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history.

The lesson: One man's castoff is another man's zillion dollar idea.

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In any case, the flap over the App Store trademark is quite the history lesson. If you scan the USPTO site you'll find:

Salesforce.com applied for a trademark in 2006, but dropped it in 2008.

From the 2006 application:

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services (15 U.S.C. Section 1051(b)).

International Class 035: Operating on-line marketplaces for buying, selling and exchanging computer software and on-demand applications

International Class 042: Application service provider (ASP) featuring computer software in the field of business project management, business knowledge, information and asset management, customer relationship management, sales, marketing, e-commerce, electronic messaging, and web site development.

In Dec. 2008, Salesforce.com said:

The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.

Bottom line: Salesforce.com was rebuffed because its Appstore was merely descriptive (actually I would have turned the company down over the third grade logo on the documents). I'm pretty sure Benioff had access to even the most mundane graphic design software.

APPSTORE

The effort to trademark Appstore goes even farther back. In 1998, Sage Networks applied for the trademark only to abandon it in 2000.

Despite this history, Apple filed for a trademark for its app market in 2008. Apple has a disclaimer that it is not claiming a right to the word "store." In a nutshell, Apple is claiming a trademark because it gave the word "app" meaning. You can see how this word app-short for application-has a few tech rivals flustered. There are a bevy of appy sites-RIM's App World, Google Apps, HP's App Catalog and the government's App.gov to name a few.

This is a guest post from Larry Dignan, Editor in Chief of ZDNet, TechRepublic's sister site. You can follow Larry on his ZDNet blog Between the Lines (or subscribe to the RSS feed).

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Amazon Launches Appstore For Android

Amazon's Appstore opened with 3,800 apps this morning even though Apple filed a lawsuit last Friday against the company, claiming it unlawfully uses the name "App Store," which Apple is currently attempting to register as a trademark. The disputed Appstore will compete directly with Google's Android Market and offers a free download every day—the first is Angry Birds Rio. The store also allows users to test drive many of its applications, though it will not yet work on AT&T devices. The store might signal Amazon's intention to break into the Android market by creating an Android-based tablet or Kindle that could compete with the iPad. "It would be easy to call the game for Apple as the second inning is starting, but we won't, because we see a market that's ripe for disruption by Amazon in particular," said Sarah Rotman, a Forrester Research analyst.

Read original story in MSNBC | Tuesday, March 22, 2011

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Mark Fitch If it were me I would have call it" application warehouse"

Troy You all crack me up. Although I agree "App Store" is too generic to Trademark, you are defending AMAZON of all companies -- the very company that has PATENTS on the following "Processes":

- 1. One-Click: If a website saves your preferred payment method, address, etc...
2. Affiliate Links: If a website has a program to allow content providers etc to link back to products on their site...

There are several more "generic business process patents" that Amazon holds. So defend them as a company that only wants to provide services and not play "legal games" is pretty ironic.

And FTR -- Apple has licensed One-Click from Amazon -- they were one of the first. So yes, Apple does "play nice" when necessary.

Mark Oh, I forgot to mention that the above response was written on a 24-inch iMac. Just thought you'd like to know...

- "Amdroid"
"ZonDroid"
"AnDrozon"
"Android Station"
"Android Depot"
"Droidle"

The list of possible, memorable, names is endless. To hell with the idea of "app store" let Apple stagnate as it cattle-prods its lawyers into action.

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they are or how fiercely they innovate.

Android's success is measurable not just in it's phenomenal growth in market share but in the number of organizations trying to sue its pants off.

Yesterday, 12:35:14 AM - Flag - Reply



Pmbster

But calling it an "app store" has multiple rewards for Amazon.

First, it draws more attention than any of your offerings above would - right off the bat, it's in the news because they've got Apple suing them - it creates a controversy that draws attention, and when the other guy you're fighting is the 800 pound gorilla in the room, drawing attention will help you a lot more than it will him.

On top of that, you (being Amazon) are in the right. App is a term that has been used for many years now to mean applications -- in a discussion on Wired about this very lawsuit someone had a link to a dictionary that notes the first use of the term "app" for "application" was in 1987, so, like, Steve Jobs, Dude - almost TWENTY FIVE YEARS AGO.

If you are going to be selling apps, it is perfectly reasonable to sell them in a store, hence an App Store. If Steve Jobs decided to sell shoes, and called his market a Shoe Store, this would not give him the right thereafter to stop anybody else who sells shoes from calling their market a Shoe Store. If he wants to do that he might try an iShoe Store (iApp Store) - it is distinct from what already exists and therefore he could try trademarking it. Trying to trademark "Shoe Store" is absurd and should not be allowed to stand. (Trying to lock down "i" for your own personal use is also absurd, which Apple did - don't recall how that came out, actually - but trying to lock down iApp is locking down an original term and can reasonably be expected to win.)

"iApp" = yes. "i" = no. "App" = no. "Apps" in a store equals an App Store like a Shoe Store and they should not be able to trademark it. Again - be original - hey, AppStore = yep, you might try that one, Apple.

Unfortunately, this is only common sense and not necessarily related to actual law.

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Liked by Ralph Hutchinson GabyGaw Justin Cunningham



Gaetano Marano

just call it AMAppZON.com

2 days ago, 7:55:57 PM - Flag - Reply



Timothy Lank

get over it, Steve

2 days ago, 6:05:24 PM - Flag - Reply



James

Apple, which will be gone within ten years after the death of Jobs, can stuff their prissy lawsuit. Amazon is a real company with real services. It is here to stay.

2 days ago, 5:45:42 PM - Flag - Reply



En-Tie Soon

Amazon should have called it "iStore" just to stick it to Apple.

2 days ago, 3:19:30 PM - Flag - Reply

Liked by Timothy Lank Justin Cunningham Tom Love Ken Tarniangs

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