

brief guide to watching service

Proactive Trade Mark watching is one of the most important tools at your disposal to protect your brand.

Nucleus IP's watching service will notify you of potentially conflicting later filed applications.

When a conflicting Trade Mark application is found our legal team will advise you of the options available should you wish to contest registration of the mark.

Today, many companies consider Trade Mark watching as a "must have" to help protect their valuable brands and to manage business risk.

Did you know that someone else could register an identical mark for the same goods or services as your registration?

In order to save cost it has become increasingly common for small and medium sized businesses (SMEs) to try and register marks themselves.

The vast majority do not seek advice from a Trade Mark Attorney and mistakenly believe that their registration will automatically prevent a third party from using or registering an identical or similar mark.

Unfortunately this is not always the case.

Whilst registering your mark gives you the legal right to prevent another party from

registering or using an identical or confusingly similar mark; the vast majority of SMEs are often unaware that it is possible for a third party to obtain a registration even if it conflicts with their earlier mark.

As the owner of a prior registration a watching service will give you advanced warning of later filed conflicting marks so that you can raise an objection before the later mark becomes established.

Surely the UK Intellectual Property Office will prevent anyone else registering a mark the same as mine!

Unfortunately not. The UKIPO will only advise owners of UK registrations of any applications which are identical to their own or fall within a narrow band of similarity. They will no longer object officially to an application; it is for you to do that having sought advice from a qualified Trade Mark Attorney.

However, if your mark is a Community or International Trade Mark registration you will not automatically be notified of any potentially conflicting applications. The onus is on you to be aware of such applications and take action yourself.

What can I do to prevent this from happening?

Every week the UKIPO publishes a Journal which lists accepted applications. You can look through the Journal and see if there are any applications which conflict with your registration.

There must be an easier way than that!

There is, it's called a Trade Mark Watching Service.

How does it work?

Nucleus IP is able to devise a watching strategy to suit each client's needs. This can cover individual Countries, Continents, the European Union or Worldwide. We can watch solely in relation to the goods or services of interest to your business, or in relation to other specified goods and services as required.

We look through the journals on your behalf, using specialist search techniques and computer programmes, searching not only for identical marks but also similar marks where the goods or services claimed are identical or similar to those covered by your registration.

We then inform you, by email, of any applications which could be of concern to you.

What happens then?

If you are concerned about any of these applications and wish to file an opposition we will be happy to advise you and handle this on your behalf.

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This brief guide was prepared as an overview of the subject matter. It is not intended as a substitute for considered advice from one of our attorneys and should not be relied on as such.

This all sounds great...but very expensive!

Not at all.

For example, to watch your Trade Mark in all twenty seven countries of the European Union costs only £65.00 a year.

To demonstrate the value of our watching service we offer up to twelve months watching free of charge for any new mark registered by us or transferred to us.

How do I sign up?

Contact Nucleus IP Limited on the telephone number or at the address below.

Or visit our website www.nucleus-ip.com