



Startup Intellectual Property

THE MAIN WAYS TO PROTECT
YOUR INTELLECTUAL PROPERTY

Trademark



Startup Intellectual Property Trademark



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DEFINITION

Trademarks are territorial Intellectual Property Rights that protect signs capable of distinguishing the goods or services of one business or organisation from those of others. To trademark something it must be:

- Distinctive
- Not descriptive

WHAT IS PROTECTED?

- Graphic images (logos)
- Words, e.g. Victorinox
- Combinations of letters, e.g. ABB, SBB
- Numerical sequences, e.g. 501 (Levi's)
- 3D-forms, e.g. a rotating logo
- Slogans, e.g. “Cats would buy Whiskas”
- Melodies, e.g. Xbox 360 startup sound

WHAT IS NOT PROTECTED?

You cannot register descriptive terms. For example, the term “waterproof” could not be protected.

SUMMARY OF HOW IT WORKS

In most places, you must register the trademark with the Intellectual Property Office (in some places, like the U.S.A you can also claim a trademark without registration). In many jurisdictions, the trademark will be checked by the IPO to ensure that it does not infringe existing trademarks. Trademarks are limited to the class of good that they are registered for (e.g. footwear), thereby allowing the use of the same mark by different owners in different sectors within the same country. Once registered, all trademarks are published. National intellectual property offices and regional and international bodies have extensive collections, which can be used for research and inspection.

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HOW LONG DOES IT LAST?

10 years from the filing date, indefinitely renewable.

WHAT DOES IT COST?

It costs about 500 USD to register a trademark in most countries. In addition to this you may need to spend a small amount with a trademark lawyer to conduct searches to prevent possible third party infringements. Also note that in the U.S.A. you can also claim a trademark without registering it, see below.

WHAT OTHER CONSIDERATIONS ARE THERE?

The costs of filing and maintaining a trademark are manageable. The main risks arise from infringing third party rights. Therefore, you should always conduct a thorough search of your mark before filing it and ideally hire a trademark lawyer to assist you. Also note that simply filing an internet domain name does not automatically give you the right to the associated trademark for the name.

HOW LONG DOES IT TAKE TO PREPARE AN APPLICATION?

Days to months, depending on complexity.

HOW LONG DOES IT TAKE FOR THE APPLICATION TO BE GRANTED?

Months, in most cases.

SIGNS/NOTATION

® = registered Trademark

TM = unregistered Trademark (U.S.A. only)

(use is optional)

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ADVANTAGES

Relatively inexpensive & easy to do and protects your brand for the future.

THINGS TO WATCH OUT FOR

- Costs can escalate to tens of thousands of USD if you have to file your trademarks in multiple countries and defending any infringements on them can be similarly costly, so you should only file if the revenues you expect to generate are worthwhile and you can afford to defend any infringements
- If you do not do a thorough Trademark search at the start you may waste tens of thousands of USD filing trademarks that infringe others
- Investors will expect any valuable brand associated with the business to have robust trademark protection



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