



AICP Guidelines – Using Third Party Trademarks in a Spec Spot

1. Disclaimer:

A disclaimer statement should be prominently displayed in close proximity to all uses of the spec commercial indicating that the commercial is a spec spot and disclaiming any affiliation with, connection to or sponsorship or endorsement by the trademark owner. This could be accomplished as a “slate” prior to displaying the commercial. A sample disclaimer is as follows:

"The following commercial is a spec commercial. The originator of the commercial is not affiliated with, connected to, nor sponsored or endorsed by."

2. “Spec Commercial:”

In addition, AICP recommends that the words "Spec Commercial" be superimposed on the visible screen throughout the entire piece.

3. No Copyright:

All attempts should be made to avoid using materials protected by copyright law in addition to trademark law. Materials that may be protected by copyright include original works of authorship fixed in a tangible means of expression, such as film footage, literature, music and certain well-known characters (such as Mickey Mouse, Ronald McDonald, the Michelin tire man). If copyrighted work must be used, all attempts should be made to fit the use into a "fair use" defense.

4. Limit Access:

Attempts should be made to show the spec commercial only to sophisticated industry representatives who can discern the speculative nature of the commercial and not to the public at large. In this regard, efforts should be made to limit the channels through which the spec commercial is distributed (for instance, keep the commercial off the internet unless it has limited access, restricted to the trade).

5. No Disparagement:

Avoid maligning or tarnishing the brands depicted in the spec commercial.

6. No Conjoining:

Do not conjoin third-party trademarks (such as DR. PEPPER PEPSI) and always use the marks in the proper trademark manner.