

Securing Trade Marks

Frequently asked questions

What is a Trade Mark?

A trade mark is a sign used by traders to distinguish their goods/services from those of other traders.

Do I need a trade mark if I have a business name or a company name?

Yes. The registration of a company name or a business name does not confer any enforceable rights.

How do I know if my trade mark is already registered?

A search should be carried out before the trade mark is used and before registration is sought.

If I register my trade mark does it mean that I have worldwide protection?

No. Protection for your trade mark needs to be sought in each country in which the trade mark will be used.

What information is needed to file a trade mark application?

- The Applicant's full name and street address.
- If the Applicant is a company, firm or association, the place of incorporation and Australian Company Number (if an Australian corporation).
- A clear copy of the mark.
- The goods/services for which registration is to be sought.
- Whether Convention priority is being claimed.
- An English translation of any foreign words in the trade mark and/or a transliteration of any foreign characters (this information can also be provided after the application has been examined).

We do not require a certified copy of the Convention priority application or a Power of Attorney to file the application.

Do I need to be using my trade mark before I can register it?

You do not need to be using your trade mark before you can file an application for or register your trade mark. However, you must have an intention at the time the application is filed to use the trade mark and failure to use the trade mark for a certain period of time once registered could make the registration vulnerable to removal from the Register for non-use.

How long will it take for my trade mark to be registered?

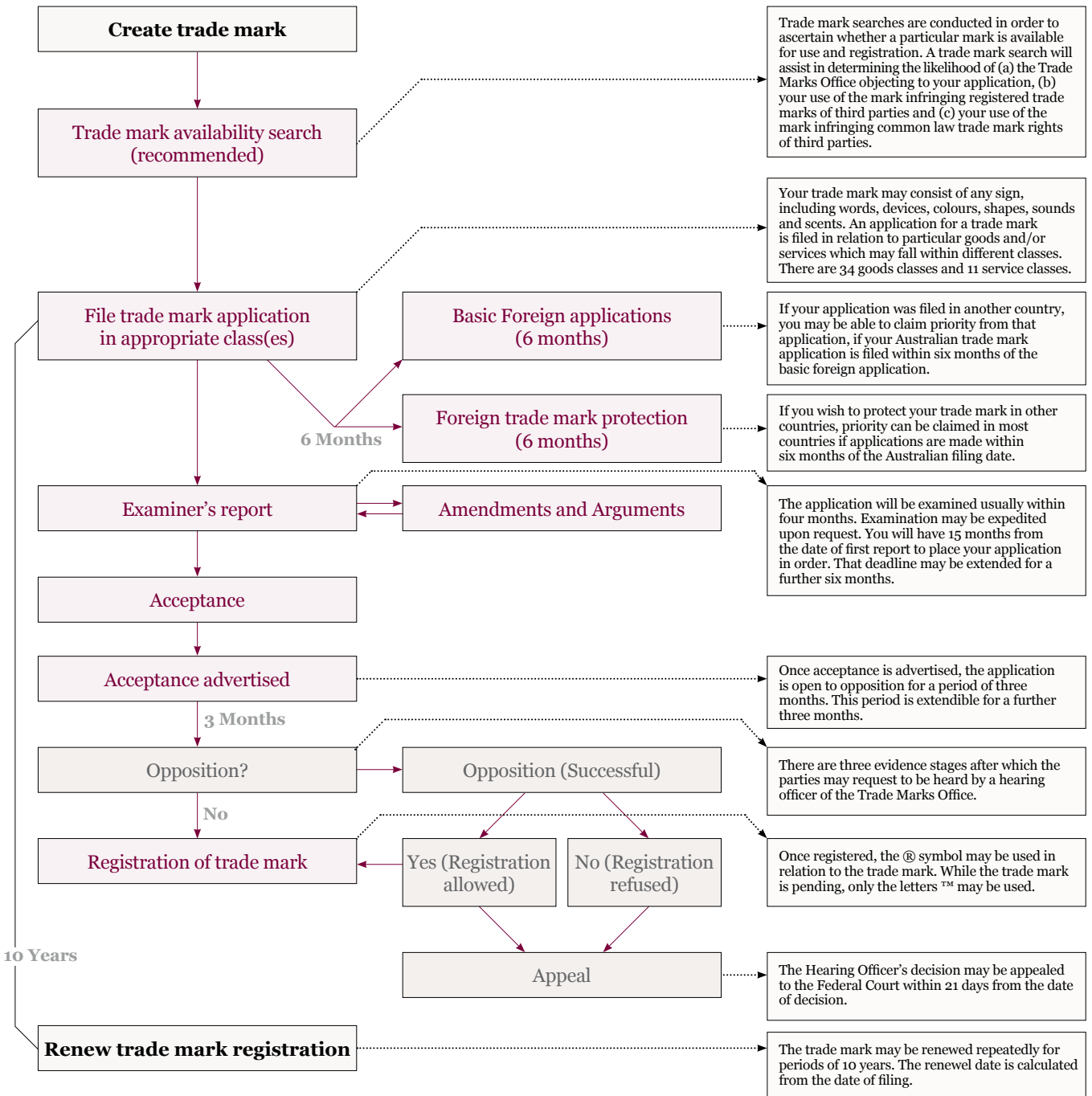
The registration of a trade mark in Australia takes a minimum of eight months from the filing date.

For how long is my trade mark valid once registered?

The registration of a trade mark is effective for ten years and can be renewed for further ten year periods subject to payment of renewal fees.

Why should I register my trade mark?

The registration of a trade mark grants the registered owner the exclusive right to use or authorise the use of a trade mark. It also enables the registered owner to prevent or take action against the unauthorised use of the mark by a third party.



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