

# A QUICK GUIDE TO TRADE MARKS

Trade marks give your business a unique, protectable brand which is readily identifiable by consumers.

## CHOOSING A STRONG TRADE MARK

Be as inventive and distinctive as possible.

### DISTINCTIVE



VS

### GENERIC



Once an "APPLE" was just a piece of fruit. Now it is an instantly recognisable technology brand and is protected as a trade mark.

Everyone knows an APPLE is a fruit and that is why an apple vendor or supplier could not trade mark this word.

## TRADE MARKS MAY BE...

### WORDS



You can trade mark a word as long as it relates to the product or service it is used for and is not descriptive of that product or service.

### PHRASES



A tagline or a slogan. Take care to distinguish a phrase from an advertising campaign. Kellogg's applied for and failed to get a trade mark for "THE ORIGINAL AND BEST".

### COLOURS



Colours can be registered so long as they can be described in words. Cadbury is perhaps the most notable example having successfully registered "the colour purple".

### LOGOS



Logo marks consist of a figure or word marks incorporated as part of a figurative mark.

### SOUNDS

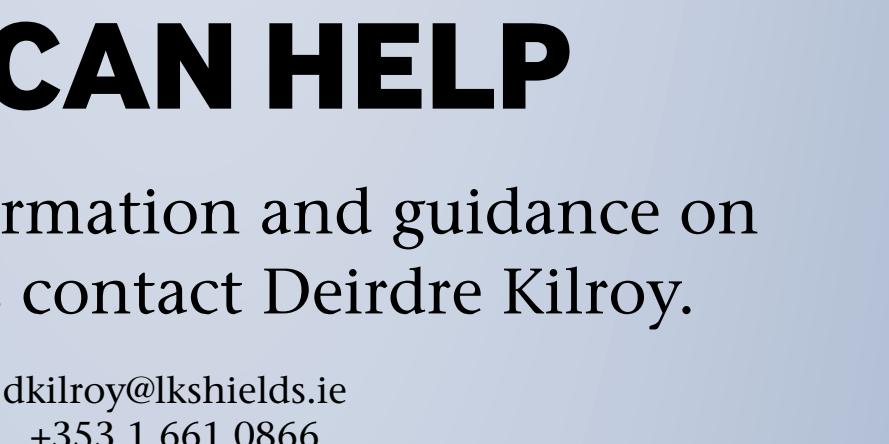


A sound or melody with a distinctive recognition effect can be trade marked. The sound must be reproducible graphically, for example, using notes.

## HOW TO REGISTER A TRADE MARK



### STEP ONE CHOOSE A UNIQUE MARK



### STEP TWO DECIDE WHERE YOU WISH TO REGISTER YOUR MARK

Different countries have different requirements.

### STEP THREE CONDUCT A SEARCH FOR ANY OTHER SIMILAR MARKS OR LOGOS THAT ARE TRADE MARKED



### STEP FOUR FILE YOUR TRADEMARK WITH THE RELEVANT BODY AND WAIT TO SEE IF ANYONE OBJECTS OR CHALLENGES YOUR APPLICATION



### STEP FIVE USE YOUR REGISTERED MARK AND CONSIDER LICENCES



## WE CAN HELP

For more information and guidance on trade marks contact Deirdre Kilroy.

dkilroy@lkshields.ie  
+353 1 661 0866  
@DeirdreKilroy  
www.lkshields.ie

