



Trade Marks

What is a trade mark?

A trade mark protects the name, logo or branding style of a company or person responsible for producing products or services.

It's a clear identifier which helps customers ensure what they buy is genuine, authentic and of suitable quality. Many customers will pay a premium for reputable goods or services.

Having good and protected branding in place is an essential part of your business success. It is very important to think carefully from the beginning about this and establish your marketing strategy. Furthermore, if you pay someone to design a brand name/logo for you, they may own IP rights in it, so make sure you clarify the ownership - in writing, in advance.

Once registered, a trade mark prevents others from using the same or a similar mark for the same kind of products and/or services. It therefore becomes a valuable business asset.

In MedTech for example, a trade mark registration could protect the name or logo of a drug, a diagnostic kit or surgical instrument. This could be an essential tool in helping to commercialise these products. The commercialisation of protected IP provides a valuable source of revenue, which benefits patients, staff and the progression of healthcare as a whole.

What is the process?

Prior to filing a trade mark application it is always advisable to perform a search to try to identify in advance whether somebody else already has pre-existing rights in your intended mark. If you are using a mark that infringes somebody else's rights, you are at risk of being fined, of court orders to deliver up or destroy your branded stock and/or a forced re-brand. This can be expensive and devastating to a business.

In the UK, trade mark applications are made to the Trade Marks Registry, part of the UK Intellectual Property Office (IPO). It is advisable to instruct a Trade Mark Attorneys to draft and file your trade mark specification application.

Goods and services are divided into 45 classes. Trade marks must be sufficiently distinctive and distinguishable from earlier registered marks covering similar products or services. A Trade Mark Attorney can discuss your product or service, whether it meets the criteria for protection and the relevant classes under which it requires protection. For example, marks that are deemed descriptive of your goods and services are refused registration.

After filing, the Registry will issue a report detailing any objections, including similar trade marks which could block registration. The application will be advertised in the Trade Marks Journal for up to three months and businesses with similar trade marks will be notified. A Trade Mark Attorney will counter any objections and, if agreement is reached or if the application is unopposed, the trade mark will be registered and you can use the ® R symbol on your branding..

The value of trade marks

UK trade marks are registered for 10 years, after which they can be renewed indefinitely by paying renewal fees each decade. UK trade marks can form the basis of an international trade mark application which can be extended into countries all over the world.

Registered trade mark rights can be enforced against infringers to seize/destroy counterfeit stock, force a competitor to re-brand or re-name a similar product, claim financial damages and regain ownership of 'cyber-squatted' domain names or Adwords.

As with all IP rights, trade marks are valuable business assets which can be sold or licensed to third parties for royalties.



Trade Marks

The UK trade mark database

Trade marks registered with the UK Intellectual Property Office are publicly searchable on a national government database: <https://www.gov.uk/search-for-trademark>

The NHS has multiple trade mark registrations, with one example shown below.

Intellectual Property Office

[New search](#)

Trade mark number
UK00002139445

Status
Registered

[View historic details](#)

[Display content without](#)

[Overview](#)
[List of goods and services](#)
[Names and addresses](#)
[Publications](#)

Trade mark

Dates

Filing date	Date of entry in register	Renewal date
17 July 1997	24 April 1998	17 July 2027

International trade mark applications

A trade mark is only enforceable in countries where it is registered and different territories around the world have their own trade mark application systems and requirements.

Filing a first trade mark application in any territory immediately initiates a 6 month 'priority' period within which you can apply to protect the same mark in other countries whilst keeping the benefits of the first filing date. Achieving registrations abroad for the same trade mark after this 6-month period may still be possible, but not making use of

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the priority period risks allowing others to gain intervening rights in these territories instead.

Different routes are available for filing abroad, including filing applications directly with individual countries.

Multi-country filing systems also exist. For example, a European trade mark covers all EU countries with one registration. A Madrid Protocol application initiates the filing process in most countries around the world at once. It would later need to be decided in which countries to pursue granted trade mark registration. An IP professional can help to determine which may be the best route in each case.

First Steps?

If you want to talk through trade mark potential for your innovation, contact us:

Tel: +44 (0) 1223 422 422

Email: enquiries@healthtechenterprise.co.uk

Website: www.healthtechenterprise.co.uk

ip21 are one of our partner firms who are experts in IP law as patent and trade mark attorneys.

They will also be happy to help with any legal questions or general IP advice:

Tel: +44 (0)1603 457008

Email: info@ip21.com

Website: ip21.com

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