



Why having a trade mark is vital

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World Cup fever is about to hit and businesses large and small are looking to capitalise in any way that they can. FIFA, however, is well aware of the opportunities that the event presents and has taken stringent steps to ensure that the value of its brand is protected.

The incredibly strict trade marks FIFA has placed on its intellectual property at the competition demonstrate the power of the trade mark. FIFA has acted to protect its sponsor's investments. FIFA are sending offside any companies breaching this by employing their own squad to monitor external activities. Advertising phrases banned for anyone but sponsors include World Cup 2010, South Africa 2010 and Football World Cup.

FIFA's strict patrolling of its trade marks is clearly demonstrated in the case of a small South African pub, Eastwoods Tavern, located near to one of the stadiums. The pub was shown the red card after displaying a sign which uses the phrase 'World Cup 2010', breaching FIFA's rules.

However, there are opportunities for businesses to capitalise on the World Cup this summer when promoting their products and services. Awareness of the football this summer is extremely high, so relating your small business to the football doesn't have to breach any of the rules, just as long as you don't use any of the trade marked terms - for example, a supplier could offer a discount for every goal England scores this summer as long as there is no advertised mention of the World Cup.

It is understandable that small businesses want to emulate the success of a big brand, but trying to piggyback on the success of big businesses can often backfire. A crucial law to be aware of is that you cannot register a trade mark that includes part of a famous name or brand - if a clothing boutique called itself, for example, Anna's Prada store, it would be infringing Prada's trade mark.

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Ignorance offers no protection, as Trade Mark Direct client Frazer Evett, who runs an ethical clothing company now called the Christian Clothing Alliance, discovered. In January Frazer received a telephone call from another clothing company to inform him his business name was infringing the trade mark protection. Frazer's company name shared a number of words with the other clothing business' trade mark registered name, a inescapable issue that would go on to cost Frazer's business almost £30,000. Having undergone a complete rebrand and much soul-searching about the future of his social enterprise, Frazer has now relaunched his business with full trade mark protection.

Registering your trade mark is a relatively small cost compared with the value of your brand, but registration is a complex process and getting it right first time is essential to avoid losing all your application fees and valuable time. Trade mark registration services such as Trade Mark Direct offer a quick, professional service to ensure your trade mark application is successful.

A top tip for small businesses is to 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. Finally, make sure you understand the rules before worrying that your name is already registered; businesses can be registered under the same name as long as they provide different products or services.

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