



Delivering Solutions Since 1974

TRADEMARKS – MORE THAN A MERE SYMBOL AUGUST 2009

We come across the symbols ® and “TM” behind brands and names everyday and most people understand that these are trademark symbols. Apart from that, how much more do people know about trademarks? How does one acquire a trademark, why do businesses use a trademark, what is the process involved?

Offices at:

Brisbane

Level 28 Central Plaza One
345 Queen Street
Brisbane

Beenleigh

99 George Street
Beenleigh

Caboolture

9 Elliott Street
Corner Morayfield Road
Caboolture

Cleveland

141 Shore Street West
Cleveland

Gold Coast

64 Marine Parade
Southport

Ipswich

55 Limestone Street
Ipswich

Telephone

Freecall 1800 652 969

mail@quinnscattini.com.au

www.quinnscattini.com.au

What is a trademark?

A business will use a trademark to help distinguish itself from other similar businesses and to indicate that certain goods or services derive from a particular trader or service provider.

A trademark can be a word, phrase, letter, number, sound, smell, distinct shape, logo, picture, or aspect of packaging or a combination of these.

Trademarks are a visible form of a business's brand identity.

Trademarks in Australia

In Australia, trademarks are legislated through the *Trade Marks Act 1995* (Cth). IP Australia is an Australian Government agency responsible for administering trademarks.

Registered trademarks and the advantages

Registration of trademarks is not compulsory but the benefits that come with registration make it worth considering. They include but not limited to:-

Effective marketing tool. Consumers identify and associate qualities and reputation with goods and services bearing certain trademarks. A trademark can accordingly be an integral part of your marketing strategy.

Legal rights. Registration gives the trademark holder the legal right to use, licence or even to sell the trademark within Australia for the classes of goods and services for which it is registered. Other businesses will be prevented from registering similar trademarks.



TRADEMARKS – MORE THAN A MERE SYMBOL AUGUST 2009

Court's jurisdiction: Jurisdiction of the federal court may be invoked against trademark infringement. If your trademark is registered and someone else uses the trademark in their business, you can 'force' them to stop using it.

International trademarks: Registration can be used as a basis for obtaining international registration in all 81 countries that are members of the Madrid Protocol. When your business expands overseas, your trademarks can have similar protection.

If you have developed a great name for your business or product with your own distinct logo and your business reputation counts on it, then we recommend this be properly trademarked to best protect your business. **Your trademark is more than just a mere symbol. Protect it!**

Quinn & Scattini can undertake appropriate searches, assist with trademark registration and advise you on all your intellectual property rights.

Raymond Duffy, Associate, Quinn & Scattini Lawyers

If you would like to ask any question about this or any other similar issue Raymond may be contacted on 5499 3622 between 8.00am to 5.30pm Monday to Friday or email rduffy@quinnscattini.com.au. Alternatively you can contact James Chai, Solicitor - jchai@quinnscattini.com.au

Offices at:

Brisbane
Level 28 Central Plaza One
345 Queen Street
Brisbane

Beenleigh
99 George Street
Beenleigh

Caboolture
9 Elliott Street
Corner Morayfield Road
Caboolture

Cleveland
141 Shore Street West
Cleveland

Gold Coast
64 Marine Parade
Southport

Ipswich
55 Limestone Street
Ipswich

Telephone
Freecall 1800 652 969

mail@quinnscattini.com.au
www.quinnscattini.com.au

