

1979 WL 43240 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 8, 1979

***1 RE: Opinion Concerning the Sexual Survivor**

Honorable John T. Campbell

Secretary of State

P. O. Box 11350

Columbia, SC 29211

Dear Mr. Campbell:

You have asked whether television scripts and other publications may be registered under the trademark 'The Sexual Survivor' pursuant to the provisions of § 39-15-130 South Carolina Code (1976). It is the opinion of this Office that television scripts and other publications may be trademarked and may be trademarked under the foregoing name.

[South Carolina Code § 39-15-110\(1\)](#) defines the term 'trademark' as:

... any word, name, symbol, or device or any combination thereof adopted and used by a person to identify goods made or sold by him and to distinguish them from goods made or sold by others.

The name 'The Sexual Survivor' is clearly a name which the proposed user intends to use to identify his goods and to distinguish them from goods made or sold by others. The question therefore becomes whether or not television scripts and other publications constitute 'goods' within the meaning of [§ 39-15-110\(1\)](#). It seems clear that the Legislature intended publications to come within the meaning of 'goods' which may be the subject of a registered trademark. South Carolina Code § 39-15-200(38) includes within the classes of goods for which trademarks may be registered 'prints and publications.' Since the General Assembly saw fit to include within the listed classes of goods a classification for printed or published material, it seems clear that the television scripts and publications which would be trademarked under the name 'The Sexual Survivor' would be 'goods' within the meaning of [§ 39-15-110\(1\)](#). It is therefore the opinion of this Office that the scripts and other printed matter for which the trademark 'The Sexual Survivor' is sought may be trademarked under that name.

Very truly yours,

L. Kennedy Boggs

Assistant Attorney General

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