



Cases of Brand Name *Genericization* in Nautical English

Agnese Daniela Grimaldi
University of Naples 'Parthenope'

Virginia Formisano
Independent Researcher

XXVII CONVEGNO ASS.I.TERM
IL NOME DEL PRODOTTO. MARCHI, TERMINI E PROFESSIONI

- Focus of study
- Methodology
- *Genericization*
 - how it occurs
 - how it is relevant to legal disputes
 - from genericization to *genericide*
- *Genericization* of nautical equipment brands
 - some cases of anchor brands
 - the case of a ‘young’ brand
 - differences in trade vs. non-trade publications
- Conclusions

Focus of study: What's new?

- An unresearched field: Brand names or product names referring to **marine equipment** for **anchoring and mooring operations** in recreational boating
(vs. brand names of **mass-marketed products** or services investigated in **previous studies**)
- Cases of ***genericization*** in a 'niche' market **segment** = wide, inappropriate, generic use of a brand/product name

Methodology

- A **corpus** was built: e-commerce websites for boating equipment + non-trade specialised reviews and guides
- **Only brand names of marine equipment** used in anchoring and mooring operations (anchors and other anchoring accessories)
- **Possible cases of *genericization*** were searched amongst the most popular ‘marine’ brand names and trademarks
- The **forms retrieved** in the corpus were searched **in two General English corpora**: the *British National Corpus* (BNC) and the *Corpus of Contemporary American English* (COCA)

How is the wide use of a brand name seen...?

- In marketing → an indicator of **brand success** in a competitive marketplace
- In linguistics → it sometimes results in a type of linguistic change called ***genericization***
- In legal terms → generic, inappropriate linguistic use of brand names leads, especially in some countries, to **trademark dilution**, or ***genericide*** (= loss of legal protection of the brand name)

Genericization: a definition

The process whereby a brand name gradually becomes generic, i.e., it becomes commonly used to identify a whole category of products:

A brand name is gradually turned **from a proper noun** into a **common noun** so that it is used to identify **a whole category** of products:

- *escalator* ‘moving staircase’ (originally trademark of Otis Elevator Company)
- Kleenex → a kleenex, ‘facial tissue’

A brand name may even been converted **into a verb**

- Xerox → to xerox ‘to photocopy’
- Facebook → to facebook

How does *genericization* occur?

Clankie (1999): *Genericization* is a diachronic process consisting of **3 main steps**, as in the case of ***Jacuzzi whirlpool tub***.

- I. Brand name *Jacuzzi* + common noun *whirlpool tub*.
(**specific pre-modifier**)
- II. The phrase ***Jacuzzi whirlpool tub*** undergoes ellipsis, and is reduced to *Jacuzzi* (refers to ‘a **specific** whirlpool tub’; still a **proper noun**, but no longer a pre-modifier, still written with **initial capital** letter, status of household name).
- III. The brand name *Jacuzzi* becomes **generic**, often written with **initial lower-case letter**, used as a **common noun/adjective** (‘any whirlpool tub’). Finally also used as a **verb** (to jacuzzi, meaning ‘to equip with a jacuzzi’ or ‘to use a jacuzzi’)

But why to analyse linguistic *genericization* ?

To support forensic or legal linguistics



The analysis of linguistic aspects in *genericization* is relevant to **legal disputes for trademark protection**: forensic linguists may be consulted to **examine the linguistic status** of brand names and their **usage amongst speakers**.

They help **judge on “likelihood of confusion, strength of mark and property of the mark”**, mostly in some English-speaking Countries (USA, Canada, and Australia) (**Butters ,2008**)

From a legal viewpoint *genericization* → *genericide*

Legally, brand name *genericization* is seen as a threat for companies.

In the ultimate stage of *genericization*, where the trademark is legally declared generic, the trademark owner loses protection rights



trademark dilution or *genericide**

*first attested in the *Monopoly* law case (declared a generic brand)

Trademark lawsuits are most common in the USA, where a trademark can be cancelled if the court rules that consumers use the brand to refer to a generic category (loss of rights to brand name protection, loss of a valuable corporate asset).

So what can owners do to patrol their brands?

To avoid the threat of genericness, which may jeopardize trademark rights, it is important to:

- choose a **non-generic name** when the product is launched
- **prevent** misuses of the brand name by owners or competitors
- **watch** generic uses in other **non-trade publications** (e.g. *Google Inc.* had the compilers of the **Merriam-Webster** dictionary include reference to the trademark under the **lemma *google***, first added as a verb in 2006).

