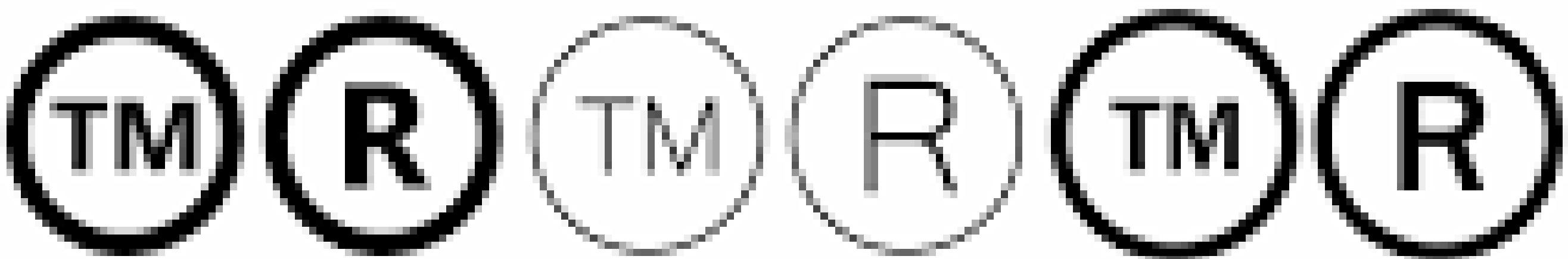


5 BENEFITS OF REGISTERING YOUR TRADE MARK



MAGGIE YARAK

In business a trade mark is often forgotten as one of the most important marketing and business tools you can have.

So why should you register your trade mark?



A trade mark is defined as being a way in which a unique product or service is identified by the public. More commonly this is known as your business' brand, i.e. your business name, logo, colours, letter, number, phrase, sound, smell, and picture just to name a few.

Your customers associate your product or service to your brand, therefore it is essential that you protect your trade mark from others using it unauthorised.



In this publication we will explore 5 reasons why you should register your trade mark and the benefits of doing so for you and your business.

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1. Protection from Unauthorised Use

Unless your trade mark is registered other competitors may not be aware that you are trading under that particular trade mark. On the flip side, your competitor may be aware of your trade mark and choose to use it for their own business gain without your consent.



1. Loss of income – customers who should be receiving their services/goods from you are trusting your competitor because they are using your trade mark.
2. Potential damage to brand – you do not have control over how your brand is used.
3. Increase liability – you may be drawn into litigious matters concerning your brand that could have been avoided with registration.

**"New technology is not good or evil in and of itself.
It's all about how people choose to use it." David
Wong**

2. Financial benefit for your business

Businesses that have protected their brand and registered their trade mark are more likely to stand out from the crowd and realise the financial gain.

1. You are unique – the general public are likely to see the unique aspect of your business more which results in increased revenue for the business.
2. Prevent imitation – by standing out from your competitors you are sending a message to imitators that you are willing to protect your brand and financial viability of your business.
3. Increase value – your business is valued based on a number of matters including the value of your trade mark. The more you protect it, the more valuable it will be.



"I think every business, really, has a unique reason for being, unique assets, unique attributes, a unique history. And that can be turned into a very attractive design story, essentially, that consumers can relate to."

Yves Behar

3. Protection of your brand in Australia and world-wide

By registering your trade mark, you are automatically protected and provided with the rights of a protected trade mark in Australia. Additionally, once registered, you have the option to expand your protection and register your trade mark in other countries.



1. Protection from international businesses – once registered in Australia you have the protection rights in Australia as per your registration which is beneficial should an international business seek to be registered in our country.
2. Expansion of your business – international applications are much simpler once registration in Australia is complete allowing you to expand your business.
3. Protection overseas – other countries have the rule “first in, first served’ meaning that as long as you are registered first no other business can take this way. This can be particularly useful depending on your business.

"Competition is not only the basis of protection to the consumer but is the incentive to progress." Herbert Hoover

4. Prevention of registration by your competitors

Quite simply, once you have registered your trade mark, your competitors are generally locked out.

1. The earlier the better – under the legislation your competitor cannot register a trade mark that is similar or identical to your trade mark in the same class.
2. Prevent unnecessary costs – having to challenge a competitors trade mark because you failed to register your trade mark beforehand generates unnecessary legal costs, stress and time from your business.
3. Damage to brand – registering before your competitor reduces the chances of damage to your brand and trade mark.



"Indifference and neglect often do much more damage than outright dislike." J. K. Rowling

5. Brand control – growth and consistency

By registering your trade mark you can comfortably put in time, money and effort to grow your brand possible expand your business.

1. Exclusive right to commercialise – by registering your trade mark you the exclusive right to sell, licence and expand your business as you see fit.
2. Brand consistency – registration allows you to control how the general public perceive your trade mark through your marketing strategies.
3. Brand recognition – with brand control you can be sure that all recognition in relation to your brand is directed at you and no one else.



"Without continual growth and progress, such words as improvement, achievement, and success have no meaning."

Benjamin Franklin

If you would like to learn more about trade mark registration Maggie Yarak at Guarna Legal would be happy to answer any questions you may have.

Call our office on (08) 8373 6473 or visit our website at www.guarnalegal.com.au for more information.

