

You ® Mine: Valentine's Day Trademarks & Trade Dresses

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Where I'm from in the Northeast U.S., February is a month full of snowy weather, winter blues, and hope that a groundhog will not see its shadow. But halfway through this month, there comes a day that has everyone spending hard earned dollars on chocolate, candy, flowers, and jewelry or they are spending time writing notes to friends and loved ones on heart-covered cards. Valentine's Day is symbolic of love, friendship and, of course, capitalism. Naturally, businesses have tried to trademark names of various goods and services to market these items for sale on this popular holiday.

What better way to honor the day than to share some trademarks that protect the use of phrases and expressions of love that accompany Valentine's Day.

Certain catchy jingles from commercials have trademark protection for jewelry or jewelry retail services. For example, Kay Jewelers' "Every Kiss Begins with Kay"® is protected via TM Registration No. 2602439. Also, Jared the Galleria of Jewelry protects the slogan "That's Why He Went to Jared" with TM Registration No. 4321228.

Popular Valentine's Day treats are also protected such as "Sweethearts" by the Spangler Candy Company for conversation heart candy, with a U.S. trademark registration No.2172266. The product touts itself through the use of the slogan "the official candy of love."

In addition to slogans, jingles, and product names, trademark protection extends to product shapes if they are distinctive enough and source identifying. A Valentine gift may include chocolate this year and a few stand outs have shapes that are protected as trademarks. These include the shape of a Hershey Kiss, U.S Registration No. 186828; the pyramid shape of the Toblerone bar, U.S Registration No. 2649833; and the shape of the Ferrero Rocher gold wrapped candy ball, U.S Registration No. 2839680. The distinctive shape of these products protects them under their trade dress and any dupes could face legal action for infringing on these products' registration. This infringement is not limited to candy that can be enjoyed by all, either. I've previously written on the candy dupes for [THC-edible dupes of Sour Patch Kids](#).

Of course, given the widespread use of some of catchy phrases of love like "be mine" or "ILY," it can be a challenge to enforce rights to words and phrases for a particular product or service. However, with a distinctive design and strong consumer recognition, such as the Hershey kiss shape, these trademarks can be valuable and enforceable assets.

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