



What's a Good Trade Mark?

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How do I choose a good trade mark?

There is an understandable temptation to choose a word that describes to your potential customers what it is that you are offering them. However, our advice is that you should resist that temptation because you will not be able to register that word as your trade mark and nor will you be able to stop others from using it. There are ways to get around these problems but not without difficulty and compromise and so it is always a good idea to try and choose a good trade mark from the outset.

If you are concerned about needing to immediately convey to your potential customers what it is that you offer, then we suggest that in addition to your trade mark you could develop a slogan for this purpose.

What are the benefits of choosing a good mark?

Going to the effort of choosing a good trade mark can provide several advantages, especially in the future as your mark becomes better established. These include:

- being able to register it
- being able to stop others from using anything similar
- standing out from the crowd
- being more likely to come up with something that is free for you to use (i.e., you won't infringe someone else's rights)

Are all trade marks created equal?

No! Some trade marks are at the top of the table, while others are at risk of relegation. The following hierarchy of good trade marks is a useful guide:-

Premier League

Made up words. For example:-

- XEROX, KODAK, EXXON, VIAGRA, ADIDAS, ARISTOC, KOOKAI

Championship

Names or known words that bear no relation to the goods/services to be offered. For example:-

- APPLE, REISS, PENGUIN, JAGUAR, LADYBIRD, EGG, CAMEL, BING

League One

Words which allude to a characteristic/purpose etc of the goods/services but are not directly descriptive.

For example:-

- COPPERTONE (sun cream), INNOCENT, WONDERBRA, EASYJET, PARCEL FORCE

Non-League

Words which are descriptive. For example:-

- POSH TOGS, TRIPLE STRIPE (for any goods capable of bearing or creating three stripes), LAP TRACKER (for sports timing/monitoring devices), GREEN POWER PORTAL (for information about environmentally friendly energy)

I think I have a good trade mark, what should I do next?

Once you have chosen some potential marks, it is a good idea to have a quick look at whether anyone else is already using them (with eg a quick Google® search) and whether they are already registered (the UK register of trade marks is fairly easily searchable - www.gov.uk/search-for-trademark).

If you find your product for sale under your chosen mark in say, John Lewis®, you will know (regardless of any legal issues) that it is probably not the best mark for you to adopt! Of course, things are never usually 'clear cut' and it can be difficult to know whether, for example, the use already being made of a mark really is a problem for you. This is the stage at which we can provide useful advice. We can also carry out more extensive searching, both in the UK and in overseas markets.

Should I register the mark?

Once you have chosen a good trade mark our advice is always to register it so that:-

- another business cannot obtain rights in the same or similar mark that it could then rely on to stop you using your mark
- you can stop another business using a similar mark which use may damage your reputation and confuse your customers

We offer a fixed cost registration service which includes advice as to how and where you should register your mark in order to ensure that you obtain the best protection for your mark (and therefore your business) in the most cost effective way.