



TRADE MARK SERVICES

AN OVERVIEW

Why Protect Your Brand ?

Protecting your brand name as a registered trade mark should be a key consideration action point for any business. It protects you against intellectual property crime and infringement of your brand.

Potential partners, buyers, especially licensees, consultants and other interested parties, will be looking for security that the name is properly registered to you and protected for all goods and services covered by your business. A well protected and managed brand can increase the value of your company, IP rights such as trade marks are becoming an increasingly valuable asset.

What is a Trade Mark?

A trade mark is a distinctive sign which identifies certain goods or services as those produced or provided by a specific person or business.

Trade marks protect brands and other sign, symbols or "get-up" that distinguishes your products and services from others. A good trade mark can be a powerful and valuable business asset helping you to enhance consumer awareness, quality perception, stimulate demand and customer loyalty.

A trade mark provides monopoly protection to the owner of the mark by ensuring you have the exclusive right to use it to identify your goods and services, or to authorise someone else to use it in return for payment.

What types of marks are registerable/protectable?

Trade marks may be one or a combination of words, letters and numerals. They can consist of drawings, symbols, three-dimensional signs and colours. A wide range of geographical representations may be registered, including business names, logos, slogans, shapes and colours. Trade marks can be registered or unregistered.

a) Registered Trade Marks

Trade mark registrations provide territorial rights and can be registered nationally, regionally (e.g. across the EU), or internationally (up to 97 countries).

To be registerable, it is important for a trade mark to be "distinctive". This means it cannot be too generic or descriptive (i.e. it merely describes the goods/services that it is intended to relate to).

Once registered, a registration can remain in force indefinitely, subject to payment of renewal fees every 10 years and genuine use being made of the mark.

Preventing infringement (unauthorised use) of your registered rights

If you have a registration you will be able to take action in the country the mark is registered in to defend against a third party using the registered trade mark, or anything confusingly similar. This can be in any style or font, in relation to identical or confusingly similar goods or services to those covered by the registration.

b) Unregistered Trade Marks

Trade mark registration is not compulsory. Your trade marks also acquire some protection automatically through their use in a commercial context, whether directly in connection with your products or in your marketing and advertising. This type of protection does not require registration, but is not always as strong as the protection provided by a registered trade mark.

The Process

Trade mark applications are made in "Classes" that cover the goods and services you offer. Once we have a clear idea of what these are we will identify the classes to apply in and then carry out "Clearance Searches", using a number of tools, to investigate if the trade mark you are looking to register is already in use. These searches also identify trade marks that look similar to your brand and have similar goods and services.

We then draft "Specifications", the specifications further detail the goods and services offered in each class and will ensure that your brand is comprehensively protected. Once the specifications have been approved we make the application(s). An application in the UK can take around 6 months to proceed to registration, in the EU and internationally this takes at least 12 months.

Why you should use Harrison Clark Rickerbys

You will get expert advice on the best strategy to protect your brand and how to create an attractive and robust IP portfolio.

We will undertake clearance searches and draft robust specifications to ensure your trade mark application has a higher chance of progressing to registration.

Getting protection for your trade mark outside of just the UK requires a well-connected and experienced IP specialist. Trade mark applications outside of the UK can be much more complicated and time-consuming, we have the expertise to make applications in a number of countries and have an international network of trusted agents for those applications we are not authorised to complete.

If the worst happens and someone copies your brand, we will be able to advise you on the best course of action and achieve results quickly.