

WIN TRADE MARKS

Should you apply for a registered trade mark?

Check the applicable boxes below to find out:

- Are you promoting your business in Australian and selling to Australian customers?
Business name registration in Australia does not give you legal rights to the name. If you would like exclusive legal rights to use a name then you will need a registered trade mark. If you're selling to people in other countries you may want to apply for a trade mark in those countries as well.
- Do you intend to use your brand for 3 years or more?
A trade mark registration lasts for 10 years so it may not be worth getting your trade mark registered if you don't intend to use it over the long term.
- If you had to change your business name or brand, would the financial cost be high?
If you don't have legal rights to your business name or brand then you will not be protected if you are involved in a dispute. This means that you may decide to change your brand to avoid legal issues. If the cost of changing your branding is significant then trade mark protection may be worth the investment.
- Would you lose customers, brand loyalty or SEO progress if you had to rebrand?
Trade mark registration can protect you against the indirect costs that can arise if you have to rebrand.
- Are you emotionally attached to your branding?
If you would 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.
- Can your trade mark actually can be registered?
Not all business names, logos or tag lines are capable of being registered as a trade mark. Trade mark registration is a legal process and there are a number of complex legal tests that must first be satisfied. Many businesses waste money trying to register a trade mark that does not meet those requirements.
- Will you take appropriate action if someone infringes your trade mark rights?
A registered trade mark can be very effective at preventing issues from arising, however, sometimes problems still arise and it may be appropriate to deal with a business who is infringing your rights. This is not always an expensive process but enforcement of your trade mark rights will ultimately rest with you.

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

Book consultation

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