

## **Promoting Your Brand Using Publisher Logos: The Dos and Don'ts**

Seeing your brand featured by a big publisher like Vogue or Glamour is one of those heart-stopping, exciting moments many founders experience. Your first instinct is probably to repost it anywhere and everywhere--look out world, I've made it!

But before you hit that share button, did you know using a publisher's name and/or logo can raise issues under intellectual property laws? To ensure you stay ahead of the legal curve, we put together a quick list that will help you and your team avoid any unwanted legal headaches-- trust us, you don't want to receive a nasty cease and desist letter (or worse).

### **What legal issues are we talking about?**

Using a publisher's name and/or logo can raise issues under trademark laws. A trademark is a legally-protected word, name, logo or phrase that distinguishes the products and services of one business from another. A trademark owner can prevent another party from using the trademark without permission in ways that would confuse the public about the connection between the trademark owner and the other party. But you **can** use another's trademark for informational or editorial purposes--such as mentioning the trademark in a blog post on your website. Publishers have trademark rights in their names and logos.

These intellectual property protections mean that using a publisher's name or logo without their permission could result in the publisher claiming that you are "infringing" their intellectual property rights. In most cases where a publisher alleges infringement, the publisher or a third party enforcement agency acting on their behalf will ask you to pay a license fee to continue using their name or logo. In other cases, a publisher may be more aggressive and send you a cease and desist letter, threatening to sue you for infringement if you don't take down your posts featuring their name or logo.

### **What should I do?**

This doesn't mean you can never highlight that your products or brand were mentioned in a publication without running into legal trouble. It just means you should take certain steps when using publisher names and logos to protect yourself against infringement claims.

#### ***RULE #1: Carefully choose the placement of the logos.***

- To minimize the risk of customer confusion, place publisher names and logos towards the bottom of your webpage or social media posts. Including a publisher name or logo in a prominent position next to your company's name or logo, such as a website header or side-by-side in a social media post, draws more attention to it and suggests a more direct connection between your company and the publisher, which you don't want to do.
- Consider including a "Press" section at the bottom of your website or in a separate tab that includes examples of your company's press mentions across a variety of publishers. This helps to draw the distinction between your company and the publishers and lets customers know that while the publishers mentioned your company, they didn't necessarily endorse your products or services.

***RULE #2: The logos displayed should be smaller than your own company's logo.***

- The size of a publisher's name or logo should generally be smaller than your company's own name, logo or graphics. Keep in mind that you are advertising and marketing your own products or services, not the publisher's. The relative size of the names or logos matters when it comes to determining how consumers perceive these kinds of posts.

***RULE #3: Use phrases like "as seen in" or "mentioned by" to avoid confusion.***

- Using phrases such as "As Seen In" or "As Mentioned By" when posting a publisher name or logo will help clarify the association between your business and the publisher. This language clearly informs consumers that the publisher is not sponsoring your products or services.
- This also helps to mitigate the risk of infringement of publisher logos, since these phrases clearly indicate that the publisher logo is being used for informational purposes only, namely to tell your customers that your company was mentioned in the publication.

***RULE #4: Avoid commercial uses of names and logos where possible.***

- As noted above, using a publisher's name or logo in a purely informational or editorial context--such as mentioning the publisher in an article on your website--typically should not constitute trademark infringement. By contrast, using another company's trademark in a commercial context is more likely to present problems. This could include paid advertising, such as paid social media posts highlighting your company's feature in a publication. While following Rules #1-3 above can help to mitigate infringement risks in all contexts, avoiding any commercial use of a publisher's name and logo is the safer course.

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If you have questions about using publisher names or logos in your marketing materials, or need guidance on a takedown notice or cease and desist letter that you received from a publisher, our team is ready to help. Please contact us at [hello@klukfarber.com](mailto:hello@klukfarber.com) or (646) 850-5009.