

## Trademarks

The trademarks shown below distinguish my work from the crowded marketplace of Lean products and services. They identify me as the source for my brand of Lean management and Lean leadership training and education.

Lean  
Behaviors<sup>®</sup>



Behavioral  
Waste<sup>®</sup>

Practical Lean  
Leadership<sup>™</sup>

Continuous  
Personal  
Improvement<sup>™</sup>

*Speed*  
Leadership<sup>™</sup>

REAL LEAN<sup>™</sup>

8th Waste<sup>™</sup>

Lean  
Teaching<sup>™</sup>

According to the U.S. Patent and Trademark Office, “A service mark is a word, phrase, symbol, and/or design that identifies and distinguishes the source of a service rather than goods. The term ‘trademark’ is often used to refer to both trademarks and service marks” [1] and “You are responsible for enforcing your rights if you receive a registration, because the USPTO does not ‘police’ the use of marks...” [2].

Let me explain what you can expect from me in the event of a possible trademark infringement:

I actively seek to protect my intellectual property rights, but try to do so in ways that are consistent with Lean principles and practices (and with bilateral learning). Most people are simply unaware that they might be infringing upon a registered trademark. These are honest mistakes that in most cases can be easily rectified by making small changes. Mistakes are easy to make because the purpose and function of trademarks can be very confusing and difficult to understand.

Instead of the usual scary "cease and desist" letter sent by an attorney, I send you a friendly, respectful e-mail that cites the infringement and a request that you change the name or representation of your product or service. Complying with this request benefits us both because it avoids confusion in the marketplace between the products and services that I offer and the products and services that you offer (and not confusing customers is, of course, consistent with Lean principles and practices). In most cases, the infringer quickly makes an appropriate change and that is the end of it.

In a few cases, someone will resist making a change that would satisfy the trademark owner, mainly because they do not understand the purpose and function of a trademark. Their opinions and desires make it difficult for them to understand and acknowledge the facts pertaining to trademark owners' rights and what constitutes infringement. Resolution of the matter does not come by the infringer stating: "We need to agree to disagree." The required course of action for the infringer is to get the facts and satisfy the trademark owner's request. In some cases, a scary "cease and desist" letter from an attorney might be forthcoming.

It is important to recognize that trademark owners labored through an elaborate, time consuming application process costing thousands of dollars to successfully secure a registered trademark with the U.S. Patent and Trademark Office. They ask for nothing more than fair play with respect to property rights, free markets, and competition. The rules must be respected.

Click [HERE](#) and [HERE](#) to learn about the purpose and function of trademarks in commerce.

Click [HERE](#) to learn about trademark infringement and [HERE](#) to learn how to avoid infringement.

Click [HERE](#) to search the trademark database at the U.S. Patent and Trademark Office.

Please let me know if my registered trademarks ® are used by non-authorized individuals or organizations. Thank you.

Contact me via [e-mail](#) or phone 860.558.7367.