

"Amazon has begun improperly using Apple's App Store mark in connection with Amazon's mobile software developer program," the complaint reads, according to Bloomberg. Steve Jobs and company filed for a trademark on "App Store" following the release of the iPhone 3G in the summer of 2008.

Reply

**threechordsl0th** on Mar 22, 1:43 AM said:

0

I know what I'd call it... Apps But No Apples, then I'd stop carrying their products.

Flag a

Reply

**Cameron Church (URL)** on Mar 22, 2:46 AM said:

0

What a good case of swings and roundabouts - it seems like yesterday when Amazon sued (successfully) Barnes and Noble over the latter's use of one-click ordering. And just before the Christmas rush! Wow 1999 seems like sooooo long ago.

Flag a

Although I don't agree with Apple here, Amazon has been playing the patent game for years, so what goes around can definitely come around!

Reply

**tim.hobbess** on Mar 22, 5:25 AM said:

5

Drugstore. Hardware Store. App Store.

Flag a

Reply

**Tim F.** on Mar 22, 9:22 AM said:

6

What do these have in common: Container Store, Wood Store, Awardstore, Swag Store, The Auto Store, The Engagement Ring Store, The Generator Store, The Paper Store, The Shade Store, Digital Map Store? They're all registered trademarks.

Flag a

Reply

**Kris** on Mar 22, 10:39 AM said:

1

Flag a

Apple has more than Amazon to beat back on this, they have the general public. App store is rapidly becoming generic like "aspirin" and Amazon can Google thousands and thousands of examples of everyone using it generically. Not only do you have to register your trademark, you have to fight the public to keep it only as a trademark (like the Kleenex and Xerox people do) and that's a CONSTANT battle.

Reply

**DVDSoft** (URL) on Mar 23, 2:01 AM said:

0

Flag a

With the right tool, you can easily burn mp4 to dvd and itunes to dvd. Besides, you can also use the dvd burning software to burn wmv to dvd, quicktime mov to dvd, etc. Also, you can use drm removal tool to remove drm protection from itunes, zune, amazon legally.

Reply


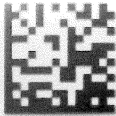
**buda gecerr** (URL) on Mar 25, 10:56 AM said:

0

Flag a

What do these have in common: Container Store, Wood Store, Awardstore, Swag Store, The Auto Store, The Engagement Ring Store, The Generator Store, The Paper Store, The Shade Store, Digital Map Store? They're all registered trademarks.  
seslichatevi yuregininesi

Reply

Rethink Possible  Explore the next dimension of traditional media.  [LEARN MORE](#)

# MoBlog CUTTING THROUGH THE STATIC

Home > Mobile Marketing Daily > Tuesday, Mar 22, 2011 > MoBlog

ADVANCED SEARCH

## MoBlog

### Appsolutely Ridiculous Lawsuit

by Mark Walsh, Tuesday, March 22, 2011, 5:30 PM

#### Amazon Appstore for Android

Get a great paid app for free now!

Today's free app of the day  
Angry Birds Rio

\$2.99 FREE  
10:34:31 AM [Sign in to get this app](#)



Apparently, there's many app stores -- but only one App Store. That's essentially Apple's claim in its trademark suit against Amazon accusing the online retailer of using its "App Store" trademark to sell mobile applications.

Amazon today unveiled its own mobile storefront dubbed "Amazon Appstore for Android," launching with 3,800 titles optimized for Android smartphones.

According to reports, Apple is asking a California federal judge to block Amazon from using the "App Store" name and is seeking unspecified damages alleging trademark infringement and unfair competition. "We've asked Amazon not to copy the App Store name because it will confuse and mislead customers," an Apple spokesperson [told Bloomberg](#). Really?

Obviously, both companies are now in the mobile app business. But the term "app store" is commonly used to refer to the app storefront of any company operating one, as in the "GetJar app store" or the "BlackBerry app store." Other companies may have specific branded names for their app stores, like Android Market or BlackBerry App World, but the generic term for this category of retailing is "app store."

So the chance consumers will confuse Amazon's new store with Apple's App Store seems unlikely. For one thing, Amazon looks like it's taken steps to insulate itself against an Apple claim by spelling "Appstore" in its name as one word and couching it within the broader "Amazon Appstore for Android" brand. (Oh, the alliteration.) Besides that, people will typically refer to it just as Amazon's app store to differentiate from Apple's storefront or any other companies.

So "app store" is already being used widely as a generic term and there doesn't seem to be a huge problem with confusion because it's used in context to refer to a specific app store. To the extent anyone refers only to "the App Store" they'd be understood to be talking about Apple's App Store because it's the biggest and most well-established mobile storefront. Because Amazon is just getting into the business and is focused on Android apps, no one is likely to confuse its "Appstore" with Apple's.

Amazon obviously has the resources to fight this trademark battle out with Apple. To avoid what could be expensive, years-long litigation, Apple should drop the suit and save both companies time

 Like  Sign Up to see what your friends like.

SHARE

TOOLS

 PRINT  SUBSCRIBE

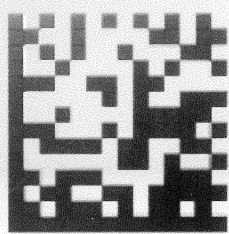
 COMMENT  RSS


- RELATED ARTICLES
1. Porsche: Taking The Kids To Soccer? Lose The Minivan
  2. Re-Searching Search On The Mobile Web
  3. The \$41 Million Free App
  4. 30 Million Americans Use Mobile To Access Financial Needs
  5. IBM Pushes Analytics, 'Smarter Commerce' Cross-Platform

TAGS: [Mobile](#)

- MOST READ
1. U.S. Census Is All About Hispanic, Local
  2. To Facebook Or Not To Facebook, That Is The Question
  3. Kerry Privacy Bill Could Impose 'Major' Obligations On Ad Networks
  4. Broadcast Losing Ground, Cable Gains
  5. The \$41 Million Free App
  6. Top Value: Google #1; Coke Slips From Top 10
  7. Levi's Takes Watery Mission To Facebook
  8. Should Twitter Close Down @freeNYTimes?
  9. 30 Million Americans Use Mobile To Access Financial Needs
  10. Universal Tagging Value Debated


Explore the next dimension of traditional media.





