

Episode 40. Can a hashtag be a trademark?

Well, the answer to the question of, can you trademark a hashtag is an interesting one and I wanted to do a video around just this topic because as hashtags are getting more and more popular, I'm getting asked this question more and more of Joey I'm using this hashtag a lot in my business and my branding on social media.

(01:16) Can I get the trademark on it? Is it possible? Is that something that I should even do? And this is a really interesting question because as we've seen over the past five years or so, so many applications have been filed for hashtagged words and phrases. So many it's like, it's crazy. I think we're like probably over 5,500 at this point, like 500 different trademark applications for hashtags.

And if you're like most business owners there's probably at least one hashtag you've used before in your business. the interesting thing here is that yes, you can get trademark protections for a hashtag. But the trademark office is pretty interesting here in terms of the way that they look at this.

And it makes sense once you really look at what's going on, because the way the trademark office is interpreting this stuff is they're saying, yes, it's possible, but the hashtagged word or phrase has to function as a trademark. Meaning it can't just be. A hashtag that you use on Instagram, in the description or somewhere else on social media, it really has to be a prominent part of your brand.

And you have to be able to show the trademark office that you're using that hashtag prominently across your entire brand, your website, social, whatever. for example, think that a lot of companies that have like Superbowl ads now have at least one trademarked hashtag, and they use that hashtag in their commercial, hashtag buy a Coke or something like that.

(02:49) Right. Or hashtag Coca-Cola. what's interesting. There is usually these bigger brands that are calling dibs on hashtags as trademarks. Well, they are usually calling dibs on trademarks. For calling does on hashtags that already have a phrase that is protected. So if it's hashtag Coca-Cola or hashtag Coke, usually Coca-Cola or Coke is in itself a brand that they're protecting.

while it is possible to protect, they hashtag and we're seeing more business owners do it. The thing is most business owners are first securing the underlying word or phrase, and then it, if it makes sense for their business, then they'll move forward with protecting the hashtag version. so my general tip here, and especially for online course, creators coaches, authors, speakers, that's mostly who I work with these days.

There might be a trademark hashtag word or phrase that you want to protect, but usually that's not the first thing that we want to secure as a trademark. Usually it's that underlying word or phrase without the hashtag. That is more important for us to call dibs on equally. So yes, this is

something that you can do, but whether you should do it, whether it's your first trademark or not, well, Probably not, but it does depend if you feel like you are building a brand around a word or a phrase that usually has a hashtag in front of it.

then you might be a contender to have your first trademark be in hashtag four. If you're wanting to learn more about this, feel free to reach out. If you're watching this live. Let me know in the comment below, if this is you, this is something that you're interested in. again, I don't get this question a whole lot recently.

(04:46) But it was asked several times just in the past week and a couple of years ago, this was a much bigger topic. So I wanted to hit on this in case anybody has questions around this. If you do have questions and you're watching this live or on the replay, let me know in the comments. or if you're listening to this On the podcast. Well then go ahead and click on the show notes. It'll take you to this video where you can be a part of the conversation and ask your questions. All right. Thanks everybody. Hope you're having a great week. See you next time.