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Vanilla With Cherry Overtones: Pursuing A Nontraditional Trademark

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Laura Geyer, a partner in the Vorys Washington, D.C. office, authored an article for Westlaw's *Intellectual Property Journal*. The article, which was titled "Vanilla With Cherry Overtones: Pursuing A Nontraditional Trademark," was focused on the U.S. Patent and Trademark Office's recent issuance of a registration for Play-Doh's "sweet, slightly musky, vanilla fragrance."

The article states:

"The challenge, and what makes nontraditional marks so much more difficult to register than standard word or symbol marks, is establishing that the asserted trademark is capable of identifying source — that it is distinctive and not simply a functional aspect of the product.

Ironically, the product most famed for scent — perfume — cannot rely on trademark protection for those scents. This is because for perfumes, scent is entirely functional."

Download a PDF of Laura's entire article [here](#).