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**Phillips Foods, Inc. Gains Rare Color Trade Dress Registration**  
*Only Phillips Foods can sell crab meat packaged in a black can*

**BALTIMORE, MARYLAND** November 10, 2009 – What does a small company selling crab meat out of Maryland have in common with consumer icons Tiffany & Co. and John Deere Tractor? All three possess a rare registration from the US Patent and Trademark Office that protects the colors identified with their brand. In June 2009, after a 3 year legal campaign, Phillips Foods Inc. was awarded the exclusive right to package and sell crab meat in a black can.

No one but John Deere can make a tractor that is green and yellow. Only Tiffany & Co. can package jewelry in boxes of robin's egg blue. Companies such as UPS and Home Depot enjoy similar protections. Those few companies that have built their brand around a color and received broad consumer identification with that color can seek trade dress registration for that color as a crucial part of their brand. Referred to as a 'color mark registration,' it gives companies specific rights to the use of their colors in an industry.

Known by consumers and chefs as the "black can crab meat," Phillips crab meat has been packaged in a black can since 1990. As the company grew and developed the market for crab meat across the nation, sales people began reporting that there was confusion among customers who thought they were buying Phillips top quality product, but were in fact getting look-a-like substitutes. Since Phillips is the No.1 selling crab meat in the country, other crab meat companies found it attractive to mimic the color and style of Phillips packaging. Phillips pursued a trade dress registration to maintain the recognition for their brand and prevent others from creating confusion in the minds of customers. Now for the first time, Phillips will be able to ensure that consumers buying crab meat packaged in a black can are indeed purchasing Phillips crab meat with the quality and consistency they have come to expect.

This color mark registration is a significant victory for Phillips and would be of interest to your readers, who care deeply about the branding and marketing of their companies.

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