

1 chapter

Trademark

Introduction to Business
DPBA 1113

Instructor Lecture PowerPoints



World Intellectual Property Organization (WIPO)

- international organization designed to promote the worldwide protection of both industrial property (inventions, trademarks, and designs)
- began operations in 1970 and became a specialized agency of the United Nations in December 1974.
- It is headquartered in Geneva.
- It promote the protection of IP through the world



Intellectual Property rights

IP is protected in law by, for example, patents, copy right and trademarks, which enable people to earn recognition or financial benefit from what they invent or create

Trademark



is a distinct symbol, logo, word, or multiple words that are legally registered or established through their use as representing a company or product brand.

Validity- the period of 10 years renewal must be obtained.

Types Of Trademark

- ✓ Color trademark

Single Color

Very unusual in trade and can be recognized by trader and consumers

E.G Purple color of Cadbury in chocolate products

Combination of color

Depends on uniqueness and what they are applied





Types Of Trademark

✓ Sound

Consist of sound and represent by series of musical notes with or without word

Therefore, is a sound or melody with a distinctive recognition effect

Example ; COWAY

Types Of Trademark

- ✓ Figurative

Figurative marks are trademarks which consist of a figure or a figure combined with a word.



Types Of Trademark

✓ Word

A word mark consists of one or more words,. It can also be a combination of numbers or letters



IBM JVC CNN ASPCA NASA
acer RCA 3M Canon Nikon
Panasonic SHARP SONY NOKIA
Google facebook flickr YAHOO!
VOLVO PORSCHE Jeep
TOYOTA TRIUMPH PROGRESSIVE nook
TIME The New York Times Newsweek Forbes

Trademark

Different types of Trademarks -



SYMBOL TRADEMARK

Trademark:

TM

Registered Trademark:

®

SYMBOL TRADEMARK

- The “®” means that a mark has been registered with the governing body of the country
- ® is the Federal trademark registration symbol. It may only be used when the United States Patent and Trademark Office has issued you an active Certificate of Registration

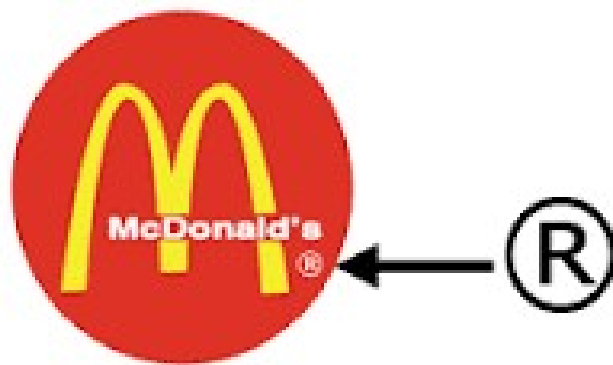


SYMBOL TRADEMARK

the “™” means that the mark has not been registered but is in use by the company. ™ is the common law trademark symbol. That means you don’t need the government’s approval to use it.

can stick ™ next to your business name or logo as soon as you start using the name/logo as long as you don’t have reason to believe someone else was using it first. Have exclusive to claim the brand.







Register Your Trademark

#1: PRE-APPLICATION

Before applying for a trademark in Malaysia, it is important to have a clear plan what your mark should look like. The simplest way to design a mark is to identify the design or word that is capable to distinguish your goods and services to others that are available in the current market.



Register Your Trademark

#2: TRADEMARK SEARCH

If search is conducted, you may get the result of the availability of the use of your mark very much earlier at a minimum costs. The search will be conducted by our experienced trademark agents who are equipped with the necessary skills to conduct the search at the Trademark Registry.



Register Your Trademark

#3: TRADEMARK APPLICATION

If the result of the search is satisfactory, you may proceed to application. An application for a trademark currently takes about nine to 12 months for a response from the Trademark Registry



Register Your Trademark

#4: TRADEMARK GAZETTING

If your application is approved by the Registrar, your application will proceed to the gazette stage. Here, your mark will be published at the official journal issued by the Trademark Registry



Register Your Trademark

#5: TRADEMARK CERTIFICATION

A certificate of registration will be issued by the Trademark Registry once the trademark is registered and it will last for ten years from the date of application.



Register Your Trademark

#6: TRADEMARK MONITORING AND RENEWALS

It is important to note that, the registration is valid as long as the renewal fee is paid.

#7: TRADEMARK OBJECTIONS

Not all trademark is registrable and your application may face an objection by the Trademark Registrar. Our experienced agents will advise you and provide you with a solution in the event your mark is objected to by the Registrar



Important of Trademark

Trademarks are an effective communication tool.

In a single brand or logo, trademarks can convey intellectual and emotional attributes and messages about you, your company, and your company's reputation, products and services.



Important of Trademark

Trademarks are a valuable asset.

Trademarks can appreciate in value over time. The more your business reputation grows, the more valuable your brand will be.

Trademarks allow businesses to effectively utilize the Internet and social media.

Your brand is the first thing customers enter into a search engine or social media platform (Facebook, Twitter, Pinterest) when looking for your products and services.



Important of Trademark

Brand Name Stability

should register your business name as a trademark. That way, if another business tries to use the same or similar name, you can stop it. Your trademarked name clearly labels anything you make or sell as yours and no one else's; it marks your territory and protects you from counterfeit goods.

PATERN



- the protection provided to the inventor for their creation which can be a device or a process.
- It is a government license, which confers exclusive rights to the inventor, for a specified period, to debar others from creating, using or selling it such as machines, manufactures, compositions etc
- Validity- The patent is valid for the total period of 20 years.

COPYRIGHT © copyright

- Copyrights were created to protect ownership of artistic works, including artsy, literary, musical and theatrical creations. Intellectual goods protected by copyrights include poetry, music, songs, motion pictures, novels, architecture, paintings and even computer software and digital creations.
- © symbol, or the word "Copyright" itself.
- Validity- 95 years after the date the work is first made public.



The Problem of Piracy

defined as the copying, stealing, reproducing, transmitting, and selling of the intellectual property (IP) of an individual without his or her express consent and written approval as well as without paying that person the royalties due to him or her.



Types of Piracy

- Software Piracy
- Copyright Infringement
- Patent infringement
- Trademark Infringement
- Pirate Radio
- Pirated Movies

Effects of Computer Piracy

Individuals making use of pirated materials are subject to fines for copyright infringement that can range as high as \$150,000 per violation

Distributors who copy or facilitate access to copyright-protected materials also face severe legal and economic consequences







What is Intellectual Property Corporation of Malaysia (MyIPO)

Prior to 1983, intellectual property rights (IPR) in Malaysia was administered by Pejabat Cap Dagangan dan Jaminhak. This Office changed its name to Pejabat Cap Dagangan dan Paten in 1983 and was placed under the jurisdiction of the then Ministry of Trade and Industry.

On 27 October 1990, the Ministry was restructured and the Office was placed under the Ministry of Domestic Trade and Consumer Affairs which is now known as Ministry of Domestic Trade, Co-operative and Consumerism and changed its name to Intellectual Property Division. The Division was tasked to administer Patents Act 1983, Trade Marks Act 1976, and Copyright Act 1987.

The Industrial Designs Act 1996 came into force in 1999, followed by the Layout-Designs of Integrated Circuits Act 2000. In 2001, the Geographical Indications Act 2000 came into force.