

(TRADE MARKS) ✂

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Trade Marks

✂

What is a Trade Mark?

A trade mark is any sign which can distinguish the goods and services of one trader from those of another.

Trade Marks can be words, logos, pictures, or a combination of these and are used so that the product or service that a particular trader provides can be recognized by customers and cannot be imitated by others.

To register, your trade mark must be;

- Distinctive for the goods or services which you are applying to register it for.
- Not deceptive, or contrary to law or morality.
- Not similar or identical to any earlier marks for the same or similar goods or services.

There are 45 trade mark classes that cover all goods and services.

Class 25, for example, covers clothing, footwear and headgear. If you were to trade mark a brand name under class 25 this would prevent any other trader from producing any item of clothing, footwear or headgear, that appear in class 25, brandishing your logo.

However if another trader decided to deal in class 15 (musical instruments) there would be nothing to stop him trading the instruments under the same name. You can trade mark goods or services in as many classes as required so long as there is a genuine usage for registering in that class.

Why Trade Mark your company?

By trade marking your company you protect yourself from unauthorized use of your mark. Without a trade mark a copycat company could cause loss of business or damage the reputation of your trade. If this was to happen whilst your company is trade marked then legal action can be taken. If your mark is registered you may sue for infringement under trade marks law. For this to succeed you have only to show that someone else has used a mark which is the same as (or similar to) your own registered mark on goods or services which are the same as (or similar to) the goods or services for which your mark is registered.

In certain circumstances the deliberate use of your registered mark on goods, by another person and without your knowledge, may be classed as counterfeiting. This is a criminal offence, and criminal proceedings may be initiated under trade marks law by police and Trading Standards officers.

Without a registered trademark you can still be protected by the law of 'passing off' however this can prove to be a long and costly ordeal.

Our services

For UK applications we can carry out a basic web search of your intended trademark. The basic word search will confirm whether or not there is any identical word(s) already registered. Alternatively we can carry out a certificated Patent search for a word(s) or logo at an extra cost.

What next?

If the trade mark you requested is available then we can proceed in registering your trade mark. First of all you will need to decide on how many classes you wish to register the trademark under.

Once this is decided we can proceed in registering your goods/services with the Patent office. Once we have processed your application an application without complications will take around 6-9 months before registration is complete. In this time period the Patent office will register the application and following registration your mark will be placed in the Trade Mark Journal. After a time period of around 15 weeks in the Trade Mark Journal you will receive a letter from us confirming registration.

Of course if any problems occur during this period we will let you know and discuss the best way to continue.

Fees

The fees are as follows;

Basic web search for same/similar goods/services	£94 +VAT
Certified search for same/similar goods/services/logos	£250+VAT
Registration of trade mark (one class)	£350+VAT
Additional class registration	£60+VAT

Classification guide

There are a total of 45 trade mark classifications of goods/services. When applying to register your mark you must ensure that the goods/services are registered in all classes that you wish to trade within. The 45 classes are split into two parts. Class 1-34 are for the registration of goods, class 35-45 are for the registration of a service.

Trade marks can get quite complicated and once a mark has been registered it is no longer possible to add a class. Instead you would pay the full registration costs on top of the extra classification fees.

If you are having problems with trade mark classifications don't hesitate to contact us with any enquiries or for general assistance.

Below is a rough guide to the 45 classes

- Class 1;** Chemical products used in industry, science and agriculture.
- Class 2;** Paints, colorants and preparations.
- Class 3;** Cleaning preparations and toilet preparations.
- Class 4;** Industrial oils and greases, fuels and illuminants.
- Class 5;** Pharmaceutical and other preparations for medical purposes.
- Class 6;** Common metals as well as simple products made from them.
- Class 7;** Machines, machine tools, motors and engines.
- Class 8;** Hand-operated implements used as tools.
- Class 9;** Technological apparatus.
- Class 10;** Medical apparatus, instruments and articles.
- Class 11;** Apparatus for lighting, heating, steam generating, cooking.
- Class 12;** Vehicles and apparatus for locomotion by land, air or water.
- Class 13;** Firearms, projectiles and explosives, ammunition and fireworks.
- Class 14;** Precious metals, goods in precious metals and precious stones.
- Class 15;** Musical instruments.
- Class 16;** Paper, goods made from paper and office requisites.
- Class 17;** Rubber, gum, asbestos, insulating materials, flexible pipes.
- Class 18;** Leather, leather imitations and travel goods.
- Class 19;** Non-metallic building materials.
- Class 20;** Furniture and its parts and plastic goods.
- Class 21;** Hand-operated utensils and apparatus for household and kitchen.
- Class 22;** Rope and sail manufacture products, padding, net and string.
- Class 23;** Yarns and threads for textile use.
- Class 24;** Textiles (piece goods) and textile covers for household use.
- Class 25;** Clothing footwear and headgear.
- Class 26;** Dressmakers' articles.
- Class 27;** Furnishings for previously constructed floors and walls.
- Class 28;** Games and playthings.
- Class 29;** Meat, vegetables and other horticultural comestible products.
- Class 30;** Foods of plant origin prepared for consumption or conservation.
- Class 31;** Land products for consumption.
- Class 32;** Non-alcoholic beverages, as well as beer.
- Class 33;** Alcoholic beverages (except beer).
- Class 34;** Tobacco smokers' articles matches.
- Class 35;** Business management and business administration.
- Class 36;** Insurance and financial services.
- Class 37;** Building construction services.
- Class 38;** Communication services.
- Class 39;** Transport services.
- Class 40;** The treatment of materials.
- Class 41;** Education, training, sports and entertainment.
- Class 42;** Scientific and technological services.
- Class 43;** Catering an temporary accommodation services.
- Class 44;** Medical services.
- Class 45;** Personal and social services.

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