

1979 WL 42976 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 2, 1979

***1 Re: Opinion Request Concerning Gasohol**

The Honorable John T. Campbell
Secretary of State
P.O. Box 11350
Columbia, S. C. 29211

Dear Mr. Campbell:

You have asked whether the word 'gasohol' may be registered as a trademark in this State so as to allow the owner to have the exclusive use thereof. It is the opinion of this Office that the word 'gasohol' may not be registered as a trademark under the laws of this State.

South Carolina Code § 39-15-120 (1976) provides in part as follows:

A trademark by which the goods of any applicant for registration may be distinguished from the goods of others shall not be registered if it . . . (5) consists of a mark which (a) when applied to the goods of the applicant is merely descriptive or deceptively misdescriptive of them . . .

The word 'gasohol' appears to do nothing more than describe what the product is, to wit, a combination of gasoline and alcohol. While the word does not appear to have been in general usage for a long period of time, it is now generally understood to be the generic name for that class of combustion engine fuels which are composed of varying proportions of gasoline and alcohol.

For the foregoing reason, it is the opinion of this Office that the word 'gasohol' should not be registered as a trademark by your office.

Very truly yours,

L. Kennedy Boggs
Assistant Attorney General

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