

Can a slogan be registered as a trademark? Practical guide

Many marketing professionals, business owners, and entrepreneurs ask themselves the same question: **Can I register my advertising slogan as a trademark?** The answer is not black and white; it depends on whether the slogan is **distinctive enough** to identify the origin of the products or services and is not limited to being a generic advertising message.

The fine line between an **advertising slogan** (not registrable) and an **indicator of commercial origin** (registrable) leads to a disparity of criteria. For example, phrases such as "The best quality" are not usually registrable because the public perceives them as routine commercial messages that do not identify the company.

With the publication of **common practice CP17** (to be applied as from April 16, 2026), EU trademark offices, including the SPTO in Spain, are unifying criteria for determining whether a slogan can (or cannot) be registered as a trademark.

Please see below our analysis of the key points to consider when **determining the feasibility of registering a slogan as a trademark.**

Considerations when registering a slogan as a trademark

We start from the premise that the slogan must be **original** and **distinctive** in order to be registered, which requires at least some interpretation by the target audience. Although a sign may simultaneously fulfill a promotional and a branding function, the determining factor is that consumers are able **to identify the origin of the product** through that phrase.

In this regard, there are a number of **guiding factors** that serve as criteria to be taken into account when **assessing the distinctiveness of a slogan**.

Depending on the circumstances of each specific case, meeting one or more of the following criteria could indicate that the slogan has distinctiveness.

For a slogan to pass the registration test, the following **technical criteria** will be particularly important:

- It has a number of meanings.
- It constitutes a play on words.
- It introduces elements of conceptual intrigue or surprise, so that it may be perceived as imaginative, surprising or unexpected.
- It has a degree of originality or resonance, and/or triggers in the minds of the relevant public a cognitive process or requires an interpretative effort.
- It has unusual syntactic structures and/or linguistic and stylistic devices, such as alliteration, metaphors, rhyme, paradox, etc.

When assessing the distinctiveness of a slogan, it is essential to bear in mind that the fact that one or more of these criteria are met does not automatically mean that the slogan is distinctive and, therefore, can be registered as a trademark. Therefore, to establish the distinctiveness of a slogan, an **overall assessment of the factors** that apply to the relevant case must be performed to allow a conclusion to be reached that the slogan can function as an indication of the commercial origin of the goods and services.

Would you like to know if your slogan can be registered as a trademark?

At **UNGRIA**, we have expert **trademark attorneys** who can advise you and analyze whether your distinctive sign meets the relevant criteria for registration as a trademark.

Please do not hesitate to contact us if you need to register a trademark.

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