

Protecting Your Neighborhood's Identity – Registering a Trademark

Amundsen Davis Intellectual Property Alert

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For a homeowners association, the answer to ***"What's in a name?"*** may well be, ***"The identity of your neighborhood."***

An association's name and logo is often how we describe the place we live, and in a mixed-use community, it may also define where we work. Trademarks are defined as any word, name, or symbol, or combination of the same, used to identify and distinguish goods or services from those provided by another source. The name and logo of a real estate development by an association to provide services to its owners are trademarks that can be registered. By taking the relatively simple step of registering the association's name and logo, that identity may be protected from misuse by others attempting to use the neighborhood's goodwill for purposes not supported by the association or its owners.

One example of such misuse is by the developer of another subdivision. The association may want to prevent its name or logo from use by another development that does not have the quality or good reputation of their association's subdivision. This serves to protect the property values of the association's owners from confusion with an unrelated subdivision having a similar name or a confusingly similar logo.

The promotion of a business seeking to identify with the real estate development is another example. An association may not want to tie its goodwill and reputation to the success or failure of such a business without control over the mark's use. Use of an association's logo by a nearby business suggests that the business is affiliated with or endorsed by the association. By obtaining trademark registration of the logo and name, the association strengthens control over the type and conditions of such use by unrelated businesses.

In the case of a mixed-use community, that is a development having a variety of residential and commercial uses, an association with a registered trademark would have the ability to control use of its name and logo by owners of businesses or multi-family improvements within the community itself. In mixed-use developments, business owners often create promotional items bearing the association logo which the association should want to control. Having trademark registrations provides the association with increased control over such uses of

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the name and logo.

These effects are amplified by the use of social media sites where an unauthorized use of an association's name may lead to confusion about whether the association is the source of such information or comments posted on the sites. Obtaining a registered trademark provides the association with additional control over the use of marks by disgruntled owners who attempt to create sites or pages using the marks. Registering a domain name containing the mark should also be considered.

Trademark registration of the association's name and logo give the association increased power to protect the good name and reputation of its neighborhood or condominium by requiring others to obtain its consent prior to using the mark.

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