

brief guide to trade marks

What is a Trade Mark?

A Trade Mark is a sign which distinguishes the goods and services of one business from those of another. It can be a word, a logo, a Company name, a shape, a sound, a colour, even a smell, or any combination of these.

Why do I need one?

A business can spend a lot of time and money developing a product or service, registering a Trade Mark allows the user to identify that it has come from a particular company.

Registering your Trade Mark gives you exclusive right to use the mark for all goods and services covered by the registration in the Country concerned. This allows for new products or services to be introduced under the same Trade Mark helping to develop brand loyalty.

By registering your Trade Mark you can prevent others from registering or using the same or confusingly similar marks. Simply registering your Company name or a domain name does not achieve this.

Trade Marks can become extremely valuable assets, worth many millions of pounds. They can be sold or licensed which can provide a valuable source of income for a business.

How do I stop others infringing my Trade Mark?

A registered Trade Mark allows you to take legal action against anyone who uses your Trade Mark without your permission. The principle test under Trade Mark law is whether there is a likelihood of confusion due to similarities between the mark and between the goods or services. By taking early action a registered Trade Mark owner can maintain the reputation built up under the Trade Mark.

A registered Trade Mark also allows Trading Standards Officers to bring criminal charges against anyone attempting to supply counterfeit goods bearing the Trade Mark.

How will others know whether my mark is protected?

When a Trade Mark is registered the owner is allowed to use the ® symbol.

Can I register anything as a Trade Mark?

There are strict rules which need to be adhered to when making a Trade Mark application. For example, the mark must be distinctive and must not be descriptive or offensive.

Where can I register my Trade Mark?

It is possible to register a Trade Mark in most countries in the world. Applications can be by way of a single national application or covering multiple countries via the International Protocol or the Community Trade Mark

Do I have to renew my protection annually?

No. In the UK the registration period is 10 years and the mark can be renewed at the end of that period for further 10 year periods. Most other Countries have a similar registration period; your Trade Mark Attorney can advise you further.

Why use a Trade Mark Attorney?

A Trade Mark Attorney will guide you through the process of registering your Trade Mark from application to registration and beyond.

We will discuss with you where you plan to use your mark and advise you on the most cost effective options for providing the cover required .

We will undertake the relevant searches on your behalf, interpret the results and advise you as to the registrability of the Trade Mark.

We will tailor your application in order to maximise the chance of swift registration and minimise the risk of objections .

We will interpret the 'legalese' and correspond on your behalf with the UK Intellectual Property Office and other official bodies as appropriate.

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Should there be any objections we will advise you as to the best way of overcoming them, negotiate on your behalf with a third party or appear, if necessary, before a Hearing Officer.

Once your Trade Mark is registered we will place it on our records and ensure that future renewals are carried out in a timely and efficient manner.

We can also provide a Trade Mark watching service to give an early warning of any potential conflicts with your mark, advising you of the appropriate course of action and handling any oppositions on your behalf.

We will also advise on any infringement of your marks and take action as necessary to protect the value and integrity of your Intellectual Property assets.

How much does all this cost?

A UK Application can cost as little as £550. Just over £1 per week for the 10 year period.

How do I find out more?

For more information please contact us on the phone number or at the address below.

Or visit our website www.nucleus-ip.com

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