AT&T Mobile Barcode Services [LEARN MORE](#) Rethink Possible 

- ARCHIVES
- >> March 2011
  - >> February 2011
  - >> January 2011
  - >> December 2010
  - >> November 2010
  - >> October 2010
  - >> All Archives

and money that could be better spent developing new products and services. But Apple isn't known for walking away from a legal fight, so don't expect the dispute to be resolved anytime soon.

 Recommend this article to others

 Like  Sign Up to see what your friends like.

## 2 comments on "Appsolutely Ridiculous Lawsuit "

**Russell Cross** from **Prentke Romich**  
commented on: March 22, 2011 at 5:47 PM

I suppose they could file for "App Store" as a mark but surely a trademark has to be an adjective i.e. "Apple" computers or "Nike" shoes etc. The "App Store" store doesn't make sense. So, wouldn't they have to file for "App" as a mark? In that case, the word is generally taken as a shortened formed of "application," for which I have found a usage in 1991 in "Compute" magazine. This predates any use by Apple and establishes "app" as generic - or at least sufficient to argue the case in court.

Sometimes I wonder what the point of all this suing is? Once again, litigation stifles innovation. One factor in why the American economy keeps stumbling is that we appear to want to sue ourselves to death. Heaven forbid you create a new product that sounds like an old one because sure as eggs are eggs, you'll be sued.

**Al Kao** from **AK Works**  
commented on: March 22, 2011 at 5:42 PM

Well this seems like an Apple move. They are known for this kind of crap and particularly for hubris. Kinda funny considering this country was ready to keel over just 10 years ago.

### Leave a Comment

You must be signed in to comment. [Sign In](#)

### Recent Mobile Marketing Daily Articles

**The \$41 Million Free App** Mar 24, 3:45 PM  
"Pre-Launch Startup Raises \$41 Million For Mobile Photo-Sharing App." That almost sounds like something straight out...

**Ratings Coming To Apps** Mar 23, 5:47 PM  
The CTIA today unveiled plans at its annual spring conference to develop a ratings system for...

**Appsolutely Ridiculous Lawsuit** Mar 22, 5:30 PM  
Apparently, there's many app stores -- but only one App Store. That's essentially Apple's claim in...

**Who Gains, Loses in AT&T/T-Mobile Deal?** Mar 21, 5:30 PM  
With shares of AT&T and Deutsche Telekom stock trading up Monday, it's clear the market is...

**iTunes To Bolster 'NY Times' Paywall** Mar 18, 3:54 PM  
When Apple launched its iTunes subscription service last month, content providers didn't greet the move with...

**Latest iPhone Spots Add Snob Appeal** Mar 17, 4:01 PM  
With their familiar creative elements -- white background, innocuous piano music and hands-on demos -- Apple's...

**Apple Tops in Smartphone Revenue** Mar 16, 7:15 PM  
Apple just seems to have a knack for making money. A new study from U.K.-based research...

**App Users Apt To Be As Loyal As Fickle** Mar 15, 6:30 PM  
Game sensations like "Angry Birds" aside, it's become accepted wisdom mobile users go through most apps...

**iPad No One-Hit Wonder** Mar 14, 2:00 PM  
The iPad 2 is living up to the hype, and surpassing the original Apple tablet when...

**'Angry Birds' Become Wealthy Birds** Mar 11, 5:00 PM  
With a massive \$42 million first-round funding, mobile gaming phenomenon "Angry Birds" is poised to soar...

[>> Mobile Marketing Daily Archives](#)

REPLAY

Explore THE NEXT DIMENSION of traditional media



AT&T Mobile Barcode Services [LEARN MORE](#) Rethink Possible

## Apple Sues Amazon Over App Store

March 22, 2011

text size A A A

Amazon is opening an online app store for Android devices, according to *The New York Times*. Many companies have set up sites or app stores where consumers can download software for their mobile devices. Apple is suing Amazon for using app store — that's the name Apple uses for its mobile download site.

*Copyright © 2011 National Public Radio®. For personal, noncommercial use only. See Terms of Use. For other uses, prior permission required.*

STEVE INSKEEP, host:

NPR's business news starts with a fight over apps.

(Soundbite of music)

INSKEEP: We're talking about applications, or apps for short - the programs that let you do fancy things on a smartphone.

Amazon is opening up an online app store for Android devices, according to The New York Times. Many companies have set up sites or app stores where consumers can download software for their mobile devices, spend a little money. But Amazon's new Appstore is not going down well at Apple. Apple is suing Amazon for using the word Appstore. That's the name that Apple uses for its own mobile download site.

No matter that Amazon's Appstore uses a different spelling. There's no space between the words app and store. Apple says that's not good enough and that it could still confuse consumers.

*Copyright © 2011 National Public Radio®. All rights reserved. No quotes from the materials contained herein may be used in any media without attribution to National Public Radio. This transcript is provided for personal, noncommercial use only, pursuant to our Terms of Use. Any other use requires NPR's prior permission. Visit our permissions page for further information.*

*NPR transcripts are created on a rush deadline by a contractor for NPR, and accuracy and availability may vary. This text may not be in its final form and may be updated or revised in the future. Please be aware that the authoritative record of NPR's programming is the audio.*