

PROTECTING TRADE MARKS

IN AN ONLINE ENVIRONMENT

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INTELLECTUAL PROPERTY

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ROADMAP

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- The importance of brand protection strategy
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DEFINITIONS

What is a trade mark?

A trade mark is a **sign used in the course of trade** that is **used to distinguish** the **goods or services** of one trader from those of another.

DEFINITIONS

Why is an 'online' environment a distinct proposition?

The one constant to bear in mind when thinking about an online environment is that it is always changing, shifting and morphing.

WHY ARE TRADE MARKS CRITICAL?

Beyond being a **business asset**, a registered trade mark provides its owner with a **legal right** and **monopoly to the use of a sign in relation to specific goods or services**. In short, a registered trade mark is a **statutory insurance policy** for your business and brand.

WHY ARE TRADE MARKS CRITICAL?

Why is this important?

'Online' no longer equates to an electronic business card.

It has never been easier to copy and paste and hijack a brand.

Unauthorised use of trade marks is often directly linked to the sale of counterfeit or pirated goods, creates profits for organised crime at the expense of brand owners and risks health and safety.

WHY ARE TRADE MARKS CRITICAL?

Protecting your intellectual property

Securing trade mark registration of the key signs that distinguish your goods and services is critical to placing your business and brand in the best possible position to be able to take cost effective and decisive action against unauthorised third parties.

BRAND PROTECTION STRATEGY

The design, implementation and adherence to a holistic, multi-faceted and pro-active brand protection strategy based on the pillars of **detection**, **prevention** and **rapid response** is essential for business to adapt to the challenge of an ever-changing online environment.

BRAND PROTECTION STRATEGY

Pillar 1: Detection

Instituting watches of your key brands / trade marks, those of your competitors, establishing automated notification services, media and social media monitoring systems as well as adopting surveillance tools to monitor trade mark use via legitimate trade routes.

The idea is to gather intelligence and capture evidence understand what is happening in the marketplace and how consumers are interacting and perceiving a brand.

BRAND PROTECTION STRATEGY

Pillar 2: Prevention

Educating consumers to know your business/brand's source of truth, using channels such as social media as a tool not just to promote, but to educate, encouraging engagement when consumers think something is not quite right, to the more obvious active engagement with online gatekeepers such as eBay, Amazon and Taobao.

BRAND PROTECTION STRATEGY

Pillar 3: Rapid Response

- IP lawyer on speed dial
- Training your business what to look out for
- War gaming different scenarios

Time is often of the essence and acting or failing to act can send a signal to consumers, the broader market and would-be infringers.

TAKE AWAYS

1. Invest in the protection of your IP
2. Work with your IP advisors to design, implement and adhere to a brand protection strategy
3. Learn lessons and feed experience back into strategy.