

## BRAND NAMES BETWEEN THE RULE OF ORTHOGRAPHY AND RULE OF LAW: TO BREAK THE LAW OR THWART LANGUAGE NORMS?

### 1 INTRODUCTION

Names of industrial and commercial products belong to the group of object proper names (or chrematonyms) that occur largely due to the requirements of the market to differentiate similar and competing products. Consequently, this type of name (e.g. *Coca-Cola*, *Teflon*, *Aspirin*, etc.) is a commercial commodity that enjoys legal protection and obliges the owner of the brand name to respond to a possible breach of the law. On the other hand, these names are also linguistic entities acting as linguistic units that, in the process of communication, establish relationships independent of extralinguistic systems, and that vary accordingly. Amongst their most salient characteristics, onomasiologists list their associative nature, their memorability and the significance of the acceptability of these brand names for consumers (Koš 1996: 1645–46). It is important for them to be easy to remember and reasonably short and pleasing in sound (aesthetic function), which is often achieved by using word plays in the names (*KitKat* chocolates, *Chunky Monkey* ice cream, *Chupa Chups* lollipops) and in the accompanying advertisements (Jaguar: *Grace*, *Space*, *Pace*, Nike: *Just do it.*, Apple: *A is for Apple*), taking into account, of course, the fact that appealing expressions have a greater influence on consumers. Brands are thus a marketable commodity. The interest and statutory duty of brand name owners is to preserve the identification function of brand names and to maintain their original proper name form unchanged.

### 2 BRAND NAMES AS AN OBJECT OF THE INDUSTRIAL PROPERTY ACT (ZIL-1)

By adopting the principles of a market economy and globalised trade, and, consequently, with its entry into the European Union, Slovenia accepted a commitment to protect the rights of intellectual, industrial and commercial property. The Industrial

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Property Act (henceforth ZIL-1) has guaranteed brand<sup>1</sup> owners (economic entities) legal protection of their property, enabling them to individualise their products and services, and differentiate them from competing products and services of other companies or individuals, as well as ensuring their legal protection. Most relevant to this procedure, and to the smooth functioning of the market, are “the distinguishing signs that are legally protected by models, brands and geographical indications”<sup>2</sup> (Puharič 2003: 23). The ZIL-1 determines that these signs enable the user of the goods or services to distinguish between identical or similar types of goods and services (Puharič 2003: 179), or assist them in doing so. According to Article 47 of the ZIL-1, which determines the rights ensuing from a brand name, the brand name owner can prevent a third party from using any sign that would be the same as the brand name and intended for the same goods or services offered by and included in a particular brand. Given that, according to the ZIL-1, the owner of the brand name has the exclusive right to its use, inappropriate use of the brand name can be prohibited or unmodified use demanded (i.e., spelling, size and realisation with corresponding colours and shapes). The preoccupation of brand name owners is not surprising in view of the fact that many brands have been lost due to inadequate protection. However, in the struggle of competition, brand name owners’ competitors often refer to the generic use of names as presented in dictionaries.

On the other hand, according to Article 43 of ZIL-1, a sign that would be either “devoid of any distinctive character” or which consists “exclusively of signs or indications that have become customary in current language use or in the bona fide and established practices of the trade” cannot be registered as a trademark. In his comments on this Act, Puharič (2003: 189) states that we cannot legally protect signs “made up of words and generic terms, such as “honey” (for honey), “tobacco” (for tobacco), because they are simply not suitable for distinguishing the goods and services in trade”.

However, ZIL-1 fails to directly address the situation that arises secondarily: often in the everyday language of a wider circle of users, a registered trademark or generic trademark<sup>3</sup> becomes a term that no longer has a distinctive role, and that

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1 Also taking into account the sciences and trades for which brand names and (registered) trademarks are an area of concern, in this article I use the term “brand (name)” (Sln. *znamka*), based on the following arguments: a “brand” is a name or symbol used by the manufacturer of a product to mark (individualise) this product and distinguish it from other similar entities. In modern Slovene dictionaries, the definition of brand or brand name (Sln. (*blagovna*) *znamka*) is first encountered in the *Standard Slovene Dictionary* (1970–1991), where the item is defined as a legal term in the sense of “a protective graphic mark with lettering for labelling goods and services”. More detailed scrutiny of the content leads to marketing and advertising, where, partly due to the increasing social relevance of the field, a specialised terminological system is still being established.

