are going to nail us (if our logo is too similar to the logo of our competitor's).” “To nail (someone)” is an informal expression that here means to get someone in trouble or to punish someone for having done something wrong. If the professor sees



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you cheating on an examination, he's going to nail you; he's going to get you in a lot of trouble.

Bianca says, "So what do you want me to do?" Vien replies, "Go back to the drawing board – literally!" "To go back to the drawing board" is an expression that means to begin something again. Now, a "drawing board" is where you would draw or design something. But, the expression is normally used in any situation where you're asking someone to start a project from the beginning, to do it over usually because they've done it wrong or they don't have a very good idea. In this case, Bianca actually was using a real drawing board, and that's why Vien says at the end of the expression "literally." "Literally" refers to the actual, direct meaning of words, not a symbolic meaning of the word.

Now let's listen to the dialogue, this time at a normal speed.

[start of dialogue]

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Bianca: So what do you want me to do?

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[end of dialogue]



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Many people associate ESL Podcast with interesting scripts. Well, those scripts are written by our own Dr. Lucy Tse.

From Los Angeles, California, I'm Jeff McQuillan. Thank you for listening. Come back and listen to us again soon, here on ESL Podcast.

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