



## Top tips on how to protect your brand

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Your business' name or logo is a vital part of your corporate identity - it appears on everything from your office door, to all your stationary and marketing materials. Despite this, alarmingly few businesses are taking the fundamental step of registering theirs with the Intellectual Property Office. Our recent survey showed that although over a fifth (22%) of small businesses are spending in excess of £5,000 on developing and producing their branding, a huge 85% of small businesses haven't taken the step of registering their trade mark, putting the brand they've invested in at risk.

### **Top tips to help any trade mark application go as smoothly as possible:**

1. Registering your company or product name with Companies House or owning the website address does not give you any trade mark rights. The only way to be certain of trade mark protection is to get the name registered at the Intellectual Property Office.
2. Do your homework. Check that the name you want can be registered as a trade mark, that it's available for use at Companies House and whether the internet domain name has already been taken.
3. Avoid being too literal or descriptive with your company or product name. Names such as Designer Leather Bags won't be accepted, nor will misspelt words such as Letha Bagz.
4. Choosing made up names is one of the easiest ways to a successful trade mark application. It's one of the reasons brand names such as Viagra, Accenture and Yakult come about.
5. Research your classes. Two companies can own the same trade mark as long as they are registered for different products. To make sense of what products are similar the trade mark registries operate a system of classes. You may need to register your trade mark under more than one of these, for example if you provide catering services as well as cleaning services.
6. Be thorough. A registered trade mark lasts for ten years before renewal fees are due, and once it's registered you cannot increase the scope. So if you currently only sell clothing but are harbouring a desire to expand to make-up, then it's worth applying for that class, otherwise you have to start and fund a second application from scratch.

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7. Don't delay your application. Too many businesses put it off until too late when someone else has already registered the company or product name they have been using. They then have to rebrand and start trading under a new name, which can be a very costly process.
8. When applying for a trade mark, it's also a good idea to think about the long-term plans for your business, for example, do you plan to expand overseas? If so a Community Trade Mark covers all 25 EU countries, including of course the UK, although it's about triple the UK price.
9. You can't register a trade mark that includes a famous name or brand, for example Mike's Armani Shop.
10. The DIY approach to registering your trade mark may seem like the most cost-effective route, but any mistakes made in the complex and time consuming process will result in your application being rejected. Almost half of direct applications to the Intellectual Property Office fail (figures from 1998-2005) and its fees are non-refundable.

Applying for a trade mark is undoubtedly a complex process, but concerns over errors or worries about cost shouldn't deter you. Our expert advice and easy online application has seen us achieve a success rate of 94% of applications filed, and our fees are only payable for names and brands that are successfully registered. As some unfortunate businesses can attest, the cost of registering a trade mark is negligible in contrast with the price of entirely rebranding your business.

*For more information on how to apply for a trade mark go to [www.trademarkdirect.co.uk](http://www.trademarkdirect.co.uk) [1]*

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