2 Quotations translated by Mojca Šorli.

3 In Article 52 of ZIL-1, it is determined that the right to a trademark is valid “for ten years from the date of filing an application”. In English, brand names that are no longer legally protected are referred to as “generic”, while those that are still protected but, with frequent use by a large number of language users, are subject to a relatively loose and abbreviated usage are

can even change meaning. This is a phenomenon well known and fully explained in linguistics.

### 3 BRAND NAME AS A LINGUISTIC FACT

Object proper names represent the fastest changing group of proper names generated by the extralinguistic needs – especially economic, political as well as other communal and organisational – needs and activities of society. Taking as a starting point their classification in the *Slovene Normative Guide* (SP 2001: §77–109), object proper names are divided, in standard Slovene, into nine main groups, one of which is brand names or trademarks.

#### 3.1 A Proper Name or a Generic Word?

The question of whether product names and brand names should be regarded as proper names or common names has intrigued linguists, particularly in the 1980s and 1990s (Gutknecht/Wehking 1985; Koß 1996). Despite the conclusions that due to their primarily individualising and identification function their proprial character is justified, some Russian and German linguists have insisted on categorising product names and brands as common names due to their typical syntactic positions (Voigt 1989; Garančovská 2010: 154), while others have deemed it necessary to posit an independent linguistic category that would contain so-called “amphibian” names, i.e., names that function as either proper or generic names (Gutknecht/Wehking 1985; Van Langendonck 2007: *proprio-appellative lemmas*). A third group of linguists, comprising Czechs, Slovaks and Croatians, have preserved the traditional categorisation and list product names among object proper names with a special relationship to common-name designations (Šrámek 1999; Knappova 2003). Even though the decision to categorise words either as proper names or common names is important for Slovene studies, both in terms of its impact on the use of capitalisation (*Coca-Cola* vs. *kalodont*) and the degree of adaptation in writing (*Gillette* > *žiletka* ‘(razor) blade’), there is a noticeable absence of discussion in Slovene linguistics compared with elsewhere in Europe regarding the issue of whether product names and brands are common nouns. Such discussion has not even been stimulated by legal commentary (e.g., Puharič 2003) pointing out that the treatment of some words that have occurred in language as product names or brands but are defined in the *Standard Slovene Dictionary* as common names does not accord with current legal norms and is in violation of ZIL-1.

The problem of the dual nature of product names and brand names was first explicitly raised in the prescription rules of the *Slovene Normative Guide* (henceforth SP) from 1991 (and in all of the subsequent editions up to the latest edition), in which distinguishing between the two forms was based on the recognition of the syntactic

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known as “genericised”. Damjan (2009) states that “in the Slovene linguistic community such brand names are called ‘generične’,” with no distinction being made between the terms “generic” and “genericised”.

positioning of these forms, typical of proper names, as post-positional attributives (*cigarette Filter 57* ‘Filter 57 cigarettes’, *otročka soba Boštjan* ‘Boštjan kids’ room’, *pisalni stroj Olivetti* ‘Olivetti typewriter’, *gramofon Melodija* ‘Melody turntable’, *zobna krema Kalodont* ‘Kalodont toothpaste’; SP 2001: § 107), while in non-attributive syntactic positions these forms lose their proper name character (SP 2001: § 147), e.g.: *Pišem z olivetijem* ‘I type with an Olivetti (an Olivetti typewriter)’. – *Fotografiram s kodakom* ‘I take pictures with a Kodak’. – *Vozim se s fordov* ‘I drive a Ford’. – *Zobe si umivam s kalodontom* ‘I brush my teeth with Kalodont’. – *Komarje uničujem s pipsom* ‘I kill mosquitoes with Pips’ [.]

The few responses to this rule have been related to the finding that the proprial status of a product name or a brand can be preserved even in syntactic positions atypical of proper names, i.e., that the omission of the syntactic base does not always imply the loss of the proper-name function (Bešter 1993/94; Dobrovoljc 2009). Bešter (1993/94) thus emphasises that “drug manufacturers, pharmacists and some users themselves capitalise the names of drugs”, and in her paper concludes that “the (proper) name of a pharmaceutical brand [...] is capitalised like the proper name of every other industrial product; in almost all cases, the name is registered or protected” (Bešter 1993/94: 351–352), which is true regardless of its syntactic position in the nominal phrase.

