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Patent and Trade Mark Attorneys

**A Comprehensive Guide To Protecting
Your Brand:
Trade Marks and Other Assets**

Stephanie Burns

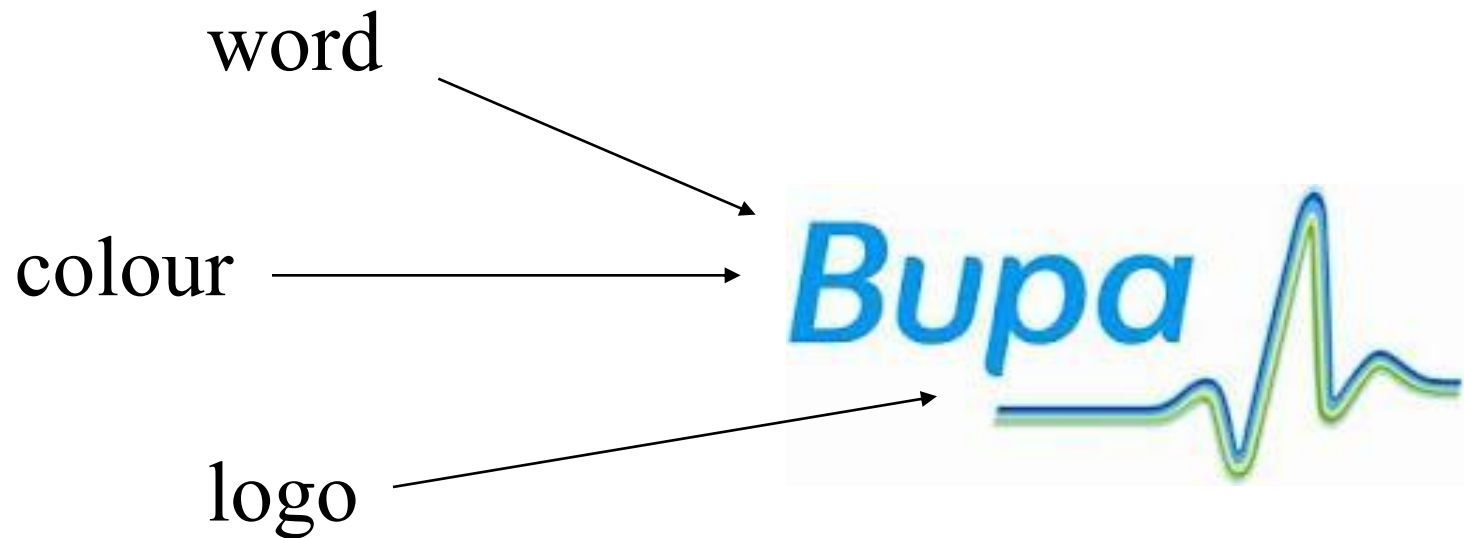
What is a Trade Mark?

- A trade mark is any sign which differentiates the products and services offered by your business from those of your competitors.
- Word, slogan, logo, colour, even sounds or smells!



What is your brand?

- Trade marks - words, logos, product names, "get up", slogans, colours



Factors to consider when choosing your trade mark

- Distinctive?
- Clearance searching - is the trade mark free for use and registration?
- Copyright?

Why register?

- Defensive
- Offensive
- Strategic

Company names - facts to bear in mind

- Registering a company name does not provide trade mark protection
- Possible to take action against an identical (or virtually identical) company name - i.e. Kodak Cameras Limited v Kodaks Cameras Limited
- Recommended to monitor company name register - "www.companieshouse.gov.uk"

Overview

- Ensure that brand name, product names and services offered by your business are protected by trade mark registration
- Ensure that clearance searches are carried out prior to registration and commitment to a particular brand name
- Be vigilant to ensure that you guard against misuse of your trade marks by third parties

Trade marks and the Internet

Misuse of your trade mark:

- domain names
- Social media - Facebook, Twitter etc
- eBay

Trade Marks and the Internet: Domain Names

- Check whether your desired domain name is free for use and registration - use the Nominet "WHOIS" service.
- If the domain name has been registered - might point to legitimate third party use
- OR may point to an abusive registration - what then?

Trade Marks and the Internet: Domain Names

- Nominet Dispute Resolution Process
- Outcome
- Other options

Trade Marks and the Internet: Social Media

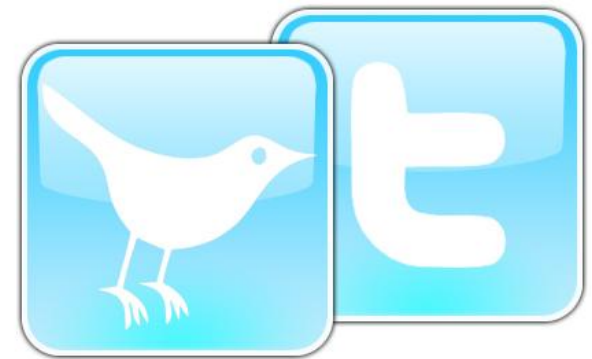
- Facebook - process for objecting to an infringing URL

The Facebook logo, consisting of the word "facebook" in white lowercase letters on a blue rectangular background.

facebook

Trade Marks and the Internet: Social Media

- Twitter - process for objecting to the misuse of your brand identity



Trade Marks and the Internet: eBay

- eBay has been the subject of much recent litigation and is frequently misused by others who wish to sell counterfeit or infringing goods
- eBay: VeRO programme



Trade marks and the Internet - overview

- Be proactive - register domain names, Facebook and Twitter accounts before a third party and at the same time as filing a trade mark application.
- Appoint an individual within your business to monitor your trade marks on the Internet especially on social networking sites and eBay
- Considerably more labour intensive to take action to recover domain names or social media accounts if you have no registered trade mark.

Any Questions?

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