

June 14, 2023

## The New Google Ads Trademark Policy Goes Live July 24

*Leo Kittay; Todd Martin*

Google has announced that it is changing its approach to enforcing the rights of brand owners whose trademarks are used by others within Google Ads. The new [Google Ads Trademark Policy](#), announced on June 8, will go into effect on July 24, 2023.

Under the new policy, Google “will accept and process trademark complaints only against specific advertisers and/or ads, rather than all advertisers in the trademark owner’s industry,” as explained in an email to brand owners. Under its current policy, Google has been taking certain steps to restrict unauthorized trademark use proactively for those brand owners who submitted a standing complaint. Now, it appears, brand owners will not have the benefit of any ongoing monitoring and will have to submit a specific complaint for each new Google ad that the brand owner believes violates its trademark rights.

The bases upon which Google will restrict an ad in response to a complaint remain largely unchanged under its new policy. Google will consider where in the ad the trademark is used and how the term is employed. Google will act only if the trademark is used in the title and/or the copy of the ad. If the mark appears merely in the ad's landing page, as a keyword, or in certain portions of the display URL, then Google will allow the ad.

Moreover, Google will act only if the trademark is used in an ad from a direct competitor and/or in a confusing, deceptive, or misleading manner. If the landing page is primarily dedicated to selling “products or services, components, replacement parts, or compatible products or services corresponding to the trademark” or “to provide informative details about products or services corresponding to the trademark,” Google will, for the most part, allow the use to continue. In one notable change, Google's new policy does not explicitly set out how its analysis might change across different jurisdictions. The current policy identifies the different approach Google now uses to analyze ad campaigns targeting the European Union and European Free Trade Association regions.

Since, under the new policy, brand owners will have to report violations each time they learn of one, it will be incumbent on companies to monitor sponsored advertising in Google search results and to act quickly to minimize the resulting harm. For those who have already filed complaints with Google against all advertisers, Google will gradually (over the next 12 to 18 months) phase out its policing and enforcement based on these complaints.

If you require assistance with monitoring or reporting sponsored search ads that you believe may violate Google's policies, please contact a Fross Zelnick attorney [here](#).