### Multiple Denotation

In recent years, linguistic and onomastic research in particular have highlighted the so-called multiple denotation of names, a phenomenon observed in non-prototypical proper names. This typically involves names that, according to Van Langendonck (2007: 87), do not implement all of the proper-name criteria, i.e., pragmatic criteria at the level of the psycho-social circumstances of use, semantic criteria at the level of denotation, and syntactic criteria at the level of sentence structure. Van Langendonck (2007: 236–237) illustrates this with examples of the various denotations of the proper name *Ford*, from which a group of object names is derived by metonymy:

- a personal name; it refers to the name of the founder/manufacturer: *Ford founded the car industry*;
- an object name derived by metonymy; it refers to the name of the company: *Ford is a car company*;
- an object name derived by metonymy; (*the Ford company brand name*); it refers to the name of the brand: *Ford is a familiar brand*;
- an object name derived by metonymy; (*the Ford brand name product*); it refers to the name of the product: *Ford is a good product*;
- the word refers to an example of a series of products: *Jane bought a Ford yesterday*.

The last of Van Langendonck’s examples draws attention to the fact that in determining the proprial or common name nature of words there is an intermediate and under-treated proprio-appellative group of names, or “amphibians”, that can be understood either as names of products and brands or as exemplars of a series of products, in some contexts also functioning as markers of a kind of drink, muesli or vehicle. In

the sentence *Voznik forda/Forda se je hotel izogniti trčenju, zavil je v levo in zadel zadnji del volkswagna/Volkswagna* ‘The driver in the Ford tried to avoid a collision, he swerved to the left and hit the back of a Volkswagen’ we can interpret the word Ford either as a product name or as an expression used to name an exemplar of a series of products, objects or types of vehicle.

### **Appellativisation**

In time, some names or brands cease to establish referential relations with a single denotatum as they begin to refer to a kind of object or product. In this case, we are dealing with a process whereby a proper name loses its basic proprial functions and acquires the status of a common name, thus gaining certain new grammatical features (e.g., countability; cf. Znika/Znika 2003–2004: *mercedes* ‘Mercedes’, *amper* ‘ampere’, *rentgen* ‘X-ray’, *kvisling* ‘Quisling’).

The appellativisation of names of industrial products only occurs in the case of names that have been used more frequently over a long period of time and have often been monopolised. A good example of this is the generic name *superga*, derived from *Superga* (an Italian trademark, registered in 1913) and turned into a common name, which is now used to mean ‘running shoe, sports shoe’:

*Ročno izdelane superge znamke Nike v proizvodnji stanejo pet dolarjev, v trgovini na Manhattnu pa celih 350 dolarjev.*

*Hand-made “superge” of the Nike brand cost five dollars to manufacture but as much as 350 dollars in a shop in Manhattan.*

Similarly, the name *Kalodont*, an old brand of Austrian toothpaste, has in most Southern Slavic languages become synonymous with toothpaste in general:

*Nitkanje zob, temeljito čiščenje po vsaki jedi s kalodontom brez fluora, kakšen naraven kalodont ... to je moj nasvet.*

*Flossing one’s teeth, a thorough cleaning after each meal with fluoride-free “kalodont”, a natural “kalodont” ... this is my advice.*

An example of the appellativisation of a Slovene name is the *Pips* brand, used as a designation for insecticidal products. The product has been in use in the Slovene market for a few decades, often as the only product of its kind, and has consequently established itself as a symbol for insecticides, while at the same time extending semantically to designate not only all kinds of chemical insecticide, but also a pressurised canister designed to spray a liquid, e.g.:

*Občinski redar sme uporabljati fizično silo, plinski razpršilec, pips, o katerem smo danes že veliko govorili ...*

*The communal law-enforcement officer may use physical force, a gas sprayer, “pips”, which we have talked about a great deal today ...*

In a further stage of development, the verb *popipsati*, meaning ‘to spray’, has been derived from the noun *pips*:

*Zjutraj, preden si daš zobe v usta, si popipsaj boleče dlesni.*

*In the morning, before placing dentures in your mouth, spray the aching gums.*

Whereas in the case of multidenotative lemmas it is difficult but still possible to distinguish between homonymous names with differing denotata, in the case of appellativisation an actual transformation of a proper noun into a common name has occurred. There are quite a number of instances of such re-categorisation of brands, for example (after Dobrovoljc 2009):<sup>4</sup>

*bluetooth* (< Bluetooth): ‘technology for wireless connection of electronic devices’

*celofan* (< Cellophane): ‘transparent, thin glossy paper from cellulose’

*džip* (< Jeep): ‘off-road vehicle’

*flomaster* and *flumaster* (< Flowmaster): ‘a felt-tip pen, highlighter, colour pen’

*iPod*: ‘a portable media player in the MP3 format; an MP3 Player’

*kalodont*: ‘toothpaste’

*kornfleks* (< cornflakes): ‘flakes from milled corn with sugar and other ingredients’

*kseroks* (< Xerox): ‘a photocopy machine’

*lycra* and *lajkra* (< Lycra): ‘stretchy polyurethane material for textiles’

*najlon* (< Nylon): ‘polyamide fibre’

*viagra*: (< Viagra): ‘a drug that men can take to improve their sexual performance’ and similar.

