

# The Name's the Thing



So you have an idea for a new business, product, or service. What are you going to call it? As any cash-strapped entrepreneur, product manager, or “creative” will tell you, that decision can be critical when it comes to avoiding expensive legal fees defending against a trademark lawsuit, or spending money on a domain name or logo that turns out to be unusable.

As head of Master-McNeil, a Berkeley-based naming and branding agency behind names like Ariba, PayPal, Athlon, Affirm, and over 60 projects for Apple, [SB Master \(MBA 1980\)](#) has spent plenty of time in the trademark trenches. “The creative work is always challenging and fun, but I had become frustrated by how onerous, expensive, and slow it was to do a good job of checking the availability of new names and brands,” she says. “The whole process needed to be rethought.”

In 2014 she launched Naming Matters, employing an engineering team to create a web application that applies natural language processing, machine learning, big data, and data visualization algorithms to make conflicts with trademarked names immediately visual, accessible, and searchable. “We wanted to democratize this specialized, arcane sector, taking what we had learned about name selection and availability and making it accessible inexpensively to everyone, everywhere,” says Master.

Say you have a name in mind for a financial planning service firm. Type in your name and describe what you are naming. Algorithms instantly weight and compare your name to existing and pending trademarks, based on a variety of characteristics, including phonetic similarity, similarity of goods, and status of existing trademark applications and registrations: “We’re capturing the judgment equivalent of trademark counsel and

branding experts to answer the questions, “What’s the riskiness of this name choice? What is the chance someone out there is going to sue me if I use this name?” Master says. The result appears as an interactive dashboard-style graphic, with the proposed name at the bull’s-eye and identical and similar names displayed as points around it according to degree of threat—the closer to the center the prior names appear, the greater the risk of choosing your name.

Users can mouse over points of conflict to see the full trademark record, including its most recent status in terms of activity, or use filters to further narrow search results. “If you only care about providing your service or marketing your product in the United States, you might decide to filter out other countries,” Master says. “With that said, any name that appears online is intrinsically international, so it doesn’t hurt to have a broader sense of what’s out there to avoid any unpleasant surprises.” Besides similarity of name, search results incorporate information on industry sectors and trademark classes.

“What trademark is about is the likelihood of confusion, so the system focuses on key classes for the user’s goods,” Master notes. People aren’t going to confuse a Ford Explorer with Microsoft’s Internet Explorer, for example, so it’s not necessary (or possible) to own one name across all classes. “On the other hand, if you see lots of use of an identical or similar name or word part in an unrelated class, this can offer some useful branding and market intelligence,” she says. “Sometimes there isn’t a trademark issue, but perhaps there are associations with another category of goods that could be worrisome, or just send the wrong message.” Other recently added features include a cross-search of social media handles and available URLs.

“Names have the ability to cross international boundaries, and the naming and branding sectors have ballooned over the past three decades,” says Master. “The power of a name has only grown over time, as has the risk of getting it wrong.”