



## Trade Mark Registration

### Madgwick's® answers your top 10 questions about trade marks

Set out below are the answers to our 10 most frequently asked questions about trade marks.

#### 1. **What is a trade mark?**

A trade mark is a sign used, or intended to be used to distinguish goods and services of one trader from another trader. It can be a word, logo, slogan, smell, shape or sound.

#### 2. **Is registration compulsory?**

No. However, it is the best way to protect a trade mark. Please contact us find out more about what you should consider before applying.

#### 3. **What are the benefits of registration?**

The main benefits of registration are:

- (a) The exclusive right to use the trade mark; and
- (b) The right to bring action against others for unauthorised use.

#### 4. **Doesn't a company, business or domain name give me the same rights as a registered trade mark?**

No. Each type of registration gives you different rights. Only a registered trade mark will grant you a proprietary exclusive right to use the trade mark that can be transferred without the underlying goodwill of a business. Please contact us for further information as to what is type of protection is required for your business.

#### 5. **What is the application process?**

We will work with you to identify your trade mark, conduct a search of the database maintained by IP Australia and provide you with a written advice. Following the advice we prepare an application for trade mark registration and file it with IP Australia.



## 6. How long does the application process take?

In most cases, registration will be achieved in 6-12 months. If there are any objections made by a Trade Marks Examiner or any other parties the process will take longer.

## 7. How long will registration last?

Registration lasts 10 years but it can be renewed every 10 years indefinitely.

## 8. How much will it cost?

The government fees for the application are \$180 per mark per class and for registration \$250 per mark per class. The above fees are in addition to our fees. Please contact us for a quote.

## 9. What's the difference between TM and ®?

You should only use the ® symbol after your trade mark is registered. Incorrectly using the ® symbol beside a trade mark that is not registered in Australia is a criminal offence and carries penalties. Until the trade mark achieves registration the "TM" symbol should be used.

## 10. What other trade mark services does Madgwicks offer?

In addition to assisting our clients with brand protection strategies in Australia and overseas, we are also able to assist with trade mark licensing, infringement and related litigation matters.

## ► Contact

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