Naming AI & Software Products: Clear the Mark Before You Launch

Description

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A recent trademark dispute over the name ASTRA serves as an important reminder for businesses developing AI, software, and other technology products: **clear the name before you announce it.**

TradeSun alleges that OpenAI's use of ASTRA conflicts with TradeSun's earlier trademark rights for software. These are allegations only; the court has not determined whether infringement occurred.

The practical lesson extends well beyond this dispute. Short, memorable technology names often exist in crowded marketplaces, and a search of federal trademark registrations alone may not uncover all potential risks. Earlier rights may arise from product websites, apps, open-source projects, trade names, or other commercial uses.

Before committing to a product, platform, or AI model name, businesses should consider:

- **Conducting a trademark search early** – before investing in branding or making any public announcement.
- **Reviewing similar names and related functionality**, not just exact matches.
- **Looking beyond trademark office records** to assess marketplace uses, including domains, app stores, social media handles, and open-source repositories.
- **Rechecking the search** if the product's features, distribution channels, or intended markets change before launch.
- **Coordinating trademark filings and announcements**, including intent-to-use applications, to preserve rights and publicity options.
- **Considering international clearance early** if the product will be launched or distributed outside the U.S.

Early trademark clearance cannot eliminate every risk, but it preserves options, including naming changes, coexistence, or consent strategies, and helps businesses avoid the potentially significant costs of rebranding after launch.

How PSH Can Help

Partridge Snow & Hahn's Intellectual Property team assists businesses with trademark searches, clearance, registration, and brand protection strategies. Whether you are evaluating a new product name or protecting an established brand, early guidance can help identify potential risks and protect your investment.

For questions about trademark clearance or any of your trademark needs, please contact PSH Attorney John E. Ottaviani. John can assist with preliminary trademark screening and comprehensive clearance strategies tailored to your business.

Case Reference: TradeSun, Inc. v. OpenAI OpCo, LLC & OpenAI Group PBC, No. 3:26-cv-11360 (N.D. Cal. Complaint filed Oct. 5, 2026).

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