

Marks&Clerk



Brand Protection and Brand Value

**High Value Manufacturing Class of 2008
New Hall, Cambridge**

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Today

-Creation

-Protection

-Something Real

Creation of Trade Marks

- Brand names are the most common form of trade mark: the name is the central component of the brand
- Trade marks must be sufficiently distinctive, in their field, to achieve registration
- Care is needed to ensure that the brand name is capable of fulfilling both marketing and legal roles
- Invented, arbitrary and suggestive names are the strongest trade marks; numbers, letters and descriptive words are the weakest

Creation of Trade Marks (cont)

- Your brand may be your company name
- Need to register name as a trade mark at the UKIPO
- Rights granted to first to apply
- Accelerated procedure available
- Registration at Companies House grants no rights!

Creation of trade marks – what can you protect?

- Huge range of different signs are registrable:
 - Words
 - Slogans
 - Logos
 - Shapes of goods or packaging
 - Colours
 - Smells
 - Sounds

Protection

- Plan ahead – allow at least 6 months in UK to achieve registration
- Futureproof
 - What goods / services?
 - Where?
 - Identify associated IPR
 - Ownership?
- Cheap – UK £500; CTM £2000
 - EU – 27 member states
 - Use as basis for international protection – US, JP, CN etc..
- Monitor competitors pre and post-registration
- Use – as registered

Case study

GREEN COAL

IWI Holdings Ltd



Waste-derived solid fuels; waste recycling / treatment

Trade mark registered in UK and EU

Blocked rival application by Mitsui Babcock

(UK patent granted for method of processing organic waste)

Benefits of registration

- Turns your brand into an intangible asset
- Clarifies your rights
- Deters competitors
- Enables you to stop third party use / registration
- Unique defence to UK infringement claim
- Creates revenue generating opportunities

Exploit untapped value

Make the most of your brand portfolio

Unused marks: opportunity to create income by selling or licensing

LiquidIP

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