#### **4 DIVERGENCE BETWEEN THE LINGUISTIC AND THE LEGAL VIEW OF LANGUAGE**

The above described “life” of names that are legally categorised as industrial property and are as such protected by law is a linguistic reality that linguists, by researching language use and norms, endeavour to show with due authenticity in language resources, particularly in normative guides. The fact that individual names come to be used in a form that differs from the source form is associated with the natural variation of the function of the original name. However, such variation in use is contrary to the

4 The list was compiled partly drawing on a list of generic names published by an unknown author on Wikipedia entitled List of non-English generic and genericized trademarks ([http://en.wikipedia.org/wiki/List\\_of\\_non-English\\_generic\\_and\\_genericized\\_trademarks](http://en.wikipedia.org/wiki/List_of_non-English_generic_and_genericized_trademarks)).

interests of product name and brand name owners, who seek to preserve stability of use. Generic use, in particular, is illegal from the perspective of the brand name owner, as it may signal to competitors that the brand is withdrawing from competitive struggle (Puharič 2003: 23).

### **Demands of Brand Name Owners and their Legal Grounding**

The problematic issue concerns ZIL-1 indirectly with Article 51 (the reproduction of trademarks in dictionaries), taken word for word from Article 10 of the *Council Regulation 40/94 on the Community trade mark*,<sup>5</sup> in which it explicitly states that the reproduction of a trademark in dictionaries, encyclopaedias or similar reference works must not give the impression that it constitutes the generic name of the goods or services:

#### **Reproduction of Community trade marks in dictionaries:**

If the reproduction of a Community trade mark in a dictionary, encyclopaedia or similar reference work gives the impression that it constitutes the generic name of the goods or services for which the trade mark is registered, the publisher of the work shall, at the request of the proprietor of the Community trade mark, ensure that the reproduction of the trade mark at the latest in the next edition of the publication is accompanied by an indication that it is a registered trade mark.

This article also places limitations on the work of lexicographers from various linguistic environments where brand owners' views of the representation of trademarks in dictionaries are not uniform: some oppose any inclusion of brand names, others only require capitalisation in the spelling of the name, but almost all of them insist on an adequate definition of these terms in dictionaries, and often "their solicitors suggest to lexicographers which form is acceptable for reproduction in a dictionary" (Landau 2001: 405–407).

The fact that statutory control over dictionary practice is actually enforced is evidenced by the *Teflon* case. In 2005, the ITEM patent office representing the *Teflon* DuPont brand name demanded of DZS, the publisher of the *Standard Slovene Dictionary* (SSKJ) that, in accordance with ZIL-1, the name of this brand be adequately specified as determined by law in all subsequent editions of SSKJ. In the editing process of SSKJ, the origin of the noun 'teflon' and the derived adjective 'teflonski' in the registered trademark *Teflon* was not explicitly stated:

- **teflon:** *umetna snov iz ogljika in fluora, odporna proti kemikalijam in višjim temperaturam*: prevleči posodo s teflonom  
**teflon:** artificial material from carbon and fluoride, resistant to chemicals and high temperatures: to protect a pan with a coat of teflon
- **teflonski:** *nanašajoč se na teflon*: teflonska prevleka/teflonska posoda  
**teflonski:** referring to teflon: a coat of teflon/teflon-coated pans

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5 Source: <http://oami.europa.eu/en/mark/aspects/reg/reg4094.htm#0100>



The requirements of the brand name owner – supported by ZIL-1, expert legal opinion and the obligation of the DZS publishing house to comply with statutory provisions – left the compilers no option but to amend the dictionary: to capitalise the dictionary headword and to mark it with the registered trademark sign (*Teflon*<sup>®</sup>), with an adequate link from the adjective to its base word (*teflonski* [...] *nanašajoč se na Teflon*<sup>®</sup> ‘referring to *Teflon*<sup>®</sup>’). At that stage, taking into account both the legal provisions and a desire to preserve the conceptual integrity of the dictionary, the only compromise that the dictionary compilers were in a position to “decide on” was whether to exclude the word family (*teflon, teflonski*) temporarily from the dictionary.<sup>6</sup> At the same time, this case stimulated reflection upon future solutions in dictionaries regarding spelling rules and the inclusion of brand names, as well as popular, generic names and derivatives originating from them.

