

TRADEMARKS AND 3D PRINTING

The first impression of 3D printing is the amazing technology and fantastical applications (from printing body parts using a patient's own cells to printing toys). From an intellectual property perspective, the first thought might be to protect the technology by patent. But what about protection through trademarks?

Background

"Imagine a future in which a device connected to a computer can print a solid object. A future in which we can have tangible goods as well as intangible services delivered to our desktops or ... shops ... [a]nd a future in which the everyday 'atomization' of virtual objects [translates] into hard reality. ... Such a future may sound like it is ... plucked from the worlds of [Star Trek](#) ... [but] 3D printers ... are now starting to present a whole host of new digital manufacturing capabilities." (Christopher Barnatt at explainingthefuture.com. (Also see [YouTube video](#), *What Is 3D Printing and How Does It Work?* | *Mashable Explains*).











"In 3D printing, successive layers of material are laid down under computer control. These objects can be of almost any shape or geometry" (see [wikipedia](#)) and can print different substances like chocolate. See CocoJet a 3D chocolate

printer shown above. ([3D Systems Unveils CocoJet Chocolate 3D Printer At 2015 CES](#) by TE Halterman) ("3D Systems announced ... CocoJet, a chocolate 3D printer developed in collaboration with The Hershey Company ... calling it 'ideal for the baker or chocolatier,' ... CocoJet prints custom designs in dark, milk or white chocolate." See example below).

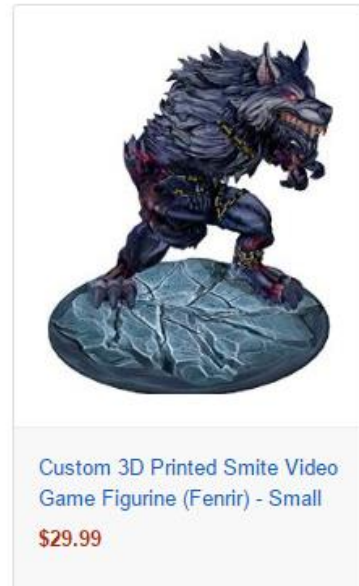
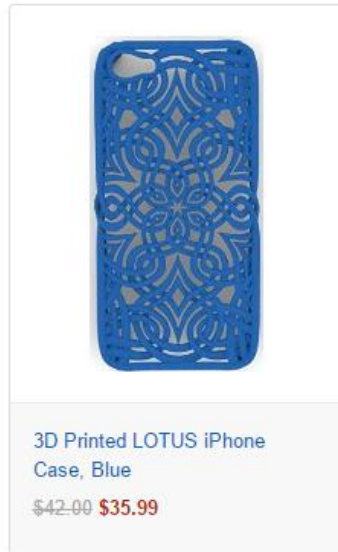


According to [livescience](http://livescience.com), “in recent years 3D printers have become cheaper to produce; several models are now available for sale.” A search on [Google](http://Google.com) reveals home 3D printers for sale at prices as low as \$349.00:

Shop for 3d home printers on Google Sponsored ⓘ

 <p>Ultimaker 2 Extended \$3,030.00 Dynamism</p>	 <p>da Vinci Jr. 1.0 Affordable PL... \$349.00 XYZprinting</p>	 <p>Pegasus Touch Laser Resin S... \$2,999.00 FSLaser</p>	 <p>Makerbot Replicator Min... \$1,375.00 Dell ★★★★★ (9)</p>
 <p>XYZprinting daVinci 1.0 3... \$499.99 Newegg B...</p>	 <p>MakerBot Replicator 2X... \$2,499.00 CDW</p>	 <p>FlashForge USA Creator... \$1,199.00 Newegg.c... ★★★★★ (3)</p>	 <p>MakerBot Replicator Z1... \$6,499.00 School Specia...</p>

3D products are also offered for sale (see below and at [Amazon](#)):



Intellectual Property

While patents protect the inventions and technology for 3D printing (see “[Nike was just granted a key patent for 3D printed shoe technology](#)”), trademarks are key for calling attention to the products and services offered in connection with this new technology. Trademarks identify the source of the new products and services – everything from CocoJet (U.S. App. No. 86526607) and ChocaByte” (U.S. App. No. 86526607) for 3D chocolate printers to:



U.S. Reg. No. 4446922 for “[r]eseller services, namely, distributorship services in the field of 3D printers”;

MONSTERMATIC

U.S. Reg. No. 4539973 for among other things, “software for creating a digital representation of an avatar, monster, or character that can then be manufactured via a 3D printer”;



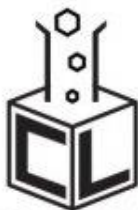
YAYA 3D

U.S. App. No. 86384849 for 3D printer pens and 3D printer filaments. Mark is described as, “a stylized design of a bird reminiscent of a raven or crow with one enlarged eye and two wings. Beneath the bird design is the wording ‘YAYA 3D’”;



FREEFORM 3D PRINTING

U.S. App. No. 86612439 for 3D printers;



CREATIONLAB 3D PRINTING

U.S. App. No. 86612392 for 3D printers;



U.S. App. No. 86432043 for 3D printers in the form of a 3D printing pen; and



U.S. Reg. No. 4622322 for 3D printer software.

Recently Registered Trademarks

And the registrations continue. Since September 2015 a variety of marks for 3D printing have registered in different classes such as printer machines (class 7), software (class 9), thermoplastic filaments (class 17), auction services (class 35), printing services (class 40) and education services (class 41). Below are examples:



U.S. Reg. No. 4810681 for computer hardware and software for operating 3D printers in class 9; and semi-worked thermoplastic filaments used for 3D printing in class 17;



U.S. Reg. No. 4816012 for auction services (class 35) including “[o]n-line auction services featuring Toys, books, crafts, 3D printed toys, gifts, artwork, and 3D printing services”;

E3D

U.S. Reg. No. 4815748 for 3D machines including “machines and machine tools for manufacturing 3D objects” in Class 7;

3D Literacy

U.S. Reg. No. 4826278 for “[e]ducation services, including, providing classes, seminars, and workshops in the fields of 3D printing, 3D CAD Design, and 3D Programming” in class 41; and



U.S. Reg. No. 4834386 for “3D printing services” in class 40.

As noted in the SOLID PROTOTYPE registration above with the slogan, “TURNING IMAGINABLE INTO TANGIBLE” (U.S. Reg. No. 4834386), trademarks clearly help bring the new technology to life across all types of products and services from machines and software to education services.

Aversano IP Law provides strategic advice in the global marketplace for securing, protecting and enforcing intellectual property rights by way of trademark, trade dress, copyright and design patent.

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