

# WIN TRADE MARKS

## Should you register your trade mark?

Check the applicable boxes below to find out:

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You are promoting your business to Australians and earning revenue from Australian customers

You don't need a trade mark in Australia unless you intend to grow your business in Australia over the next few years. If you're trading in other countries you may want to consider applying for a trade mark in those countries as well.

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Your brand meets the legal requirements for Australian trade mark registration

Not all business names, logos or tag lines are capable of being registered under the *Trade Marks Act 1995*. To be registered, your trade mark must be distinctive (section 41) and must not be substantially identical with or deceptively similar to another mark that has already been registered (section 44).

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You intend to use your brand for 3 years or more

A trade mark registration lasts for 10 years so it's probably not worth getting your trade mark registered if you don't intend to use it over the long term.

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It would cost you more than \$1,500 to change your business name and/or branding

If the cost of changing your name or branding is high then trade mark protection may be appropriate.

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It would cost you more than \$1,500 in lost customers, lost SEO and decreased market recognition if you had to rebrand

Trade mark registration can protect you against the indirect costs that may arise if you have to rebrand.

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You are emotionally attached to your branding

If you want to keep your business name and/or branding, even though it may be cheaper to change it, then you should consider protecting it with a registered trade mark.

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You are prepared to defend your trade mark rights

As a trade mark owner it is your responsibility to enforce your trade mark rights. If you're not prepared to do that then your trade mark registration will lose its value and effectiveness over time.

If you ticked yes to one or more of these items then you should consider protecting your brand with a registered trade mark. Before making a decision, it's best to seek professional advice specific to your business. You can schedule a free telephone consultation with Lisa Win, registered Trade Marks Attorney, by clicking the link below.



**BOOK FREE  
CONSULTATION**