### How Do Linguists Respond?

Professional literature offers several answers to the question of how foreign lexicographers deal with the problem. An overview of lexicographic solutions suggests that the differences between dictionaries produced in Eastern European countries and those that for decades have participated in the market economy are gradually being blurred: whereas in Croatian, Czech and Slovak monolingual and spelling dictionaries brands were, prior to 2003, spelt as common names and used as such by language advisers (HJS 1999: *aspirin, najlon, teflon*; SSČ 2001: *aspirin, nylon, teflon*; KSSJ 2003: *aspirin, nylon, teflon*), two comparable German dictionaries (the Duden (2001) and Wahrig (2002) *Deutsches Universalwörterbuch*) mark brand names as registered trademarks (*Aspirin*<sup>®</sup>, *Nylon*<sup>®</sup>, *Teflon*<sup>®</sup>) and adapted variant of the brand names (i. e. Duden 2001):

*Co|gnac* ®, der; -s, -s: aus Weinsorten des Gebiets um die französische Stadt Cognac hergestellter französischer Weinbrand.

*Ko|gnak*, der; -s, -s [nach der frz. Stadt Cognac] (volkst.): Weinbrand, Schnaps: eine Flasche K.; er trank fünf K. (fünf Gläser Kognak); vgl. Cognac.

There is an even more detailed treatment of these names in the online *Webster Dictionary*,<sup>7</sup> which qualifies as brands only those names to which legal provisions in the USA currently apply (*Teflon* trademark vs. *aspirin*). For dictionaries published after 2003, however, the established statutory method predominantly applies to labelling brands and industrial products, albeit in various ways and not always consistently. An interesting solution is implemented in the *Anić Dictionary of Croatian Language* (2003) and the *Croatian Encyclopaedic Dictionary* (HER 2003), as well as on the *Croatian*

6 SSKJ has not been modified since its publication as a single-volume edition in 1995, and as such represents a coherent system with informative-normative validity within the specified period of time. Any intervention affecting the informativeness of SSKJ could therefore only be justified in terms of the revision of the dictionary as a whole. On the other hand, it is also questionable whether the dictionary would justifiably be reproduced unrevised more than ten years later.

7 Accessed at: [www.m-w.com](http://www.m-w.com)



*Language Portal*,<sup>8</sup> where a gloss on the registered name of the product is added in the so-called etymological section of dictionary entries, namely “manufacture name of the product,” but with inconsistent capitalisation: e.g., *Bluetooth* – ‘Cro. tvorničko ime proizvoda,’ but *celofan* – ‘Cro. tvorničko ime proizvoda (1911)’.

The guidelines for standardisation in foreign language dictionaries are, however, clear: if we decide to list a word in a dictionary, it must be clearly indicated – with the ® symbol or an equivalent dictionary label, or possibly with a gloss or explanation – that the item refers to a registered trademark and that we are dealing with a word derived from an object proper name. This policy should – even if only due to legislation – also be implemented in Slovene dictionaries, in which it has frequently been demonstrated that there is often a thin line between proprial and generic features in brand names, with even some current dictionary revisions failing to reflect the state of things as shown by text corpora. The solution to the problems of contemporary synchronous lexicography may not be quite as distant as it seems. It is worth mentioning the case of the *Veliki splošni leksikon* ‘The Comprehensive General Encyclopaedia’, modelled on a German encyclopaedia by Knauer, which treats brand names as registered trademarks, i.e., as proper names (*Teflon*®), while generic (common-name) designations are accompanied by an indication of the derivedness from a proper name (e.g., *aspirin* – acetylsalicylic acid, *Aspirin*®).

