

How to choose your trade mark

Choosing a trade mark for your new company or product can be a daunting prospect, particularly as the mark you choose will be the main tool on which consumers will rely to recall your brand. For this reason, it is best to create a strong trade mark at the outset to ensure that your brand stands out from the crowd and ultimately adds value to your business.

We have listed below a number of points to consider when developing your trade mark:

1. A trade mark must be distinctive in relation to the goods/services concerned.
2. A trade mark cannot be registered if it describes the goods/services to which it relates.
3. Invented words tend to be preferred from a legal standpoint, plus, they also make businesses or products stand out amongst competitors, e.g. Kodak, Xerox, or Microsoft.
4. Avoid using words that are descriptive of any aspect of the goods/services for which you intend to use and register your trade mark, e.g. avoid words such as 'hops' or 'drink' in relation to beer or 'dairy' or 'cow' in relation to milk-based products.
5. It is possible to register descriptive words in combination with distinctive (and non-descriptive) words, however, the protection afforded by the registration will be in the overall combination of those words.
6. Descriptive words can also, in some cases, be registered in combination with a distinctive logo, however, as highlighted above, the protection afforded by the registration will be in the overall combination.
7. Avoid words commonly used in relation to goods/services for which registration is sought, e.g. 'REJUVINATE' in relation to cosmetic products.
8. Avoid choosing a trade mark that is too similar to someone else's trade mark or brand name - this will make the process of applying to register the trade mark considerably easier, and will improve the chances of successfully obtaining a registration.
9. It is important to think of the longevity of your trade mark and not limit yourself to specific goods/services too soon, i.e. by including references to them in your trade mark.
10. Once you have decided on a trade mark, we are happy to assist you by undertaking searches in the relevant territories in which you intend to use/register the trade mark so as to check whether there are any obvious third party rights which might pose a problem to the use/registration of your trade mark.

We can file applications directly in the UK and EU, as well as in approximately 100 different territories if designated via an international application. We have strong working relationships with associates in territories all around the world who can assist if and when required.