

CHAPTER 9

TRADEMARK

INTRODUCTION

A trademark is a logo, image, symbol, word(s), letter(s) or color(s) that is used and sometimes legally registered as a representation of a company.



For service industries, trademarks are often called servicemarks, particularly in the United States. Trademarks are often noted by way of TM, or ® if registered

Color Branding & Trademark Rights

- The color of a brand is different from a color trademark. Even though a TM or ® symbol may appear on a brand's image, it does not mean there are any legal rights to the color or colors.
- The TM and ® marks on the Mc Donald's and Starbucks images below means that the company has claimed rights to the image (the symbol or word or combination of both).
- Example of a brand image with the TM and R symbol



The ® (REGISTERED) mark in these examples protects the brand image - not the color or color combination. In other words, you can use the same yellow and red colors as McDonald's for your business. However, if you used the same design - the yellow arch on a red background - with your business name, you'd be in trouble and even more so if it's for a hamburger restaurant.

The TM (TRADEMARK) symbol on a brand image means the same thing. It protects the design and does not give legal rights to the colors alone.

The ® (REGISTERED) mark in these examples protects the





However, Cadbury's purple is protected by trademark only for chocolate products. Anyone else can use the color purple. For example, Royal Motor Oil and Nexium (pills) use purple in their brand.

Different types of trademark

What do you want to protect? A figure, a word, or perhaps both? Or maybe you want to protect a melody? It is important that you think through what exactly you want to characterize your company and your product.

Different types of trademark

- **Word marks**

A word mark consists of one or more words, for example, Japp or Marco Polo. It can also be a combination of numbers or letters, such as SVT or 3RT

Different types of trademark

- **Figurative marks/logos**

Figurative marks are trademarks which consist of a figure or a figure combined with a word. This also includes word marks designed with a particular font, either in black and white or in colour.

Different types of trademark

- **Sound trademarks**

A sound can be a distinctive indicator and can also be protected. A sound trademark, therefore, is a sound or melody with a distinctive recognition effect.

ADVANTAGES OF TRADEMARK REGISTRATION

Nationwide Trademark Registration – And Easier To Go Global

- Top in our list of advantages of trade mark registration is 'Nationwide Coverage'. Registration of your trademark gives you exclusive rights to that name across the country.

Brand Control And Consistency

- TM registration is key if you're considering offering a franchise or licensed reseller aspect to your business. Your brand is your most valuable asset – it signifies your strengths, it's who you are and it's your identity in your marketplace

- **Make Use Of The ® Symbol**

Use of the ® symbol sends a powerful message to potential copycats and customers alike. It says that you're proud of your trademarked name, proud of your business and willing to defend it!

- **Enhanced Perceived Value Of Services Or Goods**

We live in a global marketplace with anything available from anywhere in the world at the click of a button. Buyers are becoming more savvy and are more likely to seek recommendations from friends on Facebook and to read Amazon reviews, for example. An advantage of trademark registration is that it demonstrates a commitment to the brand and its goods or services.