## 5 CONCLUSION

An overview of the names of brands in normative guides from the second half of the 20<sup>th</sup> century shows that appellativisation is so widely present, and the list of generic designations so extensive, that this process must not be overlooked. Considering the fact that language users often consult dictionaries in relation to “marginal” cases, lexicographers will have to continue to focus their editing efforts on presenting actual language use, while at the same time taking account of current legal provisions, thus satisfying the demands of both the marketing and legal professions. It should be recognised that, in the majority of dictionaries produced to date, the delineation between the proprial and the generic has often been unclear, and even contemporary dictionary revisions fail to reflect the state of things as suggested by linguistic evidence. For this reason, dictionary compilers must be allowed to produce entries that provide an exhaustive and faithful description of the meaning potential of the listed lexemes, indicating their proprial origin in alternative ways: by illustrative material or by a new entry component performing an encyclopaedic function. While continuing to address the problem, which is likely to become even more pronounced in the future, modification of the relevant legislation should be considered. Last but not least, the question is quite rightly raised as to why linguists do not participate in the creation of these legal provisions, which intervene in their field so decisively and influence the formation of future language norms.

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8 Website: <http://hjp.novi-liber.hr>

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Abstract  
BRAND NAMES BETWEEN THE RULE OF  
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The article presents the divergence between legal norms and rules of orthography with regard to respect for industrial property. In line with international guidelines, the Slovene *Industrial Property Act (ZIL-1)* endows the owner of industrial property or a brand name with the exclusive right to its use, thus enabling the owner to prohibit its inappropriate use or demand its unmodified use. On the other hand, industrial product names are also linguistic entities, facts submitted to the rules of language use, change and transformation. Frequently used names begin to be used in forms that differ from the original forms, a phenomenon that is related to the natural modification of the identification function of the original name. If such forms acquire a generic character their syntactic position is changed (they no longer appear as attributives), the initial is no longer capitalised (*Kalodont* > *kalodont*), and often the forms are phonetically adapted to the borrowing language (*Cognac* > *konjak*). As sources of information about the state of language use, language reference works present the names in these new forms. In light of the fact that brand name owners view generic use as illegal, such owners are legally bound to dispute the otherwise authentic representation of language data in language resources. Lexicographers all over the world are faced with lawyers telling lexicographers which form is allowed to be included in the dictionary. In Slovenia, we are currently dealing with a legal-orthographic dilemma regarding the use of the names *Teflon*, *Aspirin* and *Cognac*.

**Key words:** product names, brand names, multiple denotation, industrial property, normative guide.

Povzetek  
RAZHAJANJA MED PRAVOPISNIMI IN PRAVNIMI ZAKONI:  
KRŠITI ZAKON ALI POTVARJATI JEZIKOVNO RESNIČNOST?

V prispevku je predstavljeno razhajanje med pravnimi normami in pravopisnimi pravili glede spoštovanja industrijske lastnine. Slovenski *Zakon o industrijski lastnini (ZIL-1)*, ki sledi mednarodnim smernicam, namreč lastniku industrijske lastnine oziroma znamke dodeluje izključno pravico do njene uporabe in mu omogoča, da neustrezno uporabo znamke prepove ali pa zahteva nepotvorjeno rabo. Po drugi strani so imena industrijskih izdelkov tudi jezikovne entitete, danost, ki je podvržena zakonitostim jezikovne rabe, spremembam in preoblikovanjem. Pogosto rabljena imena se v rabi začnejo pojavljati tudi v oblikah, ki se razlikujejo od izhodiščne, kar je povezano z naravnim spreminjanjem identifikacijske funkcije prvotnega imena. Če taka poimenovanja dobijo generični, tj. vrstni značaj, se spremeni njihova skladenjska pozicija

(ne nastopajo več kot imenovalni prilastki), spremeni se začetnica zapisa (*Kalodont* > *kalodont*), pogosto pa je ta tudi fonetično prilagojen jeziku, v katerega je prevzet (*Cognac* > *konjak*). V teh oblikah jih kot informatorji o stanju v jezikovni rabi predstavljajo tudi jezikovni priročniki. Pravna zakonodaja pa – v luči dejstva, da je generična raba za lastnike znamk nelegalna – te obvezuje, da se na sicer avtentičen prikaz podatkov v jezikoslovnih priročnikih odzovejo. S stanjem, ko odvetniki narekujejo slovaropiscem, katera oblika je sprejemljiva za zapis v slovarju, se srečujejo leksikografi po vsem svetu, Slovenci pa se za enkrat soočamo s pravno-pravopisnim konfliktom ob imenih *Teflon*, *Aspirin* in *Cognac*.

**Ključne besede:** imena industrijskih izdelkov, znamke, večdenotativnost, industrijska lastnina, normativni priročnik, pravopis.