

# Fine Print

A Quarterly Publication of the Ohio State Bar Association  
and Our Members

Issue 14 • Winter 2003

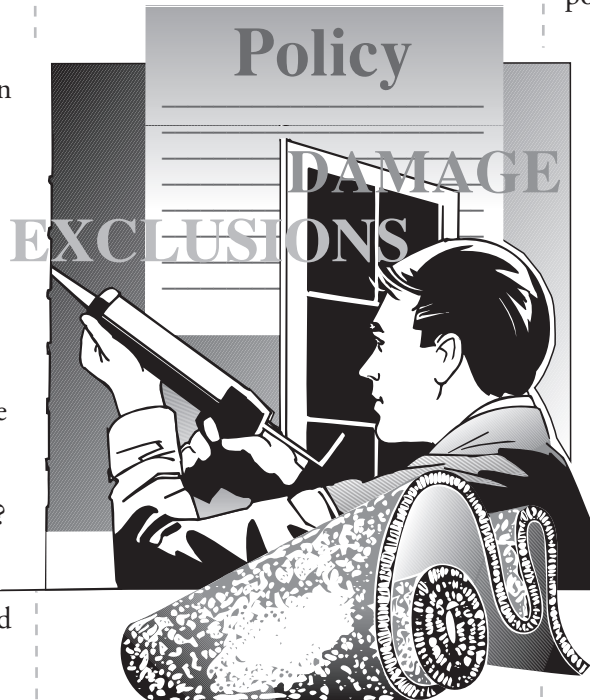
## Mold—A Small Business Concern

By Ronald B. Lee, Aaron E. McQueen  
and Brad A. Rimmel

In recent years, there has been a dramatic rise in mold-related property damage and personal injury claims across the country. Your business may feel the impact in the way of increased insurance and litigation costs. You may even experience difficulty in finding coverage.

Why have mold claims suddenly become a risk management concern? After all, mold has been in existence for ages. At least part of the answer is heightened public awareness created by media coverage devoted to mold cases.

Observers have termed mold as “the new asbestos,” and the spike in claims has sent insurers scurrying for ways to reduce their exposure. Some



carriers have simply declined to offer property coverage. Others have increased premiums or amended their

policies to include mold or fungus exclusions. Mold is therefore a concern to your business because it threatens your ability to maintain affordable insurance coverage. Possibly the most effective way to maintain coverage for mold and to cap insurance costs is to reduce the number and severity of claims. To be proactive about mold requires an awareness of what causes mold growth, the potential consequences of mold contamination, and how best to prevent mold-related claims.

So, why does mold grow in buildings? Chronic moisture is the cause. Within as little as 48 hours of exposure to moisture, molds, including the infamous “black mold,” can grow on cellulose-containing building materials. Cellulose is contained in drywall, wood, ceiling tile, carpet or insulation, and other commonly used building materials. Water intrusion can

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## Frequently Asked Questions About Trademarks

By Susan Rector

**Q:** Can a word, logo or tagline be protected as a trademark?

**A:** Yes; any distinctive word, name, symbol, device, slogan, package design or any combination of these that identifies and distinguishes a specific product or service from another can be protected.

**Q:** What is the difference between a trademark and a service mark?

**A:** Trademarks are used to identify products, and service marks are used to identify services provided to third parties (such as consumers, corporations, etc.). The term *trademark* is often used to refer to both types of marks.

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**TRADEMARKS**, cont. from page 1

**Q:** What is the difference between a trademark and a brand?

**A:** While a trademark is used to help consumers identify a product and its source, a brand generally goes beyond identifying the source or origin of goods and services. A successful brand is well known to consumers and builds authority by promising particular qualities, including intangible qualities (such as taste, durability, reliability, prestige, etc.).

**Q:** When is it proper to use the symbols TM and SM?

**A:** The symbol TM or SM is used to identify the owner of a particular product while it awaits registration with the U.S. Patent and Trademark Office (a process that can take 12 to 18 months or more). It can also indicate the use of a symbol as a mark

when trademark registration is not being sought (the owner need not have a pending federal registration to use TM or SM).

**Q:** What is the benefit of registering a trademark?

**A:** Registration puts others on notice that the owner claims rights to the mark and deters unauthorized use. Federal registration has the significant benefit of freezing prior users who have not federally registered in their geographical boundaries and gives the registrant the exclusive right to use the mark throughout the rest of the United States.

**Registration puts others on notice that the owner claims rights to the mark and deters unauthorized use.**

**Q:** How do I determine if a mark is already registered or being used?

**A:** Federally registered marks are listed on the U.S. Patent and Trademark Office Web site at <http://www.uspto.gov/>. Online databases can be searched for a fee to detect registered marks and those that are being used, but are not registered. National trademark search firms will also conduct more

exhaustive searches to determine what trademarks are being used and provide full reports of their search results.

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result from a variety of sources, including leaking plumbing, windows or doors, roof or cladding failures, subsurface drainage failures, or even poor ventilation. Damp, humid, poorly ventilated wall cavities and interior areas provide a perfect environment for mold growth.

Awareness of moisture sources and prevention of chronic moisture and water leaks are the keys to avoiding mold claims. Installation of kitchen and bathroom exhaust fans; properly operating HVAC systems; routine plumbing inspections; maintenance and inspections of roofs,

windows, and the building envelope; and maintenance of drainage systems all can work to prevent the moisture problems that cause mold growth.

Upon discovery of a water leak, first shut off all sources of moisture.

**Awareness and prevention are the small business owner's best allies in avoiding mold-related claims and containing insurance costs.**

If it is an acute water loss with fungal growth not yet visible, promptly remove water-damaged building materials and use dehumidifiers and fans to quickly dry out the area. If mold is visible or if there is an earthy or musty odor present, assume that a fungal problem exists.

According to the United States Environmental Protection Agency's Mold Remediation in Schools and Commercial Buildings, if there is less than 10 square feet of visible fungal growth present, the mold should be cleaned up and any damaged building materials removed. If more extensive growth is identified, additional steps must be taken.

For mold removal guidelines, visit the Environmental Protection Agency's Web site at <http://www.epa.gov>.

In short, be proactive. Train employees or tenants to recognize signs of water intrusion or mold and instruct

them to report or respond to the problem immediately. Awareness and prevention are the small business owner's best allies in avoiding mold-related claims and containing insurance costs.

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**Web site resource for small businesses:**

To learn about programs offered by the U.S. Dept. of Labor's Office of Small Business, go to <http://www.dol.gov/osbp>.

