

## Trade marks domain names and company names

### What are the differences between trade marks, domain names and company names?

It is a common misconception that registration of a company name provides trade mark protection and exclusivity. Whilst it is true that registration of a company name precludes a third party from registering the identical company name, it does not stop a third party from registering or using the distinctive part of the company name as a trade mark.

Similarly, registration and use of a domain name does not provide trade mark protection. This misunderstanding is in part due to the fact that there are multiple authorities which govern the registration of trade marks, company names and domain names.

These are best summarised as follow:

- Trade marks – The UK Intellectual Property Office (UKIPO) and the Community Trade Marks Office (OHIM)
- Company names – Companies House
- Domain names – Nominet for UK domain names

All three authorities are regulatory in nature and provide appropriate mechanisms for dispute resolution where a conflict exists. Businesses today often use the trade mark, domain name and company name triumvirate to promote their products and/or services.

Given that the three registration authorities operate independently of one another and do not provide an effective cross reference facility, it is imperative for businesses to seek appropriate legal advice to assist them in understanding the processes and to navigate through this intellectual property minefield.