

**This is a general guide on the legal complexities of small businesses launching a brand. It is provided to simplify a complex process and does not act as legal advice. Applicability may vary based on individual situations.*

GUIDE TO LAUNCHING NEW BRANDS

A brand is the name for a collection of one or more trade marks. Each trade mark must be registered in every country you trade in. Trade marks should be registered for several reasons including:



FREE TRADING

To ensure you can **trade under your own brand without interference** from others



OPERATION

To ensure your **business can operate successfully** (e.g. pay royalties, seek investment)



COPYCATS

To **prevent others from copying** your brand and your business's originality

Each country's national Trade Marks Office looks at and decides if each trade mark application should be registered. This process takes **6 - 24 months** on average, depending on the country.

Before you apply for a trade mark, a trade mark professional/attorney needs to **search and clear** it by checking various databases and advising on the legal issues covering registration in each country. **Without this step, you risk a national Trade Marks Office refusing the trade mark and possible infringement of someone's marks.** This can take a year to discover and may result in having to change your brand later. At the same time, the advice can also warn you of future problems in other countries.

SO, DOES MY BUSINESS NEED TO APPLY FOR A TRADE MARK?

IDENTIFY THE BASICS

- Which countries do you want to use and register your mark in? Each additional country costs more money. Typically, we recommend picking a few countries where you will trade in the next three years.
- Which related goods or services you will focus on? List out then sort them into core and non-core lists.

UNDERSTAND YOUR BRAND

- Does your trade mark have descriptive or adverse meanings in any of the countries you care about? If so, it might be refused.
- Who owns your trade marks (the overall brand)? Do you have a company set up? Have you planned how the company will own and manage the brand?

VERIFY THE CREATION OF YOUR MARK

- Is your trade mark created by you? If it draws on other influences, ask your trade mark advisor to advise you of any risks.
- If your trade mark includes graphics or a logo, – verify who created it, where it was created, and when it was created as you may need a specific contract for this.

CARRY OUT THROUGH RESEARCH

- Does anyone else in your business sector have a similar mark? If so, it might be refused.
- Does anyone else have the same or similar sounding/looking trade marks in all the countries of interest? List out any similar brands and whether they cover similar goods and services.