Genericization amongst nautical equipment brands

- Noticeable cases of *genericization* are found in the terminology of anchors
- The most popular anchor types have both generic names and trademarked names

Generic Name	Trademarked Name	Trademark Owner
claw	Bruce	several manufacturers
plow	CQR	Lewmar
fluke	Danforth	Tie Down Engineering
wing	Delta	Lewmar

Analysis criteria

Clankie's Hypothesis 3, attention is paid to some crucial aspects in genericization:

a) is the name used as an adjective followed by a common noun?

and, if not,

b) is it written as a proper noun (with initial capital letter), or a common noun (with low-case initials)?

Example 1

The *Bruce-type/claw anchor*

- Named after its designer Peter Bruce and patented in the USA
- Commonly known as *claw anchor* due to its shape (an animal's claw)
- Original Bruce Anchor Group has stopped producing small anchors since 2007 and now produces only commercial mooring systems; claw-type anchors are now made by several companies in the wo



The *Bruce/claw anchor*: 3 forms retrieved

- *Bruce anchor* (the most frequent form, where the **brand name** is used as an **adjective followed by the common noun *anchor***)
- *Bruce-type anchor* (which shows tendency to **fair use**),
- *a/the Bruce* (where it is used as a **proper noun** not followed by the generic noun)

The last form indicates that **ellipsis** has already begun, so that, if the company aimed at restarting its production of small anchors, it should enforce the brand and hinder such generic uses.

Example 2

The *Danforth-type/fluke anchor*

- The *Danforth/fluke anchor* is a lightweight anchor, designed and patented by Richard Danforth in the 1940s.
- Danforth® anchors are manufactured in the USA by Tie Down Engineering.



Example 2

The *Danforth*-type/*fluke anchor*

“[t]he ‘Danforth’ name has become synonymous with all lightweight style anchors. So much so, that this entire class of anchors is often referred to as *Danforths* regardless of the manufacturer”

(*The Fluke Anchors*. <http://www.offshoreblue.com/safety/anchor-danforth.php> , 16.10.2016).

“[T]he most recognised brand is the Danforth, which is sometimes used as a generic name for this type of anchor”

(*A Boat Owners Guide to Choosing an Anchor*. <http://www.safety-marine.co.uk/spages/a%20boat%20owners%20guide%20to%20choosing%20an%20anchor.htm>, 27.10.2016).

The cases of anchor brands, in short

In some instances, **anchor brand names** are used as proper names (rather than adjectival elements) as a result of ellipsis

BUT

there is no loss of initial capital letter

SO

Genericization has not been completed so far.

The case of TideMinders®

- A relatively new accessory: “anti-friction rollers in the nature of bumpers or balls for use with mooring lines for boats at pilings or dock posts”.
- The registered trademark is TideMinders®, patented in the USA in 2006.
- Occurrences found
 - TideMinders® Self-Adjusting Chafe Protection
 - TideMinder ® system
 - Self-adjusting Tideminder balls
 - TideMinders
 - Tideminder Balls
 - TideMinders Balls.



TideMinders®

Inconsistency in spelling and/or product naming

- In non-trade publications: **no symbol** to signal the word is a **registered trademark**, but still spelt with **initial capital letter**.
- Brand name's **linguistic status**: the spelling with initial capital suggests the brand name should not be exposed to *genericization*.
- In **legal** terms, form variation may depend on the fact that the brand is still young and the product is not an essential accessory for mooring → **the trademark does not seem to be affected by the risk of *genericide***, “which mainly impacts brands that are very well-known, highly successful, and relatively older” (Cova 2014)

In conclusion

Compared to mass brand names (e.g., *Kleenex*, *Xerox*, *Google*),
in 'marine' brand names *genericization* doesn't seem to be complete

BUT A DIFFERENCE CAN BE NOTICED

- in trade texts: fair linguistic use of trademarks
- in non-trade specialised publications: greater deviation from fair use



brand names used as common nouns in
semi-divulgative, specialised magazines

- a Bruce instead of *Bruce-type anchor*,
- Danforths for *Danforth® anchors* in the plural form
(despite being spelt with initial capital letter)
- *Tideminder balls* instead of *TideMinders®*

XXVII CONVEGNO ASS.I.TERM
IL NOME DEL PRODOTTO. MARCHI, TERMINI E PROFESSIONI

Cases of Brand Names Genericization
in Nautical English

Thank you

Virginia Formisano – formivi@yahoo.it
Agnese Daniela Grimaldi – agnesed.grimaldi@uniparthenope.it