

Who we are

ONE IP INTERNATIONAL specialises in the registration, management, monitoring and enforcement of intellectual property (IP), such as trade marks, copyright, registered design and other IP rights on a global level. Our team of experts work on your behalf to ensure your IP is managed and protected.

Across all areas of IP protection and management, we enable our clients to make informed decisions, ensuring their most important intangible assets are protected. Speak to us today about how we can help you achieve your business and creative goals with full peace of mind about the state of your IP.

- Brainstorm and create a memorable and distinctive brand name, transports your business' values.
- Ensure the brand is distinctive and makes your business stand out from the competition.
- Accomplish a comprehensive identity and similarity trade mark search to prevent infringements.
- File a trade mark application and monitor your registered trade mark, so you are able to oppose infringers.
- Expand your trade mark Internationally to only those countries, you are having business with or planning to have business with in the foreseeable future (5 years).
- Impress investors by being fully prepared for the journey.



A GUIDE ON TRADE MARKS AND OTHER IMPORTANT INTELLECTUAL PROPERTY ASSETS.



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“YOUR BRANDS IN SAFE HANDS!”



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Main Intellectual Property Assets

Trade Marks



A **trade mark** is the registered version of your brand name, tag-line, distinctive sound or logo. With registration in the official trade mark register of a particular country, you become the sole owner of your brand. You are legally allowed to use the ®. Unregistered trade marks use the ™ and are very hard to defend, as you will have to prove, that your brand already obtained a reputation in the industry.

Registered Designs



The design of a product is one of the key features of its success. The safeguarding of such an integral part of your enterprise means your design needs to be registered. A **registered design or design patent** (US) protects the unique features, the shape and overall appearance of your business' product.

Patents/ Copyright



A **patent** protects your business' invention, that solves a technical problem and is "inventive" and new. Patent protection can be applied to a wide range of inventions. In addition to traditional inventions (such as appliances and mechanical devices) protection can also cover computer related inventions, business methods, biological inventions, as well as micro-organisms and other biological materials. A **copyright** protects creative works.

Trade Mark Opposition and Enforcement

When determining, if a trade mark, design or patent is infringed, it is to be evaluated, as to whether or not the goods or services of one mark are similar to another, the overall appearance of a product and its unique shape is deceptively similar to an existing product or if a patent uses the same way, to solve a technical problem. The following has to be taken into account:

- the nature and character of the goods/ services
- their nature and purposes
- trade channels and sources
- relevant public
- spelling, connotation, pronunciation

With these criteria in mind one has to ask, if the applicant's goods/ services differ significantly from those for which the conflicting trade mark is registered. If there is a real doubt about whether the goods or services are similar or closely related this should be decided in the applicant's favour. The same is true when trade marks are being compared

How To Create a Stunning Brand Name

Step 1 Brainstorming



Creating a great brand name is one of the most important stages of a successful business venture. But getting there involves creativity and passion for your business. So, take your time, get yourself a big cup of coffee and put your thinking cap on. It can be pure fun. However, the first step is to pinpoint the message that your brand should convey. Is it luxury or casualty? Are you a fun brand or is your relevant public conservative?

Step 2 Inspiration



Let others inspire you and be open-minded! Take inspiration from various sources. Write down the first few ideas that come to mind when you think about your business' service, product and personality; try using symbols, metaphors and word variations.

Make your brand name memorable. If it sounds like just another version of something else, it is not going to be strong in the marketplace.

Step 3 Action and Due Diligence



Last but not least, make sure, your brand does not have any ridiculous, contrary to law or otherwise unacceptable meaning in any other language in this world. Nothing is more embarrassing, than building a strong brand, expanding it to another country, only to find out then, that is actually an insult to the target group and cannot be used. There are enough infamous examples in history... Do not be another one!

Are You The Only One?

Prior Similarity Searches in The Trade Mark/ Design/ Patent Data Bases of all Countries Concerned are inevitable

Before committing to protect your brand by registration of a particular trade mark it is important that you conduct a comprehensive search to make sure the trade mark you want to use is available. A trade mark search will disclose both registered trade marks and trade marks applied for.

Conducting a comprehensive search for identical and deceptively similar registered trade marks, designs or patents ensures, you build your IP on a solid basis, that cannot be contested.

Using a brand name/ logo, product design or invention, that is already registered for someone else, constitutes an infringement and you may become liable to damages!

A Search

- ✓ Identifies, whether there is a risk of trade mark, design or patent infringement, associated with adopting the proposed IP right and
- ✓ Provides an indication of the likelihood of being able to obtain a Notice of Acceptance from the Intellectual Property Office
- ✓ Gives you a comprehensive overview over your competition in the target market, as your competitors are likely to have registered trade marks, designs or patents too.

Is Your Brand Distinctive Enough, To Qualify As A Trade Mark?

Don't try to monopolise the word "Banana" for a fruit business!

The distinctiveness of a trade mark refers to how easily the relevant public can identify a mark with the associated goods or services of a business and how easy it is to distinguish one trade mark from the one of another business. The term "APPLE" has zero distinctiveness in relation to any fruit related good or services, simply because everyone refers to "apple" as a piece of fruit and other traders need this word to describe, what they are selling. However, the use of the word "APPLE" in relation to software of computers is perfectly distinctive, as the word is in no way used to refer to any tech related good or service.

An originally descriptive term can become acceptable for trade mark registration, when it obtains a secondary meaning!

The factors considered in determining whether a descriptive mark (not inherently distinctive) has achieved secondary meaning include:

- Whether actual purchasers of the product or customers of a service in relation to the brand name, see it as a badge of origin, rather than a description of a good or service and associate the trade mark with the vendor or producer as evidenced by survey or direct consumer testimony,
- The degree and manner of advertising under the claimed trade mark
- Whether the use of the claimed trade mark has been exclusive

(Levi Strauss & Co. v. Blue Bell, Inc., 778 F.2d 1352, 1358 (9th Cir.1985))