

## Copyright & Trademarks

We answer your seven most common questions on Copyright and Trademarks:

### 1. What is copyright?

Copyright is the protection granted by law to books, works of art, music and computer software, amongst others. The person who creates the work has the right to prevent others from copying, distributing, renting, broadcasting or performing the work without his or her permission. It can be owned by both individuals and businesses.

The copyright in a work cannot be registered anywhere, so it can be difficult to establish ownership of copyright. Proof of ownership can be as simple as storing a copy of the work in a sealed envelope with a respected third party or sending yourself a copy of your work in a self-addressed and clearly post marked envelope.

However, trading names, slogans and logos are often not capable of being protected by copyright. Businesses instead use trademark registration to protect their brand.

### 2. What is a trademark?

A trademark is a trading name or a logo used by a business or an individual to sell its goods or services to customers or clients. It is also referred to as a 'brand name'. For example TESCO®, COCA-COLA®, BP®, SONY®, and CADBURYS®. Brand names can be incredibly valuable assets to a business as consumers associate brands with certain levels of quality, service or other expectations. If brand names were unimportant then counterfeiters would not need to commit the offence of forging the brand name on their counterfeit goods.

### 3. How do I protect my Trademark?

The best form of protection is to register your Trademark. This is obtained by filing an application at the UK Intellectual Property Office. The UK IPO will issue a certificate which is your confirmation of ownership of your Trademark.

### 4. What is the benefit of registration?

Once you have a trademark registration you can prevent competitors using an identical or similar trademark to yourself, if their goods and services are too similar to yours. It is also a protection against being sued by a competitor who claims that your Trademark is too similar to its earlier registered right.

### 5. I have the company name registered at Companies House. Isn't this enough?

Unfortunately not! By registering a company name you are not awarded the same protection that you gain through a Trademark registration. Companies House does not notify you of any new applications for similar names, and will permit the registration of similar names. This will also not prevent a company of a different name trading under a name similar to yours, for example, J.S.Electricals Limited trading as "John's Television Rentals".

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### 6. Is it worth it?

Prevention is cheaper than cure. Imagine you have spent thousands of pounds in preparing the launch of your new brand. The day you launch you receive a complaint from a third party/competitor. A trademark would provide a defence against their claim for trademark infringement. A few hundred pounds in applying for a trademark could prevent thousands arguing about who came up with the name first. Or perhaps, you never registered your trademark, but they did. The application process would have identified the competitor's earlier trademark and allowed you to either think of a new trademark, or looked at ways of overcoming their earlier right.

Perhaps you have built up a reputation in your brand in (for example) the South East. A competitor starts using your mark in respect of inferior products or services in the North West. It would be virtually impossible to stop that competitor if you are only able to show you have earned a reputation and goodwill in the South West, and not the North West. If you had obtained a trademark registration you would be able to stop that competitor even if you are only using the mark in one area in the UK. The registration has effect throughout the entire UK.

### 7. Does a Trademark registration last forever?

Not automatically. The registration runs for ten years from the date your application was filed. But it is possible to renew a registration for